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COMMISSION STAFF WORKING DOCUMENT
Accompanying the document

Proposal for a Regulation of the European Parliament and of the Council

on the European citizens' initiative

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1. INTRODUCTION (POLITICAL AND LEGAL CONTEXT)

This Staff Working Document accompanies the proposal for a Regulation on the European citizens' initiative. It synthetises the analyses that have taken place since 2015 on the current Regulation (EU) No 211/2011 on the citizens' initiative (ECI Regulation) and on the different options that have been suggested for its revision. It is based on extensive stakeholder consultations and a number of studies on specific issues and it takes account of the opinion from the REFIT platform as well as of contributions from other EU institutions and bodies.

The European citizens' initiative (ECI) was introduced by the Treaty of Lisbon[1] and has been implemented by the ECI Regulation which entered into application in April 2012.

The ECI is a right enshrined in the Treaty. It aims at enhancing citizens' participation in the democratic life of the Union, by allowing one million citizens to invite the Commission to submit a proposal. The ECI is therefore a tool for participation and for agenda-setting at EU level. Thanks to this instrument, a significant number of EU citizens have the possibility to directly ask the Commission to take action on a matter that they care about. By making it more accessible, the ECI helps bring the Union closer to citizens. One of the benefits of this instrument is also that it allows citizens to forge links with like-minded people across the Union, facilitating pan-European debates on issues that are close to citizens' concerns and helping build an EU-wide public sphere.

An estimated 8 million statements of support have already been collected by organisers of citizens' initiatives for their various causes while three registered initiatives reached the 1 million threshold and statements of support for a fourth one are currently being verified by the Member States' competent authorities.

The first triannual report on the application of the ECI Regulation was adopted on 31 March 2015, in accordance with the review clause foreseen in its Article 22.

While the ECI has been fully implemented and all the necessary procedures and mechanisms are in place[2] as proven by the fact that three initiatives have managed to complete the full lifecycle of an ECI, from registration through successful collection of required support to the formal reply of the Commission, it also appears that the instrument has not achieved its full potential. The number of requests for registration of citizens' initiative received by the Commission has steadily decreased since 2012, before increasing again since the end of 2016[3], partly as a result of improvement measures implemented by the Commission. The awareness of the instrument among citizens has not reached a satisfactory level as evidenced by the fact that 37% of respondents to the public consultation had not heard about the ECI.

In its 2015 report, the Commission listed a number of challenges arising in the implementation of the Regulation in its current form. It also committed itself to further analyse the impact of these issues on the effectiveness of the instrument, and to listen to the

[1] Article 11 of the Treaty on European Union and Article 24 of the Treaty on the Functioning of the European Union

[2] A description of the ECI procedure is provided in annex 4.

[3] See figure 3, on page 19

views expressed by stakeholders and other institutions in this regard, with a view to proposing measures which would contribute to the improvement of the instrument.

On top of the Commission's own review report of 2015 analysing the implementation of the ECI Regulation, different stakeholders and institutions have carried out their own assessments and evaluations of the instrument (see annex 2). In particular, the European Parliament adopted a Resolution in October 2015[4] suggesting various improvements and calling for a revision of the Regulation, and is currently preparing a legislative own-initiative report. The ECI has also been subject to an opinion of the REFIT platform[5] in June 2016.

While the Commission has implemented a series of non-legislative measures to facilitate the use of the instrument (notably partial registration of initiatives, reinforced support and assistance to the organisers, improved online collection software), more must be done to effectively and efficiently improve the situation, including the revision of the ECI Regulation.

In line with Priority n° 10 of the Juncker Commission – A Union of Democratic change - the European Commission committed to increase democratic legitimacy in the EU through enhanced citizens' involvement and participation. The improvement of the ECI instrument based on the experience of the first five years will contribute towards this objective.

2. OUTCOME OF THE REVIEW PROCESS

2.1. What are the problems?

The various analyses on the first five years of the ECI implementation converge in concluding that shortcomings identified in the instrument as it currently works undermine its effectiveness and the achievement of its objectives, i.e. to enable citizens to contribute to the EU agenda and foster transnational debate and the emergence of a European public sphere.

The problems identified can be summarised around the following three aspects:

a) the difficulties for citizens to propose legally admissible initiatives – this is evidenced by the relatively high rate of refusals of registration (30% of requests for registration could not be registered by the Commission as they were manifestly outside the scope of the Commission's competences);

b) a complex and burdensome process for organisers of initiatives to collect statements of support, as evidenced by the low rate of successful initiatives, i.e. initiatives that manage to reach the required number of signatories within the one year collection period;

c) limited debate and impact so far generated by citizens' initiatives.

[4] European Parliament resolution of 28 October 2015 on the European Citizens' Initiative, available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0382+0+DOC+XML+V0//EN&language=EN

[5] REFIT Platform Opinion on the submission by a member of the Stakeholder group on the European Citizens' Initiative – 27/28 June 2016 available at https://ec.europa.eu/info/files/refit-platform-recommendations-european-citizen-initiative_en

2.2. What are the problem drivers?

With a view to encouraging participation by citizens and making the Union more accessible, the current rules were designed to be user-friendly and proportionate to the nature of the citizens' initiative, striking a balance between rights and obligations.
The guiding principles were as follows:
- The conditions aimed to ensure that citizens' initiatives are representative of a Union interest, whilst ensuring that they do not make the instrument too difficult to use.
- The procedures were meant to be simple and user-friendly, whilst preventing fraud or abuse of the system and without imposing unnecessary administrative burdens on the Member States.

The ECI being the first instrument of its kind implemented at transnational level, those rules were developed based on experience of such instruments at national and local level. It was also the first time that such an instrument was put in place in the unique, Treaty-based institutional context of the European Union.

After five years of implementation of the ECI, experience has shown that several rules currently foreseen in the ECI Regulation have raised practical obstacles and may be considered to be unnecessarily restrictive and burdensome for the ECI organisers, signatories and Member States' competent authorities, in light of the objectives pursued. This concerns in particular the specific rules governing the timeline of the initiatives, the obligation for organisers to set up their own online collection systems and get them certified by a Member State's authority, the diverging personal data requirements for the ECI signatories and the fact that the collected data are under the responsibility of the organisers (members of the citizens' committee). Moreover, in relation to **problem c)** above, some ECI organisers and other stakeholders have considered the follow-up given to the initiatives that have successfully collected the required support as insufficiently substantial and inclusive. Some stakeholders consider the impact achieved so far by the first successful initiatives to be limited.

The following shortcomings stemming directly from the provisions of the ECI Regulation contribute to generating the above described problems, in particular the complex and burdensome process for organisers to collect statements of support (**point b)** above):

- The divergences between the conditions and personal data required from signatories in the different Member States (resulting in complexity and the risk of excluding some groups of citizens);
- The personal liability of citizens who organise initiatives, combined with the lack of legal personality of the citizens' committees, acting as a deterrent to the setting up of initiatives in view of the responsibility for the collected data;
- The link between the date of registration and the start of the 12 months collection period, shortening the collection period in practice since in many cases, the organisers have not yet finalised the preparation of their online collection system on the date of registration;
- The need for the organisers to themselves set up and obtain the certification by national authorities of their online collection systems. The Commission's hosting offer, proposed beyond its obligations under the ECI Regulation, managed to remove the biggest obstacle, namely the lack of affordable hosting providers on the market. However, stakeholders remain critical with regard to the complexity of the current certification procedure and are not fully satisfied with the features offered by the Commission software made available in accordance with the ECI Regulation, in particular because it does not offer campaigning tools (e.g. the collection of email addresses of signatories, which is currently not foreseen

in the Regulation). In addition, several Member States' competent authorities complain about the burden of certifying online collection systems before the registration of their proposed initiative with the Commission as there is a risk that those systems will not be used;

- The verification by the Commission of the translations of the proposed initiatives provided by their organisers has proved to be a cumbersome process. Organisers had difficulties to ensure the necessary accuracy of their translations, even on the basis of the comments received from the Commission on their first version(s).

Other drivers do not directly stem from the provisions of the ECI Regulation or concern elements on which the Regulation is silent. They contribute more towards **problem c)** above (limited debate and impact so far):

- The lack of a specific time limit in the Regulation for the submission of a successful initiative to the Commission, which is a potential source for confusion and uncertainty both for the institutions and the public;
- On the occasion of two out of three public hearings organised at the European Parliament, no stakeholders or experts other than the ECI organisers themselves were invited to actively participate. The public hearing is seen by many as an opportunity to hear stakeholders representing different views and perspectives. This is all the more important given that the 3 month period foreseen by the ECI Regulation for the preparation of the Commission reply to a successful initiative is very short and leaves little time to analyse and take into account the input provided by the hearing and organise stakeholder consultations;
- Some ECI organisers (and other stakeholders) consider that there is insufficient dialogue and interaction with the Commission at different stages of the ECI's lifecycle and in particular after the adoption of the Commission's Communication on the citizens' initiative. They would like to see the examination and follow-up process more structured and to be more extensively involved therein.

Point a) above (difficulties for citizens to propose legally admissible initiatives) seems mainly driven by the lack of specific knowledge of the EU and Commission competences, which are Treaty-based, combined with a rather inflexible registration procedure which does not foresee the possibility for organisers to revise their proposal, should the Commission assess that it falls manifestly outside its powers.

Finally, the low awareness about the instrument among citizens results in low participation and the need for organisers to explain the instrument to potential signatories in addition to defend their cause. This is a more horizontal driver which contributes to all three main problems identified.

Inefficiencies have been observed at several stages of the procedure where there is a margin for reducing regulatory costs. This concerns in particular:

a) the costs related to the setting-up and certification of online collection systems[6];

b) costs related to 1) producing translations of the proposed initiatives (by organisers) and their verification by the Commission, 2) the use of 13 different forms (requesting different personal data) for the collection of statements of support, and 3) the submission by the

[6] A detailed assessment of costs according to the different scenarios possible under the ECI Regulation is provided in the study on ICT impacts of the Regulation on the citizens' initiative of June 2015, page 98.

organisers of the collected statements of support to the competent national authorities. These costs depend to a large extent on the way the citizens' committee organises its campaign (number of language versions they can get among their committee, collection in paper and/or online, submission to Member States in person/electronically/by mail, etc.) and therefore do not easily allow for proper quantification.

2.3. How will the problem evolve?

The Commission has already implemented a number of non-legislative measures to improve the implementation of the European citizens' initiative.

Only a few months after the Regulation started to apply, the Commission announced that it would offer the hosting of the organisers' online collection systems on its own servers and assist them to get their systems certified by the relevant national authority, to address the difficulties encountered by the first organisers to find affordable and appropriate host providers on the market. While this measure has helped organisers, the Regulation provides that the responsibility for online collection systems is for organisers. Moreover, they still need to get their systems certified which they often fail to manage before the start of the 12-month collection period.

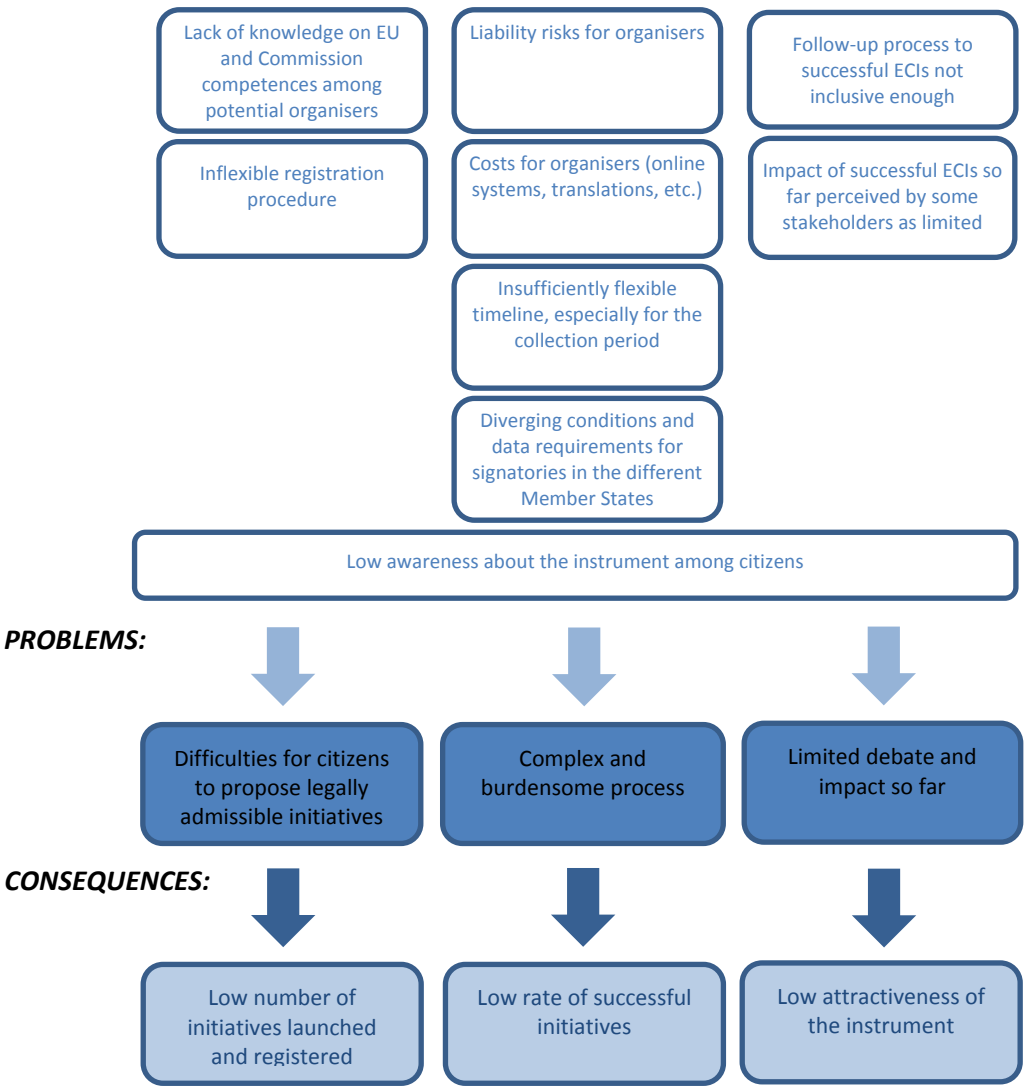
The Commission has also progressively improved the advice and support provided to (potential) organisers of initiatives, including its assistance service for the setting-up and certification of online collection systems based on its servers. It has progressively improved the user-friendliness of the online collection software that organisers can choose to use, recently released a new version of the online collection software that allows collecting statements of support on the street or at organised events with mobile devices instead of paper forms, introduced an approach that allows for partial registration of initiatives to reduce the rate of refusals, as well as reinforced communication activities on the ECI, including via the publication of press releases for each new initiative registered. In addition, the launch of an online collaborative platform is planned for 2018 as a pilot project suggested by the European Parliament.

These measures have contributed to improving the functioning of the instrument, as demonstrated by the number of initiatives using the hosting offered by the Commission (33 initiatives since 2012) and the number of initiatives recently registered (10 initiatives registered since the end of 2016).

Nevertheless, given that several problem drivers emerge directly from provisions of the Regulation, some problems can only be addressed by a revision of the Regulation.

In case no revision takes place, the ECI risks to be used less and less by citizens and ultimately becoming obsolete.

Figure 1: Summary tree



3. OBJECTIVES: WHAT IS TO BE ACHIEVED?

3.1. General objectives

This initiative aims to improve the functioning of the ECI by addressing the shortcomings identified in its implementation, with the main policy objective of achieving the full potential of the ECI as an instrument to foster debate and citizen participation at European level and bring the EU closer to its citizens.

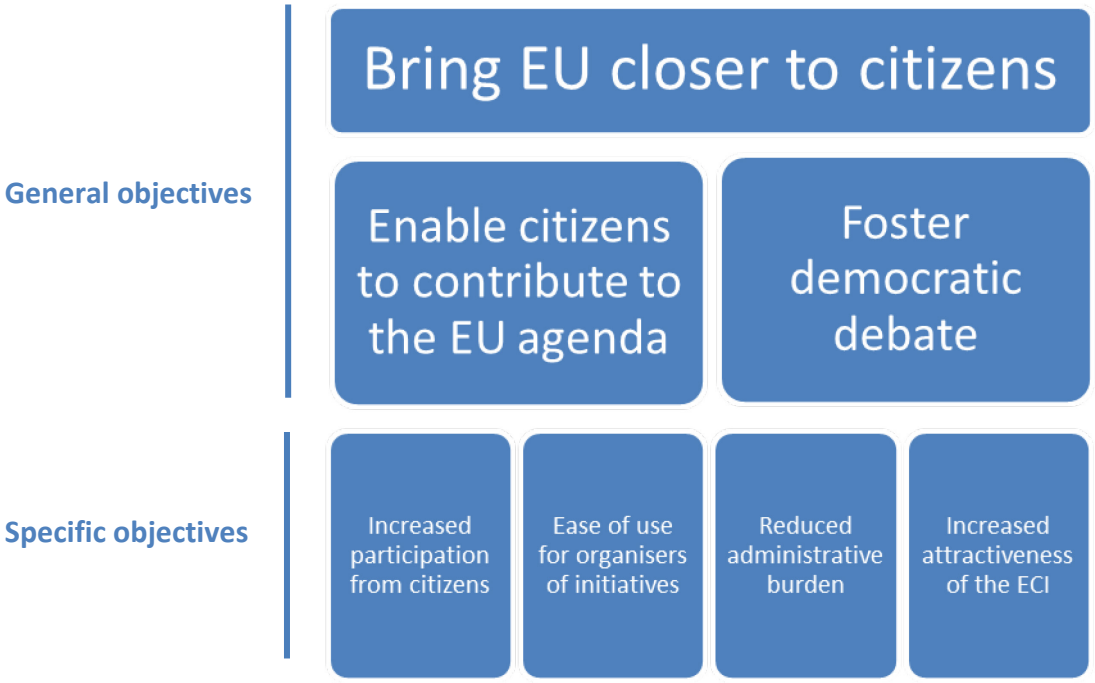
3.2. Specific objectives

To reach the general objectives, there is a need to make the ECI more accessible, less burdensome and easier to use for organisers and supporters.

Improving the ECI instrument by tackling the identified shortcomings at different stages of the ECI lifecycle should enhance its use by EU citizens and thus allow them to participate more effectively in agenda-setting at EU level and foster pan-European debates on the issues which are of importance to them.

The rules and procedures need to be made more proportionate to the nature of the ECI, i.e. an instrument for citizen participation which does not lead to a binding outcome (in contrast with elections).

Figure 2: Objectives



4. ASSESSMENT OF THE MAIN ELEMENTS OF THE REGULATION: POSSIBLE OPTIONS FOR REVISION AND PREFERRED OPTION

The ECI lifecycle covers successive stages, notably the preparation and launch of a citizens' initiative, followed by the collection of statements of support and their verification, and the follow-up of successful initiatives. As barriers to the effectiveness and the efficiency of the instrument have been identified in each stage, a methodological assessment of each of the aspects is presented, including solutions to remedy or mitigate the issues concerned.

4.1. Preparing and launching a citizens' initiative

4.1.1. Citizens' committee / Group of organisers

4.1.1.1. Composition of the group of organisers

Under the current Regulation, a citizens' initiative must be organised by a citizens' committee of at least seven EU citizens residing in seven different Member States and of the age to vote in European Parliament elections. The committee designates a representative and a substitute who are contact persons and can speak and act on behalf of the committee. The committee may be composed of more than seven members but those are not formally registered by the Commission. The citizens' committee has no legal personality and thus the acts of each member may engage his/her personal responsibility.

Experience shows that this obligation has served to unite from the start seven members from seven Member States and working as an initial filter for generating the minimum organisational potential which is needed to run the initiative throughout its lifecycle and in particular to run a campaign covering at least seven Member States. The obligation also confirms the European nature of the initiative and has not met with objections by the main stakeholders in the review process even although some citizens have referred to it as an administrative hurdle.

During the first five years of implementation, a number of other concerns have been raised mainly by organisers of initiatives, regarding the organisation and status of the citizens' committee. The following issues have been flagged:

- Members of the citizens' committee act as individuals and therefore engage their personal responsibility. Moreover, they can face obstacles to raise funds and/or manage applicable procedures related to personal data protection.
- The check as regards the composition of the committee is only done at the moment of registration of the proposed initiative. No mechanism has been foreseen allowing the modification of the composition of the citizens' committee during the subsequent stages of the initiative lifecycle. This was originally motivated by the need to maintain full transparency towards the public and the competent national authorities as regards the members of the committee, but such a solution proved inflexible against experience.
- While the committee can be composed of more than seven members, it is currently not possible to formally register the additional members (in some cases one or more per each of the 28 Member States). This adds to already existing uncertainties as regards the status of the committee and its members.
- In practical terms, experience shows that additional persons, not registered as contact persons or other committee members, would interact at technical level with the Commission or other institutions throughout the procedure on behalf of the organisers. For legal certainty reasons it is preferable that such persons be clearly identified by the organisers.

In response, a limited number of changes is being proposed, completing the existing rules concerning the organisation of the citizens' committee, which is now called a "group of organisers" to make them more flexible while at the same time maintaining the necessary level of legal certainty and transparency. These include:

- More complete rules for the additional members of the group whose names will now be published in the register for information purposes (however without prior check by the Commission beyond the seven minimum members);
- Explicit rules regarding the change in the composition of the group and relevant transparency arrangements;
- More flexibility for the group of organisers to appoint the representative and substitute among all its members as well as explicit recognition of the status of natural persons not necessarily being part of the group of organisers but authorised to interact on its behalf with the Commission and other EU institutions.

In addition, it has been foreseen that in case a legal entity is specifically created for an ECI, this legal entity substitutes the group of organisers (or its members) in the different aspects of initiative management, including registration, collection of statements of support, submission to the Commission and examination of the initiative.
This new formula is an additional option offered to the organisers motivated in the first place by the reasons of liability as further explained in section 4.1.1.2 below.

4.1.1.2. Liability risks

Several citizens' committees have reported concerns about their liability as organisers, in view of their personal responsibility in accordance with applicable national law for any damage they cause in the context of organising a citizens' initiative.

The main concern of the organisers is related to the potentially significant amounts of personal data to be collected from signatories.

These data need to be securely collected either on paper or online, stored and (in case the required thresholds of signatories are reached) transferred to the competent Member States authorities for verification. Finally, at the end of the process the organisers are responsible for destroying the data concerned.

It is essential to ensure in this context the respect of the fundamental right of protection of natural persons in relation to the processing of personal data as recognised in Article 8(1) of the Charter of Fundamental Rights of the European Union and in Article 16(1) of the Treaty on the Functioning of the European Union. Signatories' data need to be protected in particular against interception and misuse (for details see section 4.5 below).

The responsibility of the organisers is defined under the ECI Regulation and under Directive 95/46/EC[7] on personal data protection and can be engaged in cases such as theft, unauthorised disclosure or misuse of the collected data. The ECI Regulation is fully coherent with the general framework on data protection.

However, the risks related to personal liability and the uncertainty this creates for individual organisers may act as a deterrent for the launch of initiatives. The additional difficulty in the context of the ECI originates from the fact that the organisers are residents in at least seven different countries, and thus different national rules may be applicable to their actions.

Several options have been proposed and analysed to reduce the burden that the liability today constitutes for the organisers:

[7] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

- Introduction of a special European status for the citizens' committee endowed with a legal personality. Introduction of such a status would require a specific legal basis in the Treaties, but additionally would still need to be legally anchored in a specific national legal system to complete/complement the rules foreseen at EU level (similar to European Political Parties and European Groupings of Territorial Cooperation). Therefore, such a solution would likely result in more complexity and rigidity for organisers.
- Limitation of the liability based on the model of Directive 2008/99/EC on the protection of the environment through criminal law[8], with a view to establishing that organisers are responsible only for acts which are 'unlawful and committed intentionally or with at least serious negligence'. This solution has also been advocated by the European Parliament.
- Obligation for the citizens' committees to register as a legal entity (most likely: an association) in one of the Member States. However, introducing this as an obligation would add rigidity to the current system, obliging the organisers coming from different Member States to choose one national law to establish their association and adding further formalities before the launch of the initiative.
- Allowing existing organisations to organise initiatives or to be part of the citizens' committees. This solution would allow reducing the risks of engaging personal responsibility for the individuals organising the initiative. Given that the ECI was intended as an instrument for citizens, debating grassroots initiatives originating directly from them, this solution has been discarded at the moment of adoption of the current Regulation.

Several options to reduce liability burdens in an indirect way have also been considered, in particular:

- Limiting the amount of personal data requested from signatories. A detailed analysis of the extent to which this can be achieved can be found in section 4.2.2.
- Transferring the responsibility for the online collection to the Commission. This result can be achieved in case the online collection takes place via a central collection system managed by the Commission which thus takes the responsibility for data collection, storage, transfer to national authorities and finally destruction within the set time limits. This solution is further analysed in section 4.2.3. For the purpose of the present analysis it is important to note that while this solution has been judged as most efficient in view of limiting the liability of the organisers, it has been considered that organisers should also retain the possibility, as set out in section 4.2.3, to set up their own and independent online collection systems for which they would remain fully responsible.
- Limiting or transferring the responsibility for the collection in paper form. The full transfer of responsibility for the collection in paper form is not possible, unless such collection takes place at officially designated centres, or in presence of a public official or notary, which has been considered as overly burdensome in view of the nature and objectives of the instrument. However, the responsibility can be substantially limited in case the role of the organisers is restricted to the actual collection of statements in paper form which they can subsequently scan and upload in

[8] Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law

electronic form into a central collection system managed by the Commission. They may in such case destroy the statements collected in paper form, after making sure that the quality of the uploaded scanned documents allows their good readability. The Commission then takes over the responsibility for storage and transfer to national authorities for verification. This solution is further analysed in section 4.2.3.

- The option of collecting statements of support only online under the responsibility of the Commission has been discarded as it would unduly limit the accessibility of the instrument given the high amount of statements of support collected in paper form (around 45% for the successful initiatives so far). However, the Commission has recently released a new version of the online collection software that is compatible with mobile devices such as smartphones or tablets. Those can be used to collect statements of support on the street or at organised events instead of paper forms.

Taking into account the advantages and disadvantages of each of the options presented above, the current proposal comes forward with the following approach combining different aspects of direct and indirect reduction of the liability of organisers:

- Limiting liability indirectly, by limiting the types of data to be collected (see section 4.2.2 below);
- Limiting liability indirectly, by allowing the organisers the choice of online collection via a central system managed by the Commission. In that case, the Commission will also be subsequently responsible for the transfer of collected data to Member States for verification. The data protection liability is thus transferred to the Commission, given that the organisers will not need to have access to those data and process them. The organisers can also choose to remain responsible only for the statements of support in paper form, and if they so choose only for a limited time period before scanning and uploading these statements of support into the central collection system managed by the Commission. To further minimise their liability, the organisers may also choose to collect statements of support through mobile devices (submitting the data directly to the central online collection system managed by the Commission) instead of in paper form;
- An explicit reference in the Regulation to the possibility of creating a legal entity under a national law to be the organiser of the initiative in order to obtain a legal personality and transfer the personal liability of the organisers to the legal entity, without making this solution mandatory for the organisers. The group of organisers will nevertheless still need to be constituted.
- On liability aspects beyond personal data protection (data protection liability being governed by Regulation (EU) 2016/679[9]), limitation of the liability following the model of Directive 2008/99/EC on the protection of the environment through criminal law, with a view to establishing that organisers are responsible for any damage caused in the organisation of an initiative by unlawful acts 'committed intentionally or with serious negligence'.

[9] Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and replacing Directive 95/46/EC (hereafter 'General Data Protection Regulation')

4.1.2. Advice and support to organisers

4.1.2.1. Advice to (potential) organisers

In accordance with Article 4(1) of the Regulation, the Commission has established a point of contact providing information and assistance as regards the ECI, based in the Europe Direct Contact Centre (EDCC) and backed by Commission services[10]. The Commission informally answers all questions from citizens and potential organisers via this point of contact since 2012, including questions on the admissibility of their envisaged initiatives. These assessments are provided without prejudice to any formal reply by the Commission following a possible request for registration of a proposed citizens' initiative.

Information and guidance are also provided via a dedicated ECI website, the guide on the ECI available both online and on paper and in direct communication with organisers, via their dedicated space (organiser account) on the ECI website (all these services and materials are available in 24 official EU languages) but also by email and in dedicated meetings, hands-on trainings, phone and video-conferences whenever necessary. Organisers may also seek advice locally in Member States from the Commission representations and the network of Europe Direct Information Centres which are equipped with relevant electronic and paper materials.

In the course of the review process ongoing since 2015, different suggestions have been put forward as regards further advice to be offered to the organisers, in particular in view of the high rate of refusals of registration of the proposed initiatives. Their main suggestions have been to:

- Reinforce the advice service in particular concerning the preparation of initiatives. Different formats have been suggested for such advice, either based on existing structures, for instance reinforcing EDCC service and using national representation offices of the Commission, or proposing new ones to be built such as a helpdesk independent from EU institutions;
- Develop specific online helpdesks and/or online platforms supporting the organisers possibly combined with a central online collection system to be managed by the Commission;
- Provide reinforced and independent preliminary legal advice as to the formulation and admissibility of possible initiatives.

The legislative proposal takes on board several suggestions expressed in the review process also providing a specific legal basis for the measures which have already been or are currently being implemented:

- The provisions relating to a point of contact are replaced by new ones referring to a provision of information and assistance about the European citizens' initiative to organisers and citizens.

[10] Statistics regarding the functioning of this service during the first three years of the implementation of the ECI can be found in the Commission Report of 2015: http://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-145-EN-F1-1.PDF

- This service is to be complemented by an advice service, to be offered via an online collaborative platform to be funded by the Commission and operated by an external partner equipped to provide the expertise needed to assist organisers.

It should be noted that the launch of an online collaborative platform for the ECI is being prepared by the Commission under a pilot project from the Parliament[11]. As currently envisaged, in addition to independent legal, technical and campaigning advice in particular focused on supporting the initiatives in preparation, the platform shall offer a space for discussion and community building. The implementation of the pilot project is being prepared over the course of 2017 and it will continue over 2018, with the platform launch intended for spring 2018.

Finally, in line with the stakeholders' suggestions, the proposal envisages that Member States establish in their territories a contact point providing information and assistance to help (potential) organisers setting up a European citizens' initiative. This will allow citizens to benefit from customised advice and practical information locally, including as regards the aspects of the Regulation which Member States are in charge of. Those contact points can also contribute to the dissemination of information around the instrument. To limit the financial implications of setting-up such contact points, Member States may assign this task to competent authorities under the Regulation or existing information centres on participatory democracy or civic rights.

4.1.2.2. Translations

In accordance with the current ECI Regulation, once their proposed initiative is registered, organisers can provide the Commission with translations of their proposed initiative in any official EU languages. Before publication, the Commission verifies that there are no manifest and significant inconsistencies between the translated text and the original version of the content of the proposed initiative (the title, the subject-matter and the objectives). The publication of a translation allows the organisers to use this language version for the description of their proposed initiative included in the formal statement of support forms. These rules are aimed at ensuring that all citizens give their support based on the same initiative content in all languages. Organisers can also provide translations of the annex and draft legal act that they may have included in their registration request to provide more detailed information on their initiative, as well as translations of the provisions of the Treaties they have indicated as relevant for the proposed actions. Those translations are not verified by the Commission.

Until April 2015, on average, proposed initiatives had been translated into 11 languages. Only four initiatives had provided translations in all official EU languages. In addition, around one third of translations had to be revised (once or several times) by the organisers before their publication. Organisers had difficulties to ensure the necessary accuracy of their translations, even on the basis of the comments received from the Commission on their first version(s).

Since mid-2015, the European Economic and Social Committee (EESC) offers organisers the translation of the content of their proposed initiatives into all official EU languages except Irish. Most organisers have accepted this offer and got the content of their initiatives translated by the EESC. However, in most cases, those translations were made available

[11] Pilot project: "New technologies and information and communication technology (ICT) tools for the implementation and simplification of European Citizens' Initiative (ECI)"

several weeks after the date of registration of the initiative concerned. This delay shows that the process remains complex to manage for the organisers (they remain responsible to request the translations to the EESC and to then provide them to the Commission) and is also linked to the fact that the process cannot start before the registration of the initiative is confirmed.

While the support of the EESC has significantly improved the situation, there is still some margin to further simplify the procedure and reduce the burden for the organisers and the institutions. Publishing translations earlier in the process would also improve transparency and offer wider access to all citizens, thus contributing to increasing participation in citizens' initiatives.

The possible approaches include:

(1) translations to be provided by the organisers and verified by the Commission (initial situation under the current Regulation);

(2) translations to be provided by the organisers without verification by the Commission;

(3) translations to be provided by the organisers with the help of the EESC;

(4) translations to be provided by the Commission.

Approach (2) is excluded as it creates burden for organisers and the absence of verification could lead to a situation where organisers collect support based on a different text depending on the language (intentionally or unintentionally).

Among the three other approaches, the best option seems that the Commission should provide the translations of the initiatives' content combined with the fact that the start of the collection period should not coincide with the date of registration of the initiative. The Commission would be responsible for publishing the translations in all official EU languages in the register after registration is confirmed and before the start of the collection period for the initiative concerned. The translations of the possible annex and draft legal act would remain optional and the responsibility of the organisers.

The benefits include:

- no cost borne by the organisers;

- a simplified procedure for organisers and the Commission compared to the current service offered by the EESC upon request by the organisers;

- all translations available as of the start of the collection period, to the benefit of organisers and signatories.

While the costs will be borne by the Commission, those costs are likely to be comparable to the situation where the Commission is required to verify the language versions provided by the organisers (initial situation according to the current Regulation) and overall, costs are reduced for the public administrations compared to the current offer of the EESC as this offer implies translation costs for the EESC and other administrative costs for the Commission to handle the process with the organisers. As the Commission is in charge of the ECI register where those translations are published, it also seems appropriate that it is the Commission that takes care of the translations and publish them directly in the register, without requiring any particular action from the organisers.

4.1.2.3. IT support measures

Since 2012 the Commission has implemented a number of measures to support the online collection process – See section 4.2.3 for both the current state of play and the improvements envisaged in the proposal.

The Commission has also developed as part of the ECI register website an organiser account to facilitate the exchanges between the Commission and the organisers in particular as regards the translations, the updates of funding sources and the submission of the initiative. In addition, the organisers can download in this account pre-completed forms for the collection in paper form, for which they can choose:

- the country (the system then generates the form asking for the relevant data to be provided by signatories coming from this country);

- the language of the form among all the official EU languages;

- the languages of the content of the initiative to be included in the form among the languages published in the register for the initiative concerned.

The register will be maintained, while closer integration with the central online collection system is envisaged and new functionalities will be implemented to reflect the new provisions concerning in particular the paper collection of statements of support and the reporting as regards the number of collected statements of support.

4.1.2.4. Funding

In the review process some stakeholders and in particular the European Parliament invited the Commission to explore the possibility of providing financial support to European citizens' initiatives. Similar suggestions have been advanced by the organisers themselves.

However, the Commission is of the opinion that such an approach would go against the principle of independence of citizens' initiatives. Moreover, EU funding would require organisers to take adequate measures to ensure respect of the obligations of the EU Financial Regulation, which would introduce additional and relatively burdensome obligations.

Thus, the Commission has considered it more efficient that the organisers are offered support in kind, namely in form of different services offered by the Commission and explained throughout sections 4.1.2 and 4.2.3 and including assistance and advice, translation service and free of charge central online collection system.

4.1.3. Registration phase

The registration phase is one of the main stages of the ECI lifecycle since successful registration of their proposed citizens' initiative allows organisers to effectively start the collection of statements of support for their initiatives and related activities such as communication campaigns and raising awareness about their initiatives.

The Regulation foresees a registration phase to ensure coherence and transparency in relation to proposed citizens' initiatives and to avoid a situation where signatures are being collected

for a proposed citizens' initiative which does not comply with the conditions laid down in the Regulation. To this end, the organisers shall register their initiative with the Commission prior to starting the collection of statements of support.

To be registered, the proposed initiatives have to currently meet the conditions set out in Article 4(2) of the Regulation, which provides for the following requirements: (i) a citizens' committee has been formed and the contact persons have been designated; (ii) the proposed initiative does not manifestly fall 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; (iii) the proposed initiative is not manifestly abusive, frivolous or vexatious; and (iv) the proposed initiative is not manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union. Article 4(3) of the Regulation provides that the Commission shall refuse the registration if the conditions laid down in paragraph 2 are not met.

The Commission has two months to verify that the conditions listed under Article 4(2) are met. The Regulation also foresees the establishment of an official register and website for the ECI where the initiatives are registered and made publicly available.

Since the entry into application of the Regulation in 2012, a total of 47 proposed initiatives have been registered by the Commission in a wide range of EU policy areas[12]. At the same time, during the same period of 2012-2017, a total of 21 proposed initiatives did not meet the registration criteria and were not registered[13], 20 of them during the first two years of implementation.

Figure 3: Registration of initiatives

	2012	**2013**	**2014**	**2015**	**2016**	**2017**	**Total**
Number of requests for registration	27	16	8	5	5	5	**66**
Number of registered initiatives	16	9	5	6	3	8[14]	**47**
Number of refused requests for registration	7	8	5	0	0	1	**21**

Source: ECI register

Six citizens' committees decided to bring proceedings before the General Court of the European Union as regards the Commission decisions refusing the registration of the proposed initiatives. In four of these cases, the General Court has confirmed the Commission

[12] http://ec.europa.eu/citizens-initiative/public/welcome
[13] http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered
[14] Two initiatives have been registered following decisions of the General Court of the EU.

decisions refusing the registration of the proposed citizens' initiatives[15]. In two cases the General Court has annulled the Commission decisions refusing the registration of the proposed initiatives[16]. In both cases the Commission has not appealed the judgements of the General Court and has already adopted new decisions on the registration of the initiatives to comply with the judgements of the Court.

The Commission report on the application of the Regulation of March 2015 acknowledged that registration was a major challenge for the organisers as an important number of proposed ECIs did not meet the conditions for registration and could not be registered. The importance of implementing improvements in the registration has also been raised by other EU institutions and bodies as well as by organisers and civil society stakeholders in the context of the ECI review process launched in 2015.

Options for improvement have already been considered and implemented by the Commission under the existing legal framework. Since 2015, the decisions on the proposed citizens' initiatives are adopted by the College of Commissioners. This demonstrates the importance given by the Juncker Commission to the ECI and to the priority of listening to citizens and their concerns as raised in the different citizens' initiatives. This also brings benefits in terms of communication and awareness-raising via for instance the publication of press releases after the adoption of decisions by the College of Commissioners.

In addition, the Commission has more recently implemented a more citizen-friendly approach in the registration phase including in particular the possibility of registering initiatives in case where only part(s) of the initiative meet the conditions for registration. In these cases, the Commission adopts a decision explaining the conditions of the registration, including the elements of the initiative which are registered by the Commission decision and the basis on which statements of support for the initiative may be collected. This new approach has already been applied to a set of initiatives registered in the course of 2017. The Commission has also ensured full transparency by publishing all the registration decisions in the ECI register website.

These improvements have contributed to the overall decrease of the number of refused requests for registration in the past years. Since the adoption of the Commission report on the application of the Regulation in March 2015, a total of 16 initiatives have been registered by the Commission while only one request had to be refused.

The majority of the contributions and responses to the public consultation converge on the need to register the initiatives with the Commission prior to starting the collection of statements of support. This is a safeguard for organisers and citizens to ensure transparency and to avoid a situation where signatures are being collected for an initiative which does not comply with the conditions laid down by the Treaties and the Regulation. For these reasons, options to remove the ex-ante admissibility check have been discarded and the preferred option is to maintain this check in the registration of initiatives in the ECI register prior to the start of the collection period.

[15] "One Million Signatures for "A Europe of Solidarity"", "Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!", "Cohesion policy for the equality of the regions and sustainability of the regional cultures" and "Ethics for Animals and Kids"
[16] "Minority SafePack – one million signatures for diversity in Europe" and "Stop TTIP"

At the same time, the registration phase remains one of the main challenges in the implementation of the ECI instrument. Therefore, further options for improvement have been considered. The contributions of other EU institutions, bodies and stakeholders in the context of the review process and the results of the public consultation converge in the main areas for improvement in this phase notably as regards (i) enhanced advice and support to organisers, in particular as regards registration requirements as well as (ii) a more citizen-friendly registration procedure allowing for the possibility of partial registration of initiatives. The two aspects are considered complementary and are therefore both taken into account in the proposal.

Some alternative suggestions made in the context of the review process have not been incorporated in the proposal in view of the fact that the improvements foreseen therein already provide for comprehensive improvement of the registration procedure through more flexible and citizen-friendly means. This is the case for instance of proposals regarding the possibility of establishing an independent ad hoc impartial committee or an ECI officer, similar to the Hearing Officer for competition law, to advise organisers on the admissibility of proposed initiatives. The proposal addresses these suggestions of external advice and flexibility for organisers through the possibility of getting advice via an online collaborative platform as well as through providing information and assessment to organisers by the Commission on their proposed initiatives in certain cases and the possibility of partial registration within the procedure itself, without adding complexity and additional layers to the registration phase.

With regard to the requirements for registration of initiatives, the proposal maintains the main requirements which derive from the scope of the European citizens' initiative under the Treaties. In accordance with Article 11(4) of the Treaty on European Union, not less than one million citizens who are nationals of a significant number of Member States may take the initiative inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

Consequently, the proposal maintains the main requirement for the registration, providing that the initiative proposed by the group of organisers does not manifestly fall outside the framework of the Commission powers. This requirement is complemented with the safeguards regarding: (i) proof that the group of organisers (and the legal entity created for the purpose of managing the initiative, if any) meets the requirements under the Regulation (ii) the specific cases of potentially abusive, frivolous or vexatious initiatives; and (iii) initiatives manifestly contrary to the values of the Union.

Against this background, the proposal implements further improvements in the registration phase and contains a set of measures aiming at supporting organisers, in particular with regard to:

- Enhanced advice and support to organisers of initiatives via an online collaborative platform complementing the assistance and information service run by the Commission (see section 4.1.2. for more detail); and

- A more citizen-friendly registration procedure, including the possibility of providing information to the group of organisers as regards their initiative in cases where the requirements for registration are not met by the initiative as well as the option of registering initiatives partially under certain conditions..

First, with regard to the objective of making the procedure more citizen-friendly and addressing the concerns as regards the registration refusals, the proposal foresees that where only part or parts of an initiative meet the registration requirement on the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties, the Commission informs the group of organisers of its assessment and the reasons thereof. Organisers have then the possibility of modifying their initiative or maintaining the initial proposal if they so wish. In these cases, the proposal foresees an extension of the time limit from 2 to 3 months to give more time to organisers to amend their initiative in light of the assessment by the Commission.

Secondly, the proposal foresees that an initiative can be partially admissible in cases where a substantial part of the initiative, including its main objectives, does not fall manifestly 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. In this regard, the proposal improves the current framework by clarifying the conditions for an initiative to be partially admissible as well as enhancing transparency and ensuring that citizens are informed of the conditions of the registration when considering providing support to the initiative.

Thirdly, the proposal enhances transparency and publication of information with regard to registered initiatives through maintaining the publication of all the initiatives in the ECI register as well as providing that the Commission shall inform the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of the registration of initiatives.

Finally, the proposal also introduces a number of updates and improvements in the Annex II form on the required information for registering an initiative. These changes aim to reflect the new provisions on the group of organisers and the registration of initiatives and increase the maximum number of characters for the initiative content allowing organisers more flexibility to describe their proposal.

4.2. Collecting statements of support and their verification

4.2.1. Minimum age for signatories

The current ECI Regulation obliges citizens to be of voting age in the European Parliament elections to give their support to a citizens' initiative. The voting age in all Member States is 18 with the exception of Austria where it is set at 16.

As part of the review process, several stakeholders[17] have asked allowing citizens aged 16 and 17 to support initiatives, beyond Austria. 42% of the respondents to this question of the public consultation also supported the idea of harmonising the minimum age at 16.

While requiring the voting age is the most common approach for similar participatory democracy instruments at national or local level, in several cases the minimum age has been set below the voting age (16 or 15 years old) to encourage participation of young people and

[17] Notably suggested by the European Parliament in its report of October 2015, the European Economic and Social Committee in its opinion of October 2016 and the ECI Campaign. The ECI Campaign is a coalition of citizens, activists and non-governmental organisations, including organisers of citizens' initiatives.

stimulate democratic life beyond representative democracy mechanisms. This is especially the case for instruments recently introduced or amended.

For example, in Estonia since spring 2014, citizens can send "collective initiatives" to the Parliament for consideration. According to the Estonian law, the Parliament has to consider initiatives that have gathered at least 1000 signatures from citizens aged at least 16. In Luxembourg, the minimum age to support "public petitions"[18] is 15 years old. In Germany, several *Länder* have "popular petition" mechanisms for which the minimum age to participate is 16 (e.g. Federal state of Berlin, Federal state of Bremen). Similarly, in Belgium, although the nature of the instruments may not be fully comparable to the ECI, the petition rights at national and regional level (Brussels, Flanders and Wallonia) allow the support of citizens from the age of 16.

While at the beginning, the minimum age was calibrated to follow the voting age for European Parliament elections, these examples demonstrate that lowering the minimum age to 16 can be a useful way to engage young people in democratic processes. In contrast with elections, the ECI is of a non-binding nature and an instrument for agenda setting. In this context it can be argued to be proportionate to broaden the participation to young people and harmonise the minimum age at 16 for all EU citizens.

Setting the minimum age at 16 could create administrative burdens for Member States as regards the verification of statements of support provided by citizens aged 16 or 17. However, based on the information available, most Member States do not use electoral rolls for the verification of statements of support. They rather use population registers which normally also include citizens between 16 and 18 years old[19]. In addition, under the current rules, Member States who verify their nationals are expected to be able to verify statements of support of their nationals residing in Austria from the age of 16.

Offering young people from the age of 16 the possibility to support a citizens' initiative would contribute to raising their awareness about the EU and its functioning and reaching the objective of increasing participation in the democratic debate at EU level, especially among the younger generation.

Based on the above, giving such opportunity to the European youth would be possible, without creating a significant additional burden for Member States. Therefore, the proposal harmonises the minimum age for signatories of citizens' initiatives at 16.

4.2.2. Data to be provided by signatories and verification by Member States

According to the Regulation, signatories (citizens of the Union) must fulfil the requirement of a link of nationality or residence with a given Member State and provide personal data, allowing thereby that Member State to verify its statements of support. These requirements vary from one Member State to another.

Signatories can give their support in paper form or online, on the basis of forms compliant with the model set out in Annex III to the Regulation. The signatories' data requirements set

[18] Public petitions must be of general and national interest. As soon as the public petition receives 4.500 signatures, a public debate in the Petitions Committee and the relevant sectorial Committee of the Luxembourgish Chamber of Deputies is organised in the presence of maximum 6 petitioners and of the competent Minister.

[19] See study on data requirements for the European Citizens' Initiative for the registers used

out in this Annex can be modified by a Commission delegated act at the request of the Member States concerned.

Several issues have been raised as regards the requirements set out in this Annex:

- the divergences in the criterion used by Member States to define the scope of their verification (whether they verify their nationals, their residents or both) prevent some EU citizens from being able to support a citizens' initiative[20];

- the high amount of personal data required by some Member States, including sometimes a personal identification number, could deter citizens from giving their support;

- the different sets of data make it complex for organisers to organise the collection, in particular in paper form. Currently, 13 different forms (requesting different personal data) are in use[21].

Since 2012, the Commission has continuously encouraged Member States to simplify their requirements. Several Member States have already responded positively to the Commission's calls for simplification. A modification of Annex III, which entered into force in 2013, contained changes suggested by Spain, Ireland, France, Luxembourg, the Netherlands and Slovenia. In particular, the Netherlands opened the possibility for Dutch nationals living outside the Netherlands to give their support on a Dutch form, and Spain the possibility for non-Spanish EU citizens residing in Spain to give their support on a Spanish form, thus reducing the number of citizens excluded from their right to support an initiative. A second modification, which entered into force in 2015, further simplifies the requirements for Latvia, Malta and Sweden. While those changes have contributed to simplify the system, they have addressed the issues described above only to a limited extent.

4.2.2.1. Verification of statements of support by Member States

To guarantee the legitimacy and credibility of citizens' initiatives, a degree of verification of the statements of support provided by signatories should be ensured. However, the verification mechanism should remain proportionate to the nature of the instrument and should not create unnecessary burden on Member States.

The current Regulation provides that Member States shall carry out the verification of statements of support on the basis of appropriate checks, in accordance with national law and practice and that the authentication of signatures shall not be required (Article 8). The checks may be based on random sampling (recital 18). The Regulation also sets out that only the personal data of the signatory necessary for the verification by the Member States shall be collected.

These provisions were designed to leave some flexibility for Member States so that existing procedures at national level could be used, therefore limiting the administrative burden. However, this has led to a situation where the scope of the data requested to signatories and of the subsequent verification process differs from one Member State to the other[22]. In particular, while this is not foreseen in the current Regulation, some Member States request data from signatories that are not strictly needed to verify the statement of support and that,

[20] This concerns Irish and British citizens living in Austria, the Czech Republic, France, Portugal, Bulgaria and outside the EU.

[21] See annex 5 for the data requirements asked in the different Member States

[22] See study on data requirements for the European Citizens' Initiative

according to the study on signatories' data requirements, are not verified in practice. Some seem to request additional data to discourage impersonation.

Before analysing the different options possible to simplify the data required from signatories, it is important to clarify what the verification of the statements of support by Member States should cover.

Given the nature of the ECI instrument, it seems proportionate to consider that the data provided by signatories should allow Member States to:

- identify the signatory in the relevant database/register;

- verify the eligibility of the signatory, i.e. whether he/she is an EU citizen (national of an EU Member State) and of the minimum age;

- verify that a citizen has given his support only once and within the collection period.

So far, no instances of significant fraud have been reported. The study has concluded that the current verification approach is well designed compared to similar instruments at regional and national level.

Therefore, the proposal does not foresee any change in the scope of the verification to be carried out by Member States and the purpose of collecting personal data from signatories remains the same.

4.2.2.2. Personal data requirements for signatories

The current personal data to be provided by signatories vary from Member State to Member State, leading to a complex procedure for organisers when collecting statements of support, in particular in paper form. All stakeholders, with the exception of some national authorities in charge of the verification of statements of support, have voiced the view that, in many Member States, signatories are required to provide too much data. In particular, as highlighted in the study on signatories' data requirements[23], 10 Member States use fewer data for verification than signatories are required to provide. Considering that the data should be limited to what is necessary to identify a unique person in a population register and verify his/her age and nationality (as explained above), it seems clear, notably in those Member States where a personal identification (document) number is required, that Member States require more data than needed. Based on the identification number which is unique to an individual, Member States should be able to identify the person in the relevant register and to consult the other data necessary to verify the eligibility of the signatory.

The study on signatories' data requirements also showed that the risk of reduced ECI participation due to too many data should be given high priority. However, the study could not establish statistically significant causal links between a reduction in data requirements and an increase in the participation in ECIs although inferences can be made based on agreed indicators that affect participation and upon existing literature and stakeholder consultation.

As regards the sensitivity of providing some types of data, one of the findings of the study on data requirements is that stakeholders in most Member States (21 Member States) have no real concerns over the sensitivity of the signatories' data requirements. However, where concerns have been raised, they primarily relate to the provision of personal identification

[23] See study on data requirements for the European Citizens' Initiative

(document) numbers. More generally, the issue of sensitivity appears to relate more to trust in the entity collecting the data than to the nature of the data. This level of trust (as regards the public authorities and organisers of initiatives) varies from Member State to Member State. It also appears from the results of the public consultation that the sensitivity to provide certain data varies from country to country.

The study on data requirements also highlighted that more data are required for the ECI than for instruments at national or local level with similar outcomes, therefore questioning the proportionality of the data required with the potential outcome of an ECI.

The comparison with other similar instruments showed that one of the main strengths of the ECI scheme is that it allows citizens to give support online and in paper form. While different mechanisms could be put in place to facilitate the support online and the verification of this support while minimising the number of data required (see also the subsequent section on the online collection and the use of e-ID), there is a need to streamline the data to be provided by signatories as they will in any case apply to those statements of support provided in paper form.

Several approaches to streamline those data requirements have been analysed as part of the study with as main objectives:

- to simplify and, as far as possible, harmonise the data requirements for signatories of statements of support, making them more proportionate to the nature of the ECI instrument;

- to ensure that all eligible EU citizens can support an ECI;

- to ensure an adequate verification process with a minimal burden for Member States;

- to ensure that the personal data of supporters is safeguarded.

The subsequent section explains that Member States should be required to verify the statements of support for their nationals, ensuring that all eligible EU citizens are able to support an ECI. It is thus necessary that signatories provide their nationality so that their statements of support are submitted to the relevant national authority for verification.

In view of the objectives to be achieved and based on the available information on the verification processes in place in the Member States, including the registers used for verification of the data provided and the information contained in those registers, two main approaches exist:

Approach (1): signatories should all provide the same data based on the most common set of data available in the registers used for verification:

first names, family names, date of birth and address.

Approach (2): depending on the Member States, signatories should provide either:

a/ first names, family names, date of birth and address

or

b/ first names, family names and last four characters of a personal identification (document) number – NB: the age would be checked based on information available in the register used for the verification.

Both approaches would significantly reduce the amount of personal data collected in the context of an ECI and would therefore contribute to reaching the objectives of making the data requirements more proportionate to the outcome of an ECI, facilitating the protection of the signatories' personal data and therefore reducing the potential liability issues for organisers.

Approach (1) has the additional advantage of:

- ensuring that all citizens must provide the exact same data;

- requiring simple information from citizens, meaning that they do not need to have their ID card or passport with them to give support. In addition, providing this information is generally perceived as less sensitive than providing a personal identification (document) number.

Several shortcomings are also associated with approach (1):

The address is currently not requested by 12 Member States. It also seems that for various reasons addresses are not always a reliable data in the population registers. They are not always regularly updated, especially in those countries where citizens are not required to declare their change of address to the authorities. Citizens living outside their country of nationality may also not have their address registered with their national authorities. Verifying on the basis of the address is in those countries likely to generate the invalidation of statements of support that should have been validated if the register contained up-to-date information on the address of the citizens. As a result, the address should not be used by those countries to verify against the register and the verification could only be based on the names and dates of birth of signatories. However, names and dates of birth might not be enough in some cases to uniquely identify a citizen in the register.

Furthermore, providing the address is seen as sensitive in some countries. In the public consultation, when asked which data citizens are <u>not</u> willing to provide to give support to an initiative, overall 28% of respondents mentioned the address. The address scores equal or higher than the personal identification (document) in nine countries (eight of them currently requiring such a number).

This set of data would also amount to an increase in the number of data to be provided in six Member States (those Member States that require only the names and personal identification (document) number - currently the set of data mostly used).

This approach may also increase the administrative burden in those Member States who currently use the personal identification (document) number as a basis for their verification.

Approach (2)

Compared to the first approach, this approach would provide for a more reliable verification process in those countries where addresses cannot be used and therefore ensure a more comparable level of verification in all countries.

In addition, this approach ensures that there is no increase in the number of data required in any Member State (except Finland which only requires the country of permanent residence and not the full address but this would be the case in both approaches).

This approach would also better take into consideration any sensitivities at national level (i.e. depending on the Member State, providing the address seems more sensitive than providing the last three or four characters of a personal identification (document) number).

This approach is also closer to the current system where some countries ask for a personal identification (document) number and others do not and is therefore likely to create less administrative burden than approach (1) for Member States to adapt their verification process.

Approach (2) has the disadvantage of proposing an approach that is not fully harmonised across Member States, even if the two sets of data (without any other variations) provide for a relatively simple approach. This option also maintains the provision of part of a personal identification (document) number which is considered as sensitive by many citizens (around 35% of respondents to the public consultation), although less sensitive than providing the full number (around 50% of respondents). The risks associated with the disclosure of those partial numbers are also significantly reduced compared to the disclosure of the full numbers. To note that providing only the last four characters and not the full number might increase the risk of mistakes by citizens when filling in the information and might increase the burden for Member States to carry out the verification process (but probably still less than approach (1)).

Overall, the preferred option is therefore approach (2) given that it would significantly simplify the data to be provided by signatories. It would facilitate the collection for the organisers who would need to use only two types of forms instead of 13 and would reduce the reluctance of citizens to provide their personal data. It will also limit the amount of personal data organisers would be responsible for. Finally, compared to approach (1), it will ensure a more adequate verification process preventing the undue invalidation of statements of support, while creating less administrative burdens on Member States.

The proposal therefore sets out that Member States shall choose the form that allows them to carry out the verification process in an appropriate way (i.e. whether they are able to verify the signatories' addresses or not) and taking into account any preference at national level related to the sensitivity to provide certain types of data. The Member States shall inform the Commission of their choice at the latest six months before the entry into application of the Regulation so that the Commission can publish this information in the register and configure the central online collection system and the organiser account accordingly before the Regulation starts to apply.

4.2.2.3. Criterion to define which Member State is in charge of the verification

Under the current Regulation, depending on the Member State, they verify only their nationals, only their residents or both[24]. While this has no effect on the vast majority of EU citizens who reside in their country of nationality, it creates cases where some EU citizens living outside their country of nationality (namely Irish and British citizens living in certain EU countries and outside the EU) are unable to support a citizens' initiative.

Moreover, even if not permitted by the Regulation, in the current situation, some citizens may sign the initiative several times, once using the form of their country of nationality and once using the form of their country of residence and this cannot be detected by Member States.

[24] For details on the requirements in each country, see annexes 6 and 7.

In view of the purpose of the instrument, revised rules should have as primary objective to prevent the exclusion of any citizens from the right to support citizens' initiatives. Additional objectives include:

- simplify the collection process for organisers and signatories, making it simple for all citizens to understand which form they should use to give their support;

- reduce the risk of multiple statements of support that cannot be detected;

- reduce or at least avoid creating additional administrative burden for Member States.

Three alternatives to the current situation have been analysed:

(1) Member States should all verify the statements of support from their residents;

(2) Member States should all verify the statements of support from their nationals;

(3) Member States should all verify the statements of support from their residents and their nationals.

All would contribute to simplifying the collection process given that the criterion would be the same for all Member States contrary to the current situation.

As regards the prevention of excluded citizens, the first option (residents only) should be discarded as all EU citizens living outside the EU would be unable to give support to initiatives, thereby significantly increasing the exclusion of citizens. It may also leave some citizens without the possibility to give support in those Member States where non-national EU citizens are not required to register/do not hold any document or number as of their arrival in their country of residence. The second (nationals only) and third (nationals and residents) options both ensure that all EU citizens can give their support. Using only one criterion (namely nationality) has the additional advantages of reducing the risk of undetectable double statements of support and limiting or reducing the administrative burden compared to using both criteria. Indeed, the third approach creates an additional burden for both the Member States that currently verify the statements of support only from their residents and the Member States that currently verify the statements of support only from their nationals and it maintains the burden for the other Member States to verify both their nationals and their residents, sometimes with the need to proceed with verification in additional databases/registers.

Figure 4: Summary table

	Prevent exclusion	Simplify collection process	Reduce risk of undetectable double statements	Reduce administrative burden
(1) Residents only	(-)	(+)	(+)	(+)
(2) Nationals only	(+)	(+)	(+)	(++)
(3) Residents and nationals	(+)	(+)	(-)	(-)

The second approach seems therefore to be the most appropriate to reach the objectives. It will nevertheless require two Member States (Ireland and the United Kingdom) to establish a verification mechanism for their nationals living outside their respective territories (based on the information that those citizens live abroad, those Member States should be able to carry out verification in their databases of travel documents such as passports).

In a few cases (Denmark, Belgium, Luxembourg, Germany), it will require that their nationals living outside the country have informed their relevant national authorities of their place of residence whereas in the current system, those citizens might have had the possibility in certain countries to give support on the basis of their country of residence.

From the point of view of the organisers, the use of one criterion will make it easier to explain which form citizens must use, namely the one of their nationality in all cases. In addition, given that only two types of form will be possible without any deviations, they would simply need to carry with them both forms to cover any possible situations (i.e. EU citizens of any nationality).

4.2.3. Online collection

The online collection of statements of support from signatories is a fundamental element in the implementation of the ECI lifecycle. While the ECI Regulation provides that statements of support can be collected both online and on paper, online collection provides organisers of citizens' initiatives with more effective and technologically up-to-date mechanisms to obtain support for their initiatives from signatories across the EU. This is considered as one of the strengths of the ECI instrument compared to similar instruments at national and local level which often do not offer such possibility.

Moreover, there may be synergies between the online collection process and the online campaigns developed by organisers to gather support for their initiatives, for instance through dedicated websites and use of social media. The existence of challenges for organisers as regards the tools and processes for the online collection of statements of support across the EU hampers the chances for the initiative to reach the 1-million threshold of statements of support and consequently the overall functioning of the ECI instrument.

4.2.3.1. Current rules on online collection systems and support measures

The ECI Regulation provides for a set of legal requirements in relation to the online collection systems. According to Article 6, organisers must build their online collection system and get it certified by the competent authority in the Member State where the data collected will be stored before starting to collect statements of support online via this system.

In view of the fact that organisers of citizens' initiatives can potentially collect the personal data of more than one million EU citizens, their online collection systems must in particular have the necessary technical and security features to protect these personal data. In accordance with Article 6(4) of the ECI Regulation, online collection systems should have adequate security and technical features in place in order to ensure that: (i) only natural persons may submit a statement of support form online; (ii) the data provided online are securely collected and stored, in order to ensure, inter alia, that they may not be modified or used for any purpose other than their indicated support of the given citizens' initiative and to protect personal data against accidental or unlawful destruction or accidental loss, alteration or unauthorised disclosure or access; and (iii) the system can generate statements of support in a form complying with the models set out in Annex III, in order to allow for the verification by the Member States in accordance with Article 8(2).

To support organisers in the development of their online collection systems, the Regulation provides that the Commission shall set up and thereafter maintain a software incorporating the relevant technical and security features necessary for compliance with the provisions of this Regulation regarding the online collection systems. The Regulation provides that the online collection software shall be open source and made available free of charge to organisers of initiatives. Organisers can use the Commission's software (with or without modifications) or another software of their choice.

The software developed by the Commission provides a set of functionalities to collect statements of support online through forms compliant with the ECI Regulation, securely store signatories' data and export the data for their subsequent submission to the competent national authorities in the Member States. The administration interface enables organisers to configure their system, monitor the number of statements of support received and export the data. The public interface includes the electronic statement of support form for signatories to support the proposed initiative. Once the signatory has chosen the country he/she comes from, the relevant form is dynamically displayed.

The software has been available since 22 December 2011 free of charge and new versions have been regularly released, progressively improving it, adding new features and keeping it up-to-date. This includes the recent release developed by the Commission as part of the commitment to implement a set of improvements for the ECI. This new release contains a set of new functionalities, notably enhancing the compatibility with mobile devices such as smartphones or tablets as well as the links with social media and websites for campaign purposes[25]. To ensure transparency, information on new releases and public demos are made available in the JoinUp website to enable stakeholders' access to updated information on developments, discuss possible future ones and provide feedback on the previews. 38 initiatives have used the Commission software so far, including the three successful initiatives.

The Regulation provides that the data obtained through the online collection system shall be stored in the territory of a Member State to be chosen by the organisers. To build a complete online system, organisers have to find hosting servers to install their online collection software. After the entry into application of the Regulation in 2012, the first organisers of initiatives encountered substantial difficulties to find appropriate and affordable host providers to build their systems. In view of this obstacle that prevented organisers from starting to collect statements of support online, the Commission took the decision to offer to host organisers' online collection systems on its own servers, free of charge and beyond its obligations under the current Regulation.

The ECI Regulation provides that the Commission shall adopt technical specifications for the implementation of the requirements under article 6(4), though the procedure laid down by the Regulation to this end. These technical specifications are currently set out in Commission Implementing Regulation (EU) No 1179/2011 of 17 November 2011.

To ensure that the online collection systems comply with the above referred technical and security requirements, the competent authority in the Member State in which the data will be stored shall certify that the system to be used by the organisers complies with these

[25] http://ec.europa.eu/citizens-initiative/public/software

requirements under the Regulation and the Implementing Regulation before organisers start to collect statements of support online.

Certification can be requested by organisers before or after registering their proposed initiative with the Commission. The Member State's competent authority has one month from the organisers' request to certify the system.

4.2.3.2. Challenges around the online collection

The assessment of the implementation of the ECI instrument points to a number of challenges in relation to the online collection process, including inter alia the following elements:

(i) the difficulties encountered by organisers of initiatives as well as the costs to set-up and manage their online collection systems, including as regards the hosting services as well as the certification of the system and its management throughout the procedure;

(ii) timeline issues: the starting date of the collection period is in all cases the date of the registration of the proposed initiative with the Commission, regardless of whether the organisers' system has already been certified or not. In most cases, organisers did not have their system certified before the registration of their initiative by the Commission. Consequently, while they could start collecting support on paper, they have had less than 12 months for online collection. Certifying systems before the registration of the corresponding initiatives is an issue of concern for Member States' competent authorities as they have to carry out the verification without the certainty that the initiative concerned will be registered.

(iii) the importance of increasing the effectiveness of the online collection process and to improve the current online collection systems foreseen under the ECI Regulation as a specific tool to collect statements of support online;

(iv) the high requirements stemming from the technical specifications for online collection systems under Commission Implementing Regulation (EU) No 1179/2011 relating to the security, processing and management of the personal data by organisers.

The importance of implementing improvements in the online collection systems for the ECI as well as in the Commission online collection software has also been raised by other EU institutions and bodies as well as by organisers and civil society stakeholders over the past years. The improvement of the online collection systems for the ECI has been discussed with the national authorities in the meetings of the Expert Group on the ECI.

4.2.3.3. Possible approaches to the online collection process

In the context of the review process, the Commission commissioned a study on the assessment of ICT impacts of the ECI Regulation. The study was published in 2015[26]. The objective of the study was to analyse the ECI implementation and any potential improvements in particular with regard to the online collection process. The study provided a set of recommendations to improve the online collection under the existing framework described above, as well as a set of options to be further explored.

[26] http://ec.europa.eu/citizens-initiative/public/legislative-framework

To further investigate the main recommendations, the Commission launched in 2017 another study on online collection systems and technical specifications[27] considering options for improvement in the context of the potential revision of the ECI Regulation, taking into account the additional experience gathered in the implementation of the ECI as well as the evolution of the situation with regards to technology and security.

This analysis covers the assessment of the three main approaches:

- Approach (1): update of the current legal and technical framework under the existing Regulation where the online collection is carried out through individual online collection systems under the responsibility of the organisers.

- Approach (2): building on the existing framework, assess the potential improvements in the most used online collection systems where only the online collection software and hosting service provided by the Commission are used.

- Approach (3): Setting up a centralised online collection system for the ECI set-up and managed by the European Commission and made available to organisers of citizens' initiatives.

In particular, the set-up of a central online collection system managed by the Commission and made available free of charge to organisers is one of the main proposals raised by other institutions and bodies as well as by organisers and civil society stakeholders over the past years. It has also been the subject of a proposed citizens' initiative registered in 2012 ("Central public online collection platform for the European Citizen Initiative"[28]).

The study provides a detailed assessment of these three main options. The assessment concludes that approach (3) scores the highest in particular in terms of benefits for organisers since the responsibility to set-up and manage the online collection system is shifted from the organisers to the Commission. Therefore, taking into account the objectives of the proposal to make the ECI more accessible, less burdensome and easier to use for organisers and supporters, approach (3) allows removing obstacles for organisers such as the certification of the online collection systems as well as the liability for the online collection of personal data since the Commission will be responsible for the online collection for the initiatives concerned. Furthermore, a central online collection system also brings benefits to the overall online collection process for the ECI in terms of technical elements such as security architecture, software development security, data security and integrity and allows a more secure protection of the system and the personal data provided by EU citizens in support to European citizens' initiatives.

As regards costs of implementation, the assessment takes into account that the baseline scenario whereby the Commission already provides the online collection software as well as the additional hosting services implies substantial costs (see cost analysis in the relevant sections of the study). The assessment concludes that while the set-up of the new system will imply substantial costs in the short term, over a period of five years, all three scenarios present better performance than the current situation. Indeed, approach (3) also provides a comparative advantage over the other two approaches despite higher initial investment costs.

[27] Study on online collection systems and technical specification pursuant to Regulation (EU) No 211/2011 and Commission Implementing Regulation (EU) No 1179/2011.
[28] http://ec.europa.eu/citizens-initiative/public/initiatives/obsolete/details/2012/000011

In comparison to the other approaches, approach (3) provides the advantages of minimised yearly operational and hosting costs, and decreasing maintenance costs in the long run, while facilitating deeper integration with the official ECI register and website.

In conclusion, approach (3) would be the most suitable one, satisfying full and continuous compliance with data protection rules and other existing requirements stemming from the ECI Regulation and the technical specifications. It would also contribute to the improvement and facilitation of the collection and verification of statements of support, while at the same time complying with identified legal, operation, technical, security and costs ideal description for identified criteria in this particular context. According to the study, approach (3) is the most promising solution for the future, making an improvement of the online collection of the statements of support the most forward-looking and up-to-date to the highest standards.

This approach will also allow for the implementation of additional support measures for organisers, such as the possibility for organisers to upload in the system the statements of support collected in paper form, the possibility for signatories to choose between various methods to provide support potentially available in their countries (e.g. via eID) and the transfer of the collected statements of support directly by the Commission to the relevant Member States' competent authorities for verification and certification.

Therefore, the proposal foresees that the Commission shall set-up and operate a central online collection system for the European citizens' initiative allowing the collection of statements of support for initiatives online and provided free of charge to organisers of initiatives. The proposal also provides that the costs of setting up, operating and maintaining the central online collection system shall be borne by the general budget of the European Union and that the system shall comply with Commission Decision (EU, Euratom) 2017/46 on the security of communication and information systems in the European Commission. The proposal also foresees that the system should have the necessary accessibility features in compliance with the Web Content Accessibility Guidelines (WCAG) ensuring that citizens with disabilities can provide support to the initiatives.

Against this background, one of the elements of the assessment is whether the organisers of initiatives should still have the possibility of setting-up and using online collection systems different from the one set-up and operated by the Commission. The results of the public consultation show that 67% of respondents to this question consider that Commission hosting of systems should be made permanent but remain optional and another 31% considered that it should be transformed into a single online platform for all initiatives without the need for a certification. The majority of respondents to the public consultation are thus in favour of making the use of the Commission central online collection system optional, leaving the possibility for organisers to use their own online collection systems. To note that when asked whether they would use the Commission system or build their own if they were to organise an initiative, 87% of the respondents to this question would use the system offered by the Commission.

In addition, leaving the possibility for organisers to choose between the central system and building their own system gives them flexibility regarding how they want to carry out their online collection and campaigns from an organisational and logistical point of view, while complying with the Regulation. This option also takes into account the fact that over the past years, several citizens' committees have indeed used their own online collection systems instead of using the Commission hosting offer and online collection software.

Consequently, the proposal maintains the possibility for organisers to set-up their individual online collection systems for the ECI and to choose the Member State in which the data will be stored. At the same time, the proposal ensures that the necessary technical and security requirements for these systems are in place in order to protect the personal data collected from EU citizens as in the case of the central online collection system set-up and operated by the Commission. This includes the adoption of new technical specifications for online collection systems replacing the current technical specifications laid down by the Commission Implementing Regulation (EU) No 1179/2011 and maintaining the need to obtain the certification of the systems by the competent authorities in the Member State where the data collected will be stored before the start of the online collection by the organisers. Such certification will only be possible after the registration of the initiative. Given that the start of collection period will be disconnected from the registration date (see section 4.2.4 for more detail), organisers should have enough time to build their system and get their system certified between the registration and the start of the 12-month collection period.

4.2.3.4. Electronic identification (eID)

Regulation (EU) No 211/2011 foresees that statements of support which are electronically signed using an advanced electronic signature, within the meaning of Directive 1999/93/EC on a Community framework for electronic signatures[29], shall be treated in the same way as statements of support in paper form. However, no use of electronic signature has been reported since the entry into application of the Regulation in 2012.

At the same time, since the adoption of the ECI Regulation, there have been important developments in the field of electronic identification in the Member States and also at EU level. In particular, Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation)[30] was adopted in 2014 improving the EU legislative framework on electronic identification and trust services and replacing the above mentioned Directive 1999/93/EC. The eIDAS Regulation foresees inter alia that by 29 September 2018, public services requiring online identification in all Member States must recognise any notified eID from any other Member State. Accelerating the take-up of eIDAS services, including eID and eSignature, is one of the key objectives of the EU eGovernment Action Plan 2016-2020[31] within the framework of the Digital Single Market Strategy for Europe.

Enabling citizens to make use of electronic identification in order to support European citizens' initiatives would have several advantages, facilitating support by citizens online as well as the verification of the support by Member States.

The study commissioned by the Commission on the assessment of ICT impacts of the ECI Regulation in 2015[32] recommended that solutions to facilitate data entry and validation should be further investigated, including the use of eID, eSignature and the European Commission Authentication System (ECAS, now called EU Login). The possible use of eID in the context

[29] OJ L 13, 19.1.2000, p. 12.
[30] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0910&from=EN
[31] Communication from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions, EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government, COM(2016)179 final.
[32] http://ec.europa.eu/citizens-initiative/public/legislative-framework

of ECI has also been discussed in several meetings of the Expert Group on the ECI including based on specific recommendations made by some Member States[33].

In 2016, the Commission launched an external study on the use of eID for the ECI[34], including a detailed assessment of legal and technical feasibility of options both under the current framework and taking into account the potential revision of the ECI Regulation.

The study assesses a number of potential technical solutions to allow citizens to support initiatives online using electronic identification means. The six analysed solutions have been grouped into three categories as follows:

(i) Solutions considering the use of electronic signatures, including: solution 1: submission of statements of support through an electronically signed PDF that the user uploads to the online collection system; and solution 2: direct integration of e-signature solutions into the online collection system, allowing citizens to sign statements of support online.

(ii) Solutions based on electronic identification, including solution 3: direct integration of national eID into the online collection system in order to allow citizens to authenticate themselves and support initiatives online; and solution 4: integration of eID through the eIDAS framework.

(iii) complementary solutions, aiming at easing the submission process and attracting more users to the ECI, including: solution 5: allowing EU Login users to pre-fill the data fields with the data stored in their accounts; and solution 6: connection with a social network, namely Facebook, by which users would pre-fill the data requirements.

The study concludes that the most recommended solution to give citizens the option of using their eID to support a citizens' initiative is the integration through the eIDAS framework. The technical implementation of the solution foresees the connection between the online collection system for the ECI and the Member States established through the eIDAS network. This solution facilitates citizens' support to an initiative as well as the quality and reliability of the data for organisers and the national authorities competent for the verification of support, thereby also bringing improvements to the procedure for the verification and certification of statements of support.

Furthermore, the integration with eIDAS is also the most recommended approach from a feasibility point of view as well as in terms of costs, maintainability and scalability. For this solution, the eIDAS node would be used to grant secure access to the Member States' eID access points. Therefore, this option could be implemented through the integration of the ECI online collection system only with one node.

As regards the inputs received in the context of the review process and the results of the public consultation, several stakeholders called for the introduction of the possibility to sign using e-ID and develop synergies with the eIDAS framework. Asked about the use of eID for the ECI in the public consultation, 67% of respondents consider that it would make the

[33] Ibid.
[34] Study on the use of Electronic Identification (eID) for the European Citizens' Initiative

process more user-friendly. 87% of respondents also agreed that several ways for providing support online should be available in parallel to maximise the user-friendliness.

In light of the above, the proposal foresees the possibility for citizens to provide support to citizens' initiatives via the Commission central online collection system through statements of support electronically signed using electronic identification and electronic signature means within the eIDAS framework. In this context, the proposal provides for the implementation requirements to be ensured by the Commission and the Member States and clarifies that in this case, citizens shall provide their nationality and Member States shall accept the minimum data set for a natural person in accordance with Commission Implementing Regulation (EU) 2015/1501. The possibility to support an initiative through eID remains optional, complementing the possibility to support initiatives online through the central online collection system, taking into account that not all EU citizens have eID and the differences in the level of penetration and use of eID in the different Member States.

4.2.4. Time period for collection

According to the ECI Regulation, organisers have one year to collect statements of support for their proposed initiative, as of the date of registration of their initiative by the Commission.

Due to the uncertainty of the outcome of the registration phase, many organisers do not start preparations for the collection before getting confirmation of the registration of their initiative. In particular, even if the Regulation allows the certification of the organisers' online collection systems before the registration of the initiative concerned, many organisers do not invest time and money in building up and getting their system certified before the confirmation of registration. In addition, several Member States' competent authorities are uncomfortable with the possibility for organisers to request the certification of their system before the registration of their proposed initiative with the Commission. Given the time needed by organisers to set up their system, in most cases, they have therefore less than 12 months to collect statements of support from signatories online.

Likewise, the publication of translations of the proposed initiatives (even with the support of the EESC) usually takes several weeks after the registration date (see section 4.1.2), which might delay the start of collection campaigns.

In addition, in the current Regulation, the organisers cannot choose the start date of the collection period while they might be interested in choosing a specific date for communication purposes.

Several options to remedy those issues have been suggested and analysed, including whether organisers should be able to choose the start date of the collection, whether the collection period should be extended, or both[35].

As part of this analysis, it is important to note the proposed measures that will facilitate the collection apart from reviewing the time period provisions, in particular:

[35] See synopsis report of stakeholder consultation in annex 3 for the opinions and suggestions of main stakeholders.

- the possibility for organisers to use the central online collection system made available free of charge by the Commission from the start of the collection period, without the need for organisers to get any certification;

- the availability of the initiative content in all official EU languages from the start of the collection period, based on translations provided free of charge by the Commission;

- reduced and simplified personal data requirements for signatories.

While discussing those time limits, one should also keep in mind that initiatives are often linked to topical issues and refer to issues which can lose their relevance over time. Also, the context in which people give their support to an initiative may change if the period is too long (for example if legislation is amended or adopted in the meantime). It is therefore important that the time between the request for registration of an initiative and the final reply by the Commission at the end of the process is not too long.

There seems to be a consensus among stakeholders that organisers should be able to choose the start date of their collection period, disconnecting it from the date of registration. This should facilitate their preparation and, for those who choose to use their own online collection system, this should give them sufficient time to set it up and get it certified.

To make sure that initiatives remain relevant throughout the procedure and in view of the various measures facilitating the collection in addition to the choice of the start date by the organisers, it seems sufficient and reasonable to foresee a maximum of three months between the date of registration and the start of the collection period and to maintain the 12 month collection period.

The proposal also includes provisions to make sure that the process goes smoothly depending on the choice made by the organisers as regards the online collection.

The organisers shall inform the Commission of the date chosen for the start of the collection period at the latest ten working days before that date. In addition, within one month from the registration of their initiative and at the latest ten working days before the date chosen, they shall inform the Commission of:

- whether they will use the central online collection system and if yes:

- whether they will upload the statements of support collected in paper form into the central system.

The proposal also foresees that the Commission or the group of organisers, depending on the option chosen for the online collection, shall close the online collection system at the end of the 12 months, i.e. on the same day of the following year. It is understood that given that the registration takes place in the CET zone, the closure shall take place at 24:00 CET.

4.3. Follow-up of successful initiatives

4.3.1. Time limit for submission to the Commission

The current Regulation does not foresee a time limit for organisers to submit their successful initiative to the Commission, after the verification of the statements of support by the competent national authorities. One of the successful initiatives was submitted 16 months after the end of its collection period. Some stakeholders, including the Commission in its report of 2015, the European Parliament and several competent national authorities, raised the issue of the absence of a time limit which can create confusion and uncertainty for citizens

and EU institutions. In the public consultation, when asked about such a time limit, two-thirds of respondents agreed with setting a deadline. Such deadline would limit the uncertainty and make sure that the Commission is invited to reply within a reasonable time period after citizens have given their support to the initiative.

57% of those respondents in favour of a deadline consider that a time-limit of between six months and one year from the end of the collection should be set. 37% thought that this time limit should be less than six months.

To address this issue, the proposal sets out that the organisers shall submit their successful initiative to the Commission within three months of obtaining the last certificate from a competent national authority. Given that organisers have three months from the end of the collection period to submit their statements of support to competent national authorities and those authorities have maximum three months to proceed with the verification, this means that successful initiatives should be submitted at the latest nine months from the end of the collection period. While this leaves less flexibility for organisers to choose when they want the Commission to reply to their initiative, it brings benefit in terms of transparency and reduced uncertainty and is also more in line with the expectations of signatories who support an initiative at a certain point in time and expect an answer within a reasonable timeframe.

4.3.2. Examination procedure

The examination and response phase is the last formal step of the ECI procedure. Initiatives gathering the necessary number of statements of support can be submitted to the Commission in accordance with Article 9 of the Regulation.

The procedure foreseen in the Regulation contains a set of actions to be implemented in response to a citizens' initiative. In accordance with Article 11, when the Commission has received a citizens' initiative which has gathered the required number of signatories and fulfils the other requirements of this Regulation, the organisers have the opportunity to present that initiative at a public hearing at Union level. The public hearing takes place in the Parliament and is co-organised by this institution and the Commission.

The Commission also meets the organisers at an appropriate level to allow them to explain in detail the matters raised by the citizens' initiative. Finally, the Commission examines the citizens' initiative and sets out its legal and political conclusions separately. The Commission response should set out the action it intends to take in response to it, if any and explain its reasons. To demonstrate that a citizens' initiative supported by at least one million Union citizens and its possible follow-up are carefully examined, the Commission response should explain in a clear, comprehensible and detailed manner the reasons for its intended action, and should likewise give its reasons if it does not intend to take any action in response to the initiative.

The Regulation also foresees a timeframe for the examination phase, stipulating that the meeting with the organisers, the public hearing and the Commission reply in the form of a Communication shall take place within three months from the submission of the initiative, which means that the possibility for participation and public debate actions is limited to these three months.

Since the entry into application of the Regulation in 2012, three initiatives have reached the necessary thresholds under the Regulation and have been submitted to the Commission for assessment and response.

In two cases "Water and sanitation are a human right! Water is a public good, not a commodity!" ("Right to Water")[36] and "Stop vivisection"[37], the Commission committed to a set of follow-up actions which have been and continue to be implemented[38]. In the case of the initiative "One of us", the Commission concluded after the examination of the citizens' initiative that the existing framework, which had been recently debated and agreed by EU Member States and the European Parliament, was appropriate and explained its assessment in a Communication[39]. The Commission makes known its response to successful initiatives and the follow-up actions in the ECI website and via other information activities. However, experience shows that more should be done to inform citizens and signatories about the follow-up actions to European citizens' initiatives adopted by the Commission.

While only three initiatives have been successful so far in reaching the examination and response phase of the procedure, the experience in these three cases already provides a set of lessons learnt to be considered in the assessment of this last stage of the procedure:

(i) The Commission report of 2015 pointed to the need to ensure a more balanced representation of stakeholders in the public hearing in view of the fact that on occasion of the public hearings organised at the European Parliament for the first two initiatives, no stakeholders or experts other than the ECI organisers themselves were invited to actively participate. Also, while the Regulation refers to the potential participation of other institutions in the public hearing, if they wish so, experience also shows that the involvement of other Union institutions (and bodies) could be enhanced. Therefore, further improvements in the public hearing should be considered so that it plays its intended role as a mechanism for dialogue and participation and exchange of views between EU institutions, organisers of successful ECIs and other stakeholders concerned by the ECIs.

(ii) The three-month time period foreseen by the Regulation for the examination of a successful initiative is short and leaves limited time for the public debate and consultation phase, as well as for involvement of other stakeholders and that of other EU institutions and advisory bodies. Furthermore, sufficient time is needed for the preparation of the public hearing to ensure that it is sufficiently inclusive and that relevant stakeholders are represented. Finally, the fact that the time limit for the public hearing and the Commission response is the same leaves limited margin for the Commission to take into account the discussion in the public hearing as well as to consider any possible follow-up dialogue with organisers and stakeholders.

(iii) As regards the follow-up to the successful initiatives, several stakeholders (notably the European Parliament, the EESC and the Committee of the Regions) suggested that the

[36] http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000003

[37] http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000007

[38] http://ec.europa.eu/citizens-initiative/public/initiatives/successful

[39] http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/2012/000005

Commission should prepare a legal act on the successful initiative within a set time period after a positive reply. This approach does not seem appropriate for the following reasons:

- It should be noted that pursuant to the Regulation, the Commission can decide which action it intends to take in reply to a successful ECI, providing reasons for taking or not taking that action. This derives from the relevant provisions of the Treaty on European Union itself which define the ECI as an invitation to the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

- Furthermore, as explained by the Commission in its reply to the Parliament resolution on the European citizens' initiative, even in cases where the Commission responds positively, the most appropriate follow-up for the different ECIs, in line with Better Regulation principles may vary in terms of the nature of actions to be taken, the instruments chosen and the timeframe for their implementation. In this regard, it should also be noted that if the Commission decides to follow-up with a legislative proposal, the preparation of such proposal needs to respect Better Regulation principles and allow sufficient time for carrying out the necessary steps such as stakeholder consultation, and impact assessment and evaluation of existing legislation as applicable.

Therefore, the current rules as regards the Commission response ensure an efficient and proportionate mechanism for the follow-up to successful initiatives. At the same time, experience shows that the information to other institutions and bodies as regards the Commission response to successful initiative as well as in particular informing citizens about the follow-up actions by the Commission to successful initiatives can be reinforced.

Against this background, the proposal contains a number of improvements aimed to:
- ensure a balanced representation of stakeholders in the public hearing at the European Parliament;
- reinforce the information to other EU institutions and bodies at the start and at the end of the examination phase;
- enhance public debate and participation as well as the exchange of views between EU institutions and organisers of successful ECIs by extending the time period of this phase from three to five months.

Finally, the proposal also contains measures aiming at enhancing the information to signatories and citizens on the response and follow-up to European citizens' initiatives including via the collection of email addresses for information purposes (see section 4.4.3. below for more detail). As the European citizens' initiative is a tool for participation in the democratic life of the EU and engagement, it is appropriate that citizens who have signed an initiative are informed if they so wish of the outcome of the initiative they have signed.

4.4. Communication, awareness-raising and transparency

4.4.1. General communication and awareness-raising concerning the ECI instrument

Since its entry into application in 2012, the main communication tool for the ECI has been a dedicated Commission ECI website. Available in the 24 official EU languages, it provides

general information about the ECI in an easy and accessible way. It offers moreover information about each of the proposed initiatives as described below under section 4.4.2.

The Commission also informs citizens about the ECI through its guide for citizens and organisers available in both on paper and online versions, the service of the point of contact (replying to request via a contact form and by phone) and via its representation offices in different Member States[40].

The Commission has progressively undertaken additional actions, such as publishing press releases on the occasion of registration of each new initiative and developing an RSS feed mechanism on its website. Implementation of more ambitious actions required budgetary appropriations which have been made available for this purpose only this year. The Commission is thus currently preparing a communication campaign on the ECI to start in 2018 and it is in parallel launching an online collaborative platform for the ECI under a pilot project from the Parliament, as further explained under section 4.1.2 above.

The Commission has always highlighted that communication and awareness-raising on the ECI is a shared responsibility of the Commission, Member States, other institutions and all stakeholders.

In this context it is important to mention the contribution of the other EU institutions and bodies as regards the promotion of the ECI.

The European Parliament and the European Economic and Social Committee have both set up their own ECI related websites and developed guidance for citizens and organisers. The European Parliament has furthermore made promotional audio-visual materials available online.

In its capacity of facilitator representing the voice of civil society and promoting different forms of citizens' participation, the EESC has been particularly active in supporting the ECI. Since 2012 it has hosted a yearly event gathering experts and stakeholders, called "ECI Day". It has also organised debates with organisers of several proposed initiatives and offered them translation service as further explained under section 4.1.2.2.

Despite these activities, the level of awareness about the ECI among citizens remains unsatisfactory. Even among those who have responded to the Commission's public consultation about the ECI, 37% had not heard about the ECI. This lack of awareness has been considered as one of the main obstacles in the efficient functioning of the instrument by different stakeholders and in particular by the ECI organisers. The need to promote the instrument and undertake larger awareness-raising actions has thus been highlighted in all contributions to the review process.

Although the communication activities do not require any particular legal basis, the Commission has therefore deemed it useful to highlight their continued importance, on a lasting basis in the context of the ECI, by proposing a specific new provision on communication activities in its proposal for a Regulation. According to this provision, the Commission shall carry out communication activities to raise public awareness of the

[40] These communication channels are also mentioned under section 4.1.2 above, as they serve both the citizens in general and the potential ECI organisers.

existence of the ECI, thereby contributing to promoting the active participation of citizens in the political life of the Union.

4.4.2. Information and transparency with regard to concrete citizens' initiatives

While interactions between initiative organisers and the Commission take place mainly online via the Commission ECI Register, the public interface of the said register displayed on the ECI website allows any interested citizen to directly access the information about all proposed initiatives at their different stages of the procedure.

For each registered initiative the register provides:

- initiative title and content including subject matter, main objectives and provisions of the Treaties considered relevant by the organisers, as well as their translations, if available;
- the annex of the proposed initiative and/or proposed draft legal act if organisers have foreseen such documents, as well as their translations if available;
- information concerning initiative organisers including names of the seven registered members of the citizens' committee and e-mail addresses of its contact persons;
- further references i.e. registration number, date of registration and URL address of the organisers' website if any;
- Information on all sources of support and funding, exceeding 500 EUR per year and per sponsor which should be provided by the organisers at the time of registration and updated regularly afterwards.

Moreover, the ECI register allows the direct consultation of:

- initiatives registered since March 2017, decisions on registration, clarifying in case of partial registration the scope of admissibility of these initiatives;
- information on the already accomplished stages of the procedure, and the stage currently reached, including for successful initiatives the number of collected statements of support after verification, information about the examination process and a page presenting the follow-up actions undertaken in response to the initiative (if any). Uncertainty on the status of initiatives having reached the end of collection can however happen when organisers do not inform/until they inform the Commission of the results of their collection campaign.

To facilitate the support of initiatives, the register offers direct links to the organisers' online collection systems of the initiatives open for collection.

Finally, on a dedicated page, the website allows the consultation of all refused requests for registration and the relevant Commission decisions refusing registration.

While all this information allows already today a high level of transparency as regards the initiatives and the procedures undertaken by the Commission in their respect, additional suggestions and options have been analysed in the scope of the present review:

- The information on the number of statements of support collected by each initiative is today available only to a limited extent. In case of successful initiatives the collected statements of support are verified by the Member States and the number of valid

statements is published by the Commission. For initiatives being in the process of collection and those closed without success, there is today no obligation for organisers to publish this information. While the organisers using the Commission software, may optionally choose to display the number of collected (and not yet verified) statements of support in real time, there exists no similar mechanism for the collection in paper form. Some organisers choose to publish the relevant information on their own website, and others do not.

Thus the information is fragmented, incomplete and it is not available in the ECI Register. The resulting lack of transparency hampers the evaluation and monitoring of the ECI instrument and impedes the acknowledgement of the organisers' achievements as far as they do not reach the final thresholds.

To improve the transparency in this area it is thus proposed that the organisers regularly provide information as regards the number of collected statements of support (both online and on paper) to the Commission for publication in the Register.

- Citizens' committees of several initiatives requested in the past the publication in the ECI register of the names of all their committee members (today the names of only the minimum seven members of the committee are registered and displayed). The proposal takes up this suggestion[41].
- As explained under section 4.1.2., the proposal foresees that the translations are made available directly by the Commission from the start of the collection period.
- Finally, as regards financial transparency, some stakeholders and in particular the European Ombudsman advocated a reinforcement of the current rules set out above. However, to date, the Commission has not received any complaint from the public as regards the financial transparency of initiatives. As a result, the Commission considers that no further measures are justified at this stage.

The proposal however clarifies that organisers must provide information on their funding sources at least every two months.

4.4.3. Communication with signatories

While initiatives' signatories can get informed about the ECI and the progress of the initiative they have supported via the ECI register and website (including the RSS feed they can sign up to) and via the organisers' websites, the current Regulation does not foresee any mechanism allowing the organisers or the Commission to contact them subsequently in a proactive way.

Some organisers have been collecting signatories' email addresses to keep them informed of the initiative follow up and further engage them in the campaign, but to date such collection had to take place outside the process foreseen in the ECI Regulation. Indeed, the current Regulation foresees in its Article 12(3) that when the organisers collect signatories' personal data (as filled in in statements of support) the purpose of this collection is limited to the verification and certification of the collected statements of support by Member States.

This provision was criticised by many organisers who requested that the possibility of collecting signatories' e-mail addresses be explicitly foreseen in the Regulation, for reasons of legal certainty.

[41] See section 4.1.1 above for details

The proposal includes this suggestion, providing that the organisers and the Commission may collect email addresses from signatories of an initiative for the purposes of communication and information activities regarding this initiative where the data subject has given explicit consent to the processing of his or her personal data for such specific purposes. This will allow them to inform the signatories on the progress of this initiative, on new developments and/or on any follow up actions.

It needs to be noted that the process of collection of emails for communication purposes is still separate from the collection of statements of support as such. First, because the signatory shall be allowed to choose whether he or she would like to be further contacted by the Commission and/or by the organisers. Second, as email addresses are not sent to Member States for verification and need to be kept longer in order to keep signatories informed of the Commission response and possible follow-up given to the initiative they have supported for enough time after the submission of the initiative to the Commission. Experience with the first successful initiatives shows that there might be a need to inform signatories on follow-up measures during several years after the Commission response. As regards this last aspect, the Commission proposes that the e-mail addresses shall be kept for:

- a maximum of 12 months after the end of the collection period for initiatives which have not reached the minimum required support;

- a maximum of 12 months after the submission of the initiative to the Commission for those which have reached this support but have been declined by the Commission;

- a maximum of one month after the withdrawal for withdrawn initiatives;

- a maximum of three years after the adoption of the Communication by the Commission for successful initiatives for which follow-up measures are foreseen in the Commission response.

4.5. Personal data protection

Ensuring the appropriate level of personal data protection is an important aspect of the ECI implementation given the potential amount of personal data to be collected and processed in this context.

The proposal contains some new provisions regarding data protection issues which focus on three aspects:

- a technical adaptation, (i) replacing references to Directive 95/46/EC with references to Regulation (EU) 2016/679 (General Data Protection Regulation), the new relevant European legal framework which shall enter into force as of 25 May 2018 and (ii) providing specific references as regards to the processing to be carried out by the Commission in the context of the central online collection system based on Regulation (EU) 45/2001, notably in the privacy statement of the statement of support form;

- some clarifications and adaptations based on the experience of the implementation of the ECI Regulation: (i) the fact that the representative of the citizens' committee (now group of organisers) - or the legal entity if applicable - shall be considered as data controller; and (ii) the revision of the retention periods, notably following the feedback received from Member States indicating that the time limit for the destruction of the data was in some cases too short to already be informed of possible legal proceedings in relation to the results of the verification procedure by the competent national authorities;

- adding a set of specific provisions as regards the collection of email addresses, which given the different purpose of collection and the different required retention periods cannot be subject to the same rules as the collection of personal data as part of the statement of support.

For the discussion concerning the liability of organisers with regard to the personal data protection obligations, see section 4.1.1.2 above.

The entry into force as of 25 May 2018 of the General Data Protection Regulation has notably the following implications for the ECI instrument:

- the notification of the competent data protection authority(ies) by the organisers prior to starting the collection of statements of support (where it was applicable) is not required anymore.

In case the data collected are to be considered as special categories of data (personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership), prior to the processing of data, organisers will need to:

- designate a data protection officer and publish his/her contact details and communicate them to the relevant supervisory authority;

- carry out a data protection impact assessment explaining the context and describing the envisaged data processing, the risks and the measures that will be taken to address those risks;

- consult the relevant supervisory authority if there are any high risks that are not mitigated.

The Commission will raise awareness about the General Data Protection Regulation and provide explanations to organisers prior to the entry into force of this Regulation.

In the context of the proposal, should the data collected be considered as a special category of data, organisers will need to comply with the above requirements in case they collect statements in paper form or via an individual online collection system. They will not be required to do so as regards to the online collection if they use the central online collection system managed by the Commission (and where the Commission will be data controller).

4.6. Summary of the main elements of the proposal

- The provisions regarding **the group of organisers** -which remains at least seven natural persons- are clarified and improved including:

  (i) clarifying the conditions of the **liability of the group of organisers** for any damage caused in the organisation of an initiative (unlawful acts committed intentionally or at least with serious negligence) without prejudice to the requirements under the General Data Protection Regulation which are fully applicable to the ECI; and

  (ii) possibility for organisers to **create a legal entity** (in accordance with national law) for the purpose of managing an initiative which should be considered as the group of organisers for the purposes of the Regulation.

- Support to organisers is enhanced through **information and assistance measures** - i.e. Commission helpdesk and dedicated ECI register and website are maintained; introduction of an online collaborative platform and points of contact in the Member States. The Commission will also take care of the **translations** of the registered initiatives into all official EU languages.

- Improvements in the **registration procedure**, including:

  (i) the possibility of providing **information** to the organisers when the initiative falls outside of the Commission powers; and

  (ii) the possibility of **partial registration of initiatives** in cases where only part of the initiative –including the main objectives– is not manifestly outside of the Commission powers to submit a proposal for a legal act for the purpose of implementing the Treaties.

- The **minimum age to support an initiative is harmonised** at 16.

- The **personal data to be provided by signatories** are simplified via a unified approach based on nationality and on the basis of two options covering all Member States.

- As regards the **collection period**, the organisers can **choose the starting date** of the 12 month collection period within three months from the registration date.

- Organisers should report to the Commission at least every two months **their sources of support and funding** above EUR 500 per sponsor and the **number of statements of support they have collected**, for publication in the register.

- The organisers and the Commission can **collect the email addresses** of the signatories of citizens' initiatives, subject to their consent, for the purposes of communication and information activities.

- The Commission will set up and operate a **central online collection system** for the ECI. The system will be made available free of charge to organisers and include the possibility to support initiatives using eID, to upload the paper-based statements of support in

scanned version and to transfer the statements of support to the competent authorities in the Member States for verification. The processing of personal data via this system will be the responsibility of the Commission, further limiting the liability issues for organisers should they choose to use it.

- Organisers remain free to **build their own system and get it certified** by the competent national authority, if they wish so. Certification should take place after the registration of the initiative with the Commission.

- After the end of the verification of the statements of support by the Member States' competent authorities, organisers have **three months to submit** their initiative to the Commission.

- Improvements are brought to the **examination phase**, including:

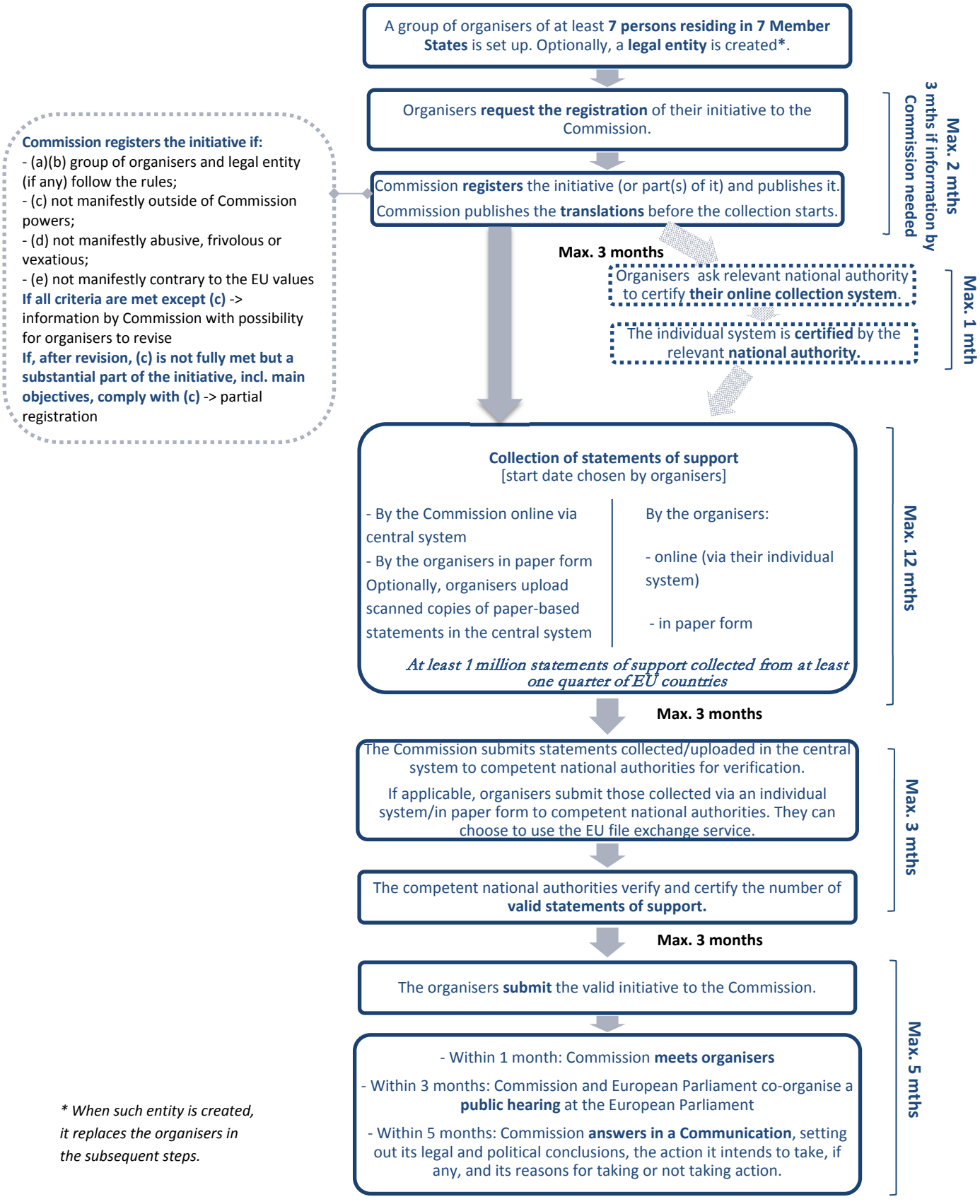
  (i) Extension of the **examination phase from three to five months** to allow more time for citizen participation and debate and for the preparation of the Commission response.

  (ii) Publication and **public hearing at the European Parliament** within three months from the submission of the initiative with explicit provision on **balanced representation** of all stakeholders and representation of **other EU institutions and advisory bodies**;

  (ii) **Commission meets the organisers** at an appropriate level within one month from the submission of the initiative and **adopts a Communication** in response to the initiative explaining its reasons for taking or not taking action within five months; it also **notifies the Communication to the other EU institutions and bodies** at the end of the procedure.

- A provision on **communication activities** is added to raise awareness of citizens to the European citizens' initiative.

4.7. ECI procedure as foreseen in the proposal



** When such entity is created, it replaces the organisers in the subsequent steps.*

ANNEX 1: REFIT AND MONITORING

1. REFIT (SIMPLIFICATION AND IMPROVED EFFICIENCY)

The core of the proposal is to make the ECI more accessible, less burdensome and easier to use for organisers and supporters, but also for the other actors like Member States' competent authorities and the Commission. As a result, most of the improvements set out in the sections above aim to make the instrument more fit for purpose. The need for these improvements is also demonstrated by the many issues highlighted in the REFIT platform Opinion of 27/28 June 2016[42] that have been taken into consideration.

In line with the recommendations of this opinion, the proposal includes specifically:

- the possibility to establish citizens' committees (now groups of organisers) as legal entities;

- reinforced advice and support measures;

- the possibility for organisers to use a central online collection system under the responsibility of the Commission and without the need for a certification;

- a period of maximum three months between the date of registration and the start of collection allowing organisers to prepare their campaign and their online collection system should they decide not to use the central system;

- simplified forms for the collection of statements of support and a unified approach based on the nationality allowing all EU citizens to sign;

- provisions on communication activities to be carried out by the Commission.

Moreover, several provisions of the proposal will allow for improved efficiency and savings, in particular as regards to the online collection of statements of support, the translations of the initiatives, the statement of support forms and the submission of the statements for verification by the Member States' competent authorities. The emphasis has been put on savings for organisers but some also concern public authorities (the Commission and the competent national authorities).

- **Online collection**: the Commission will provide a central system for which organisers will not need to get a certificate from a national authority. This represents an important saving for organisers that will use the central system (costs for organisers have been estimated between 16 000 and 51 000 EUR under the initial scheme foreseen in the Regulation, i.e. when they do not use the Commission hosting) and national authorities (costs have been estimated between 30 000 and 60 000 EUR per certification exercise)[43]. National authorities will nevertheless still need to be prepared to certify systems when the organisers decide to build their own. However, they will not be required anymore to certify systems before confirmation of registration of the initiative concerned by the Commission, saving the costs of certification of systems that will potentially never be used (2 cases have been reported since 2012).

[42] REFIT Platform Opinion on the submission by a member of the Stakeholder group on the European Citizens' Initiative – 27/28 June 2016 available at https://ec.europa.eu/info/files/refit-platform-recommendations-european-citizen-initiative_en

[43] See study on Assessment of ICT impacts of Regulation (EU) No 211/2011 on the citizens' initiative, page 98 (http://ec.europa.eu/citizens-initiative/files/Final-report-ICT-impacts.pdf)

The Commission will bear the costs of the central online collection system. While this will require an important investment to develop this system, the costs per initiative should stabilise overtime and not be higher than the current hosting and support costs for the same level of service, given the absence of a certification procedure, the possibility to integrate it with the register and the economies of scale that will be possible compared to the present scheme where all systems have to be built separately. It is however expected that the central system will offer more features, notably the upload of scanned statements of support and the transfer of statements of support to national authorities, which are aimed at reinforcing the protection of personal data, reducing the potential liability issues for organisers and transferring any related costs from the organisers to the Commission.

- **Translations**: The Commission will be in charge of the translations of the title and content of the registered initiatives, while this is currently the responsibility of the organisers. They may since mid-2015 rely on the service offered to them for free by the European Economic and Social Committee.

While it is difficult to estimate the costs for organisers, it is estimated that the translations will cost the Commission 500 EUR per initiative.

As explained above in section 4.1.2, those costs are likely to be comparable to the situation where the Commission is required to verify the language versions provided by the organisers (initial situation according to the current Regulation) and overall, costs are reduced for the public administrations compared to the current offer of the EESC as this offer implies translation costs for the EESC and other administrative costs for the Commission to handle the process with the organisers.

- **Statements of support forms**: the collection in paper form will be facilitated by the use of only two forms instead of the current 13 different forms. Organisers may however still need to use more sheets of paper depending on the language(s) in which they want to collect statements of support in the different countries. It has not been possible to quantify those savings for organisers.

- **Submission of statements of support to competent national authorities by the Commission**: it is difficult to estimate the costs for organisers as it depends on the way they submit the statements of support to the competent authorities (in person, by registered mail, electronically). The Commission will take care of the submission when organisers will use the central online collection system for all statements of support collected online, as well as for those collected in paper form, scanned and uploaded into the system by the organisers when they wish so. Organisers will therefore save the costs of this secure transfer of the forms. This possibility of transfer will also be offered to organisers not using the central online collection system. The Commission will use an already available IT tool (EU file exchange service) to securely transfer the files.

2. MONITORING

To assess the extent to which the new Regulation reaches its objectives and to address the current lack of data for monitoring, which, as mentioned above, hampers the assessment of the current Regulation, the indicators in the table below have been identified.

These indicators will be regularly monitored by the Commission and serve as the basis for the review of the instrument which will be mainly focussed on the effectiveness and efficiency of various technical provisions.

In particular, the proposal foresees that organisers of initiatives shall report to the Commission the number of statements of support they have collected, for publication in the Register. This will allow the Commission to better monitor the performance of the Regulation without creating a significant additional burden on organisers who in any case have to count them to monitor the progress of their collection campaign.

Figure 5: Monitoring table

Operational objectives	**Indicators**	**Current situation**
Increase the number of requests for registration	Number of requests received by the Commission (source: ECI Register)	13 requests per year on average.
Increase the number of initiatives registered by the Commission	Rate of initiatives registered (source: ECI Register)	70% of requests on average over 5 years
Ensure full 12 months of online collection for all initiatives	Number of initiatives using the central online collection system (source: system managed by Commission) Dates of certification of online collection systems compared with the start dates of collection (source: certificates as published by organisers)	70% of initiatives using the Commission software and servers In average around one month after the date of registration for systems hosted on Commission servers
Increase the average number of statements of support collected per initiative	Number of statements of support collected per initiative at the end of the 12-month collection period (source: ECI Register, based on information to be reported by organisers)	No exact figure is known by the Commission, except for the three successful initiatives
Increase the number of initiatives that reach the required number of statements of support	Number of successful initiatives (source: ECI Register)	3 initiatives in 5 years
Increase the number of initiatives that are subject to follow-up actions from the Commission	Number of initiatives concerned (source: Commission)	2 initiatives in 5 years
Increase the awareness-raising of citizens about the instrument	Results of surveys on awareness of EU citizens on their rights (source: Eurobarometer) Number of participants to	According to the results of Flash Eurobarometer 430 of October 2015, when asked whether EU citizens have the right to participate in a Citizens' initiative, two thirds

	initiatives (organisers and signatories) (source: ECI Register) Number of citizens kept informed by email on the instrument/on successful initiatives (source: ECI Register/online collaborative platform) Number of participants to the online collaborative platform (source: online collaborative platform)	of respondents (66%) responded in the positive.

ANNEX 2: PROCEDURAL INFORMATION

1. LEAD DG, DECIDE PLANNING/CWP REFERENCES

The lead service for the revision of the Regulation (EU) No 211/2011 on the citizens' initiative (ECI Regulation) is the Secretariat-General.

The reference in Decide Planning is: PLAN/2017/1114 - SG - Revision of the Regulation on the European citizens' initiative

This initiative was not foreseen in the Commission Work Programme.

2. ORGANISATION AND TIMING

The revision of the Regulation on the citizens' initiative was publicly announced by the Commission First Vice-President Frans Timmermans on the occasion of the "ECI Day" Conference on 11 April 2017, as a result of a two-year review process triggered by the Commission Report on the application of the Regulation on the citizens' initiative of 31 March 2015.

The Roadmap for this initiative was published on 18 May 2017 and was subject to a feedback from the public until 15 June 2017.

A public consultation was carried out between 24 May and 16 August 2017.

All Commission Directorates-General and Services have been invited to take part in the Inter-service Steering Group set up in the context of the revision. The Steering Group held two meetings on 21 June and 19 July 2017 respectively. In parallel many aspects of the Regulation have been discussed directly in bilateral contacts with the relevant Directorates-General and services, including DG DIGIT, DG JUST, DG CONNECT, DG BUDG, the Commission Data Protection Officer and the Legal Service.

The Expert Group on the citizens' initiative composed of the national authorities competent under the Regulation held a meeting dedicated to the revision of the ECI Regulation on 2 June 2017.

The planned adoption date is 12 September 2017.

3. EVIDENCE, SOURCES AND QUALITY

Evidence and external expertise used:

The Commission analysis draws on the following main sources:

- Commission Report on the application of the Regulation on the citizens' initiative of 31 March 2015
- Commission study on ICT impacts of the Regulation on the citizens' initiative of June 2015

- European Ombudsman own-initiative inquiry of 2013, closed in March 2015
- European Parliament studies "European Citizens' Initiative – First lessons of implementation" (2014) and "Implementation of the European Citizens' Initiative" (2015)
- Council Presidency note of June 2015
- Resolution of the European Parliament of October 2015
- Opinion of the Committee of the Regions of October 2015
- Opinion of the European Economic and Social Committee of July 2016
- Conclusions of the "ECI Days" of 13 April 2015, 20 April 2016, 11 April 2017
- REFIT Platform Recommendations on the citizens' initiative of June 2016
- Eurobarometer results, as published in March 2016
- European Ombudsman Strategic Initiative on the ECI of July 2017.

The sources of analysis include moreover contributions from the public consultation, targeted stakeholder consultation activities mostly carried out in the context of the Commission studies and two petitions on the ECI, as described in detail in the synopsis report of stakeholder consultation (annex 3).

Due to its institutional nature, the ECI Regulation has no direct significant economic, social or environmental impacts. Therefore, no impact assessment was carried out with regard to its revision. However, the different options of improvement of the technical architecture of the instrument have been assessed through three different technical studies carried out in preparation for the revision between October 2016 and August 2017:

- Study on data requirements for the European Citizens' Initiative;
- Study on the use of electronic identification (eID) for the European Citizens' Initiative; and
- Study on online collection systems and technical specifications pursuant to ECI Regulation (EU) No 211/2011 and Implementing Regulation (EU) No1179/2011[44].

Quality of the sources and expertise used for the purpose of analysis in this Staff Working Document:

The following reservations need to be stated as regards the quality of the sources and expertise used for the purpose of analysis in this Staff Working Document:

- There exists no complete information as regards the number of statements of support collected by those initiatives which have not reached the required minima of statements of support, as the organisers do not have the obligation to share this information with the Commission and statements of support in such case are not verified by Member States.

[44] Studies are available on the following page: http://ec.europa.eu/citizens-initiative/public/regulation-review

- To date, only a few among the competent authorities at national level participating in the expert group on the ECI have actively contributed in providing input for the revision process.

- Moreover, in the context of the technical studies on signatories' data requirements and on the e-ID as referred to above, it was difficult to obtain full information regarding the relevant national infrastructure.

- There are strong limitations associated with attempts to quantify impact of signatories' data requirements on participation in the ECI. Whilst inferences can be made based upon agreed indicators that affect participation, and based upon existing literature and stakeholder consultation, statistically significant causal links cannot be established between a reduction in data requirements and an increase in the participation in ECIs by EU citizens.

- In the context of the Commission study on assessment of the ICT impacts of the ECI Regulation mentioned above, only very limited information could be collected from private software and hosting service providers, due to their limited interest in the ECI instrument. This potentially impacts on the reliability of the cost estimations in this study as well as in the study on online collection systems carried out in 2017 since it re-used the information gathered in the previous study.

- The level of awareness about the ECI cannot be discerned directly from the results of the Eurobarometer survey referred to above and under section 4.6, due to the limited nature of the question. The respondents were asked whether EU citizens have the right to participate in a citizens' initiative: while two thirds responded positively, some of them may have simply guessed the right answer.

ANNEX 3: STAKEHOLDER CONSULTATION

Introduction

The stakeholder consultation for the European Citizens' Initiative (ECI) had two phases:

- the first phase (2015-March 2017) started with the Commission's report on application of the ECI Regulation (March 2015) and aimed to gather views on the Regulation and how to improve it, under the existing or a possibly revised legal framework.

- the second phase built on these results and gathered input on how to improve and revise the Regulation.

In addition to allowing stakeholders to express views on how to revise the ECI, the consultation was also an opportunity to raise awareness about the ECI.

1. Stakeholder groups covered by the consultation activities

Input from a wide range of stakeholders was collected as described in the consultation strategy:

- Citizens as signatories/potential signatories of ECI

- Organisers of ECI

- Member States' competent authorities[45]

- NGOs/CSOs (mainly active in the field of participatory/direct democracy and ECI promotion/support).

- Hosting and software providers and IT experts involved in setting up online collection systems.

- Data protection authorities in Member States

- Researchers (academia or think tanks)

- Public authorities managing similar participatory instruments

Input also came from other EU institutions that play a role in implementing the ECI, in particular the European Parliament.

The above list is based on the stakeholder analysis exercise carried out for the Commission's first study[46].

[45] These are the authorities represented in the Commission's expert group on the citizens' initiative.
[46] See Commission study on ICT impacts of the Regulation on the citizens' initiative of June 2015, pages 165-168

2. Consultation activities and other information sources

In the first phase, consultation activities (e.g. survey, interviews, workshops) were carried out in the context of the studies, ECI Days and the European Ombudsman own-initiative inquiry. The outcome echoed the concerns of the main stakeholders – in particular organisers of initiatives and citizens. Relevant documents are:

- the Commission study on ICT impacts of the ECI Regulation (2015),
- two European Parliament studies "European Citizens' Initiative – First lessons of implementation" and "Implementation of the European Citizens' Initiative",
- the Ombudsman own-initiative inquiry,
- the conclusions of the "ECI Days" organised by the European Economic and Social Committee (ECI Day of 13 April 2015 and ECI Day of 20 April 2016),
- the Council Presidency note of 2015,
- the Opinion of the Committee of the Regions of October 2015,
- the Resolution of the European Parliament of October 2015,
- the REFIT Platform Opinion of June 2016, and
- the Opinion of the European Economic and Social Committee of July 2016.

The second phase included feedback on the roadmap (7 comments), a public consultation (May to August 2017), a meeting with the competent national authorities (2 June 2017) and a meeting between the Commission's First Vice-President and civil society organisations active in the field of participatory democracy and the ECI (30 August 2017).

In addition, two Commission studies involved targeted consultations on technical aspects of the instrument and signatories' data requirements.

Finally, two petitions[47] organised by civil society organisations (Mehr Demokratie, Democracy International, ECI Campaign and WeMove.EU) on the ECI reform collected respectively over 40 000 and over 100 000 signatures[48].

For some stakeholder groups, in particular hosting and software providers, it was challenging to obtain input. For the Commission's study on ICT impacts of the ECI Regulation (2015), only 11 hosting providers replied of the 100 who were contacted in 23 countries.

Only a few competent national authorities, all represented in the expert group on the ECI, provided input to the review. In some countries, it was difficult to get information for the different studies, in particular the one on signatories' data requirements and on e-ID.

The public consultation[49] generated 5.323 responses, 98% from individuals. 37% of respondents replied that they had not heard of the ECI before, which confirms that the public

[47] https://act.wemove.eu/campaigns/ECI-change-Eu-democracy-EN?utm_source=civimail-8121&utm_medium=email&utm_campaign=20170811; https://www.democracy-international.org/eci-final-call

[48] The second petition is still open for signature.

[49] Respondents did not always reply to all the questions of the public consultation. Results (%) are therefore calculated on the basis of the total number of replies to each specific question only.

consultation raised awareness and reached a wider audience than previous activities. 5% of respondents had already organised an initiative or collected statements of support, 3% were preparing to launch one, and 6% indicated that they considered doing so but abandoned the idea.

The number of replies per country varies greatly, with more than 30% from France and 25% from Germany. For 10 Member States (Slovenia, Lithuania, Estonia, Slovakia, Luxembourg, Cyprus, Bulgaria, the Czech Republic, Hungary and Malta) there were very few replies (below 20) despite the various communication activities, including via social media.

The input has been analysed using a data analysis tool[50] complemented by manual analysis.

Feedback received through social media has also been considered.

Several civil society organisations organised a joint campaign[51] encouraging citizens to reply to the public consultation and suggesting answers.

3. Stakeholder consultation results

Stakeholders broadly agree on the need to simplify the ECI and make rules more proportionate to the nature of the instrument as presented in the following sections.

Preparing and launching a citizens' initiative

a. Citizens' committee/Group of organisers

The main concern raised, in particular by organisers, is that citizens' committees which organise initiatives do not have legal personality. Committee members therefore bear personal responsibility and often face obstacles for fund raising and personal data protection procedures.

Several suggestions were made to remedy liability issues:

- the European Parliament in its resolution of October 2015 and the European Economic and Social Committee proposed to limit liability of committee members to acts that are 'unlawful and committed intentionally or with at least serious negligence' based on the model of Directive 2008/99/EC on protection of the environment through criminal law.

- Various organisers of initiatives and civil society organisations, the European Ombudsman, the Committee of the Regions and the REFIT platform proposed to give the citizens' committee legal status.

[50] The tool used is Doris Public Consultation Dashboard, an internal Commission tool for analysing and visualising consultation answers. It relies on open-source libraries using machine-learning techniques and allows the automatic creation of charts for closed questions, the extraction of keywords and named entities from free-text answers as well as filtering functions, sentiment analysis and clustering.

[51] https://www.democracy-international.org/please-participate-public-consultation

- Most respondents to the public consultation suggested to tackle the issue indirectly by reducing the amount of personal data collected from signatories (55% of individuals and 57% of organisations) and/or transferring the responsibility for collecting statements of support from organisers to public authorities (46% of individuals and 37% of organisations). 44% of organisations and 28% of citizens who replied proposed to allow organisations to be part of the citizens' committees.

b. Registration phase, advice and support to organisers

Stakeholders agreed that it is difficult for citizens to propose initiatives that do not fall manifestly outside the Commission's competences and that this results in a high number of refusals to register.

Most of them suggest to maintain the initial check (65% of respondents to the public consultation) but to allow organisers to revise the proposal if the Commission's assessment indicates that the initiative partly or fully falls outside the Commission's powers.

Other stakeholders, as well as the European Parliament, suggested allowing the partial registration of initiatives (as the Commission is now doing). Others (civil society organisations, Committee of the Regions) called for the possibility to register initiatives that would require changing the EU Treaties. Several contributions (European Parliament, EESC, Committee of the Regions, Ombudsman) suggested that the Commission provide more detailed reasoning when refusing to register an initiative.

Stakeholders broadly agreed to strengthen assistance to organisers (83% of respondents to the public consultation) and suggested to provide other types of support such as assistance for (re)drafting, translation of initiatives and financial support.

The REFIT platform proposed to establish an ECI officer, similar to the Hearing Officer for competition law, who would have an independent role within the Commission to advise organisers on the registration procedure.

As part of the public consultation, two options were proposed on assistance in the preparatory phase and two on support to redraft initiatives. On assistance in the preparatory phase, 56% of respondents supported the option of a Commission helpdesk. 77% of respondents supported the option of services offered by independent experts (e.g. an online collaborative platform). Both options for support to redraft initiatives, i.e. independent experts and an ECI officer, were considered equally beneficial by 71% of organisations, while 78% of individuals supported independent experts and 63% an ECI officer.

Collecting and verifying statements of support

c. Minimum age for signatories

Several stakeholders, the European Parliament, the EESC and the ECI Campaign suggested harmonising the minimum age to support an initiative at 16 to encourage participation of young people in the democratic life of the Union.

Almost half of the organisations and 42% of individuals that responded to the public consultation supported this suggestion while 32% overall suggested to maintain the voting

age. 18% of organisations and 25% of individuals proposed to harmonise age at 18.

d. Data to be provided by signatories and verification by Member States

Stakeholders generally proposed to simplify and harmonise data requirements for signatories. Some competent national authorities nevertheless find it complicated to have a harmonised form in all Member States given different administrative processing systems.

On types of data to be provided by signatories, the European Parliament and the ECI Campaign asked to remove personal identification numbers while the EESC proposed to limit this requirement.

For the study on signatories' data requirements, it was challenging to find reliable information on what personal data citizens find sensitive to provide. However, in 21 countries, stakeholders (civil society organisations and national authorities mainly) indicated no issue with the type of data required (including countries requiring personal identification numbers). Likewise, 30% of respondents to the public consultation replied that none of the proposed data would be a problem. 83 respondents, of which 60 were from France, never signed an initiative because of the personal data requested. Of the 2657 respondents who had supported an initiative, 297 felt that too much data was requested but provided them in any case. Overall, 33% found the process to support an initiative not user-friendly, most of them because it took them too long.

However, in the context of the study, where concerns have been raised on the sensitivity to provide some data, they primarily relate to personal identification numbers. The results of the public consultation confirmed this with around 50% of respondents not willing to provide this number (41% among respondents from those countries which currently ask for it). The score is even higher as regards the driving license number with 58% of respondents not willing to provide it – it is currently not requested in the context of the ECI. Those are followed by the last three digits of the personal identification (document) number/driving license number (37% including some respondents who selected it only for the driving license number), the place of birth (33%), the address (28%) and name at birth (27%).

It is also important to note that results differ depending on the country of nationality of the respondent. For example, concerns about providing the address score equal or higher than providing the personal identification (document) number in nine countries (eight of them currently requiring such a number).

Stakeholders broadly agree that all EU citizens should be able to support an initiative regardless of the country of residence. For EU citizens living outside the EU, 49% of respondents to this question of the public consultation (60% of organisations) suggest they should be able to support initiatives, while 42% (34% of organisations) consider that it should be limited to citizens eligible to vote in European Parliament elections. 6% (4% of organisations) think they should not be allowed at all.

Some competent national authorities regret the absence of a procedure to verify paper forms for collecting signatures. Several national authorities raised concerns about the possibility to use software different from the one offered by the Commission, given the increased burden caused by electronic files provided in different formats.

e. Online collection

Stakeholders broadly agree to facilitate online collection. 98% of respondents to the relevant question in the public consultation, as well as some Member States, the European Parliament and the EESC, consider that the Commission should continue to offer its own servers for free. The REFIT Platform suggested developing one centralised system. 67% of respondents to the question concerned in the public consultation replied that the Commission hosting of systems should be made permanent but remain optional. 87% of respondents would prefer the Commission system instead of developing an alternative system.

Several stakeholders (European Ombudsman, European Parliament, EESC, ECI Campaign) highlighted the importance that systems address the needs of persons with disabilities.

Several Member States called for the possibility to sign using e-ID and to develop synergies with eIDAS[52]. The ECI Campaign considers that the system should allow for electronic signatures. 67% of respondents to the public consultation think that using e-ID would make the process more user-friendly, while 87% agreed that several ways for providing support online should be offered in parallel.

On certification of online collection systems, several national authorities suggested that the request to certify systems should be possible only after the Commission has confirmed that it has registered the initiative, and to make the technical specifications (Implementing Regulation (EU) No 1179/2011) more flexible and less burdensome. The ECI Campaign also asked for this simplification.

For the central online collection system, 47% of respondents to the public consultation considered that paper statements should be sent to national authorities and their number reported on the platform during the collection process. 31% think the statements should either be scanned and uploaded or manually entered into the central system, and 13% that paper collection should not be allowed.

f. Time period for collection

Stakeholders broadly agree to revise the timeline of initiatives. Most of them (civil society organisations and organisers, several Member States, the European Parliament, EESC, Committee of the Regions, European Ombudsman) suggest allowing organisers to choose the start date of the collection period within a given time limit.

Some stakeholders suggested extending the collection period, in addition to (Committee of the Regions) or alternatively to (some Member States) the possibility to choose the starting date, or that it should start on the date of certification of the online collection system (European Ombudsman). The REFIT platform considered that if the process is not "streamlined and simplified", the collection period should be extended to 18 months or only start after the certification of the online collection system. Among respondents to the public consultation, 27% of individuals and 40% of organisations suggested revising the timeline, mostly suggesting an extension to 18 months.

Follow-up to successful initiatives

[52] https://ec.europa.eu/digital-single-market/en/trust-services-and-eid

g. Time limit for submission

Some stakeholders, the European Parliament and several national authorities, regret the lack of a time limit for submitting initiatives to the Commission. Two-thirds of respondents to the public consultation suggest setting a deadline (80% of organisations).

h. Examination procedure

Most stakeholders think the Commission should explain in a transparent and detailed manner its political decisions and make the examination and follow-up more inclusive.

Several suggestions were made:

- the European Parliament, the Committee of the Regions, the European Ombudsman and one Member State proposed to reinforce the inclusiveness of the public hearings in the Parliament, notably by inviting experts or stakeholders representing different views, an idea supported by 77% of respondents to the public consultation. The Ombudsman considered that the Council should be present at such hearings.

- the European Ombudsman, supported by 55% of respondents to the consultation considers the 3 months deadline for the Commission to prepare the public hearing and to adopt the Communication too short, preventing wide and transparent consultation.

- The Ombudsman, supported by 70% of respondents to the consultation, suggested involving both Parliament and Council before the Commission takes a position on an initiative.

- The European Parliament, EESC, Committee of the Regions suggested that the Commission start preparing a legal act within 12 months if it agrees to a successful ECI.

Communication and transparency

All stakeholders agree on the need to increase awareness of the ECI. This is confirmed by the fact that 37% of respondents to the public consultation had not heard of the tool. Several suggestions were made, notably to:

- set up information campaigns (European Parliament, several Member States, EESC, REFIT Platform), involving local and regional authorities (Committee of the Regions);

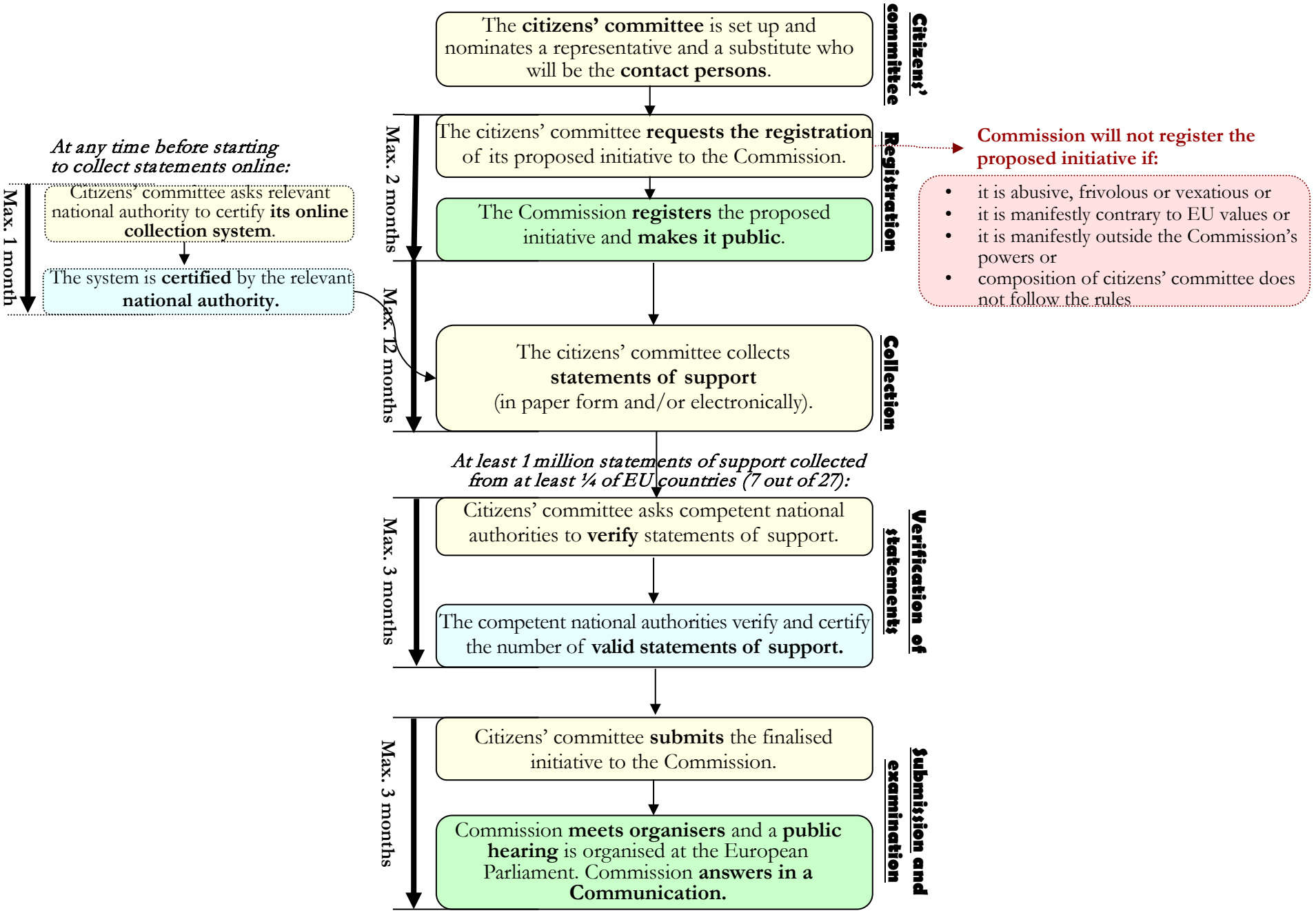
- create applications that provide information, send notifications and allow online signing (European Parliament);

The EESC, Committee of the Regions and the ECI Campaign suggest facilitating dialogue with citizens by allowing organisers and/or the EU institutions to inform signatories about the results achieved. A majority of respondents to the public consultation would like to be kept informed about the initiative they supported and its follow-up by the organisers (65%) and the Commission (52%).

The suggestions from stakeholders have been duly taken into account in the revised proposal. Some suggestions have not been taken up either because they were considered less effective or efficient than others or because they were not legally possible. Detailed explanations are

provided in the Staff Working Document, notably sections 4.1, 4.2, 4.3 and 4.4.

ANNEX 4: CURRENT ECI PROCEDURE (REGULATION (EU) NO 211/2011)



ANNEX 5: SIGNATORIES' DATA REQUIREMENTS ACCORDING TO MEMBER STATES

	Data required	Member State(s)
1	1. Full first names 2. Family names 3. Nationality 4. Personal identification (document) type and number	Czech Republic Cyprus Latvia Lithuania Hungary Sweden
2	1. Full first names 2. Family names 3. Residence (street, number, postal code, city, country) 4. Date of birth 5. Place of birth 6. Nationality	Belgium Denmark Germany Estonia Luxembourg
3	1. Full first names 2. Family names 3. Date of birth 4. Nationality 5. Personal identification (document) type and number	Spain Malta Portugal
4	1. Full first names 2. Family names 3. Residence (street, number, postal code, city, country) 4. Nationality 5. Personal identification number	Croatia Poland
5	1. Full first names 2. Family names 3. Name at birth 4. Residence (street, number, postal code, city, country) 5. Date of birth 6. Place of birth 7. Nationality	The Netherlands Slovakia
6	1. Full first names 2. Family names 3. Residence (street, number, postal code, city, country) 4. Date of birth 5. Nationality	Ireland The United Kingdom
7	1. Full first names 2. Family names 3. Residence (street, number, postal code, city, country) 4. Date of birth 5. Place of birth 6. Nationality 7. Personal identification document type and number	France Austria
8	1. Full first names 2. Family names 3. Country of permanent residence 4. Date of birth 5. Nationality	Finland

9	1. Full first names 2. Family names 3. Residence (street, number, postal code, city, country) 4. Date of birth 5. Place of birth 6. Nationality 7. Personal identification document type and number 8. Issuing authority of the personal identification document	Italy
10	1. Full first names 2. Family names 3. Father's name 4. Name at birth 5. Date of birth 6. Nationality 7. Personal identification document type and number	Greece
11	1. Full first names 2. Family names 3. Father's name 4. Nationality 5. Personal identification number	Bulgaria
12	1. Full first names 2. Family names 3. Residence (street, number, postal code, city, country) 4. Date of birth 5. Nationality 6. Personal identification (document) type and number	Romania
13	1. Full first names 2. Family names 3. Date of birth 4. Place of birth 5. Nationality 6. Personal identification number	Slovenia

ANNEX 6: REQUIREMENTS TO SIGN UP TO A EUROPEAN CITIZENS' INITIATIVE

GENERAL REQUIREMENTS

To support a European Citizens' Initiative, signatories must be EU citizens (nationals of an EU member state) and be old enough to vote in European Parliament elections (18 except in Austria where the voting age is 16).

DATA REQUIREMENTS

The data that signatories are required to provide in their statement of support forms will depend on the EU member state which they come from. This is because it is the member states that are responsible for verifying the validity of signatories' statements of support and for certifying the number of valid statements collected in each country (organisers of initiatives are required to collect a certain number of signatures in at least 7 EU member states).

If a signatory lives in one member state but is a national of another member state or if a signatory holds the nationality of several member states, they will need to choose the country for which their statement of support will be counted. They should select the country which will be able to verify the data they provide in their statement of support: depending on the case, this could be the country that issued the personal identification document number that they provide, their country of residence or their country (or one of their countries) of nationality. In any case, signatories are allowed to sign up to a given initiative only once.

SPECIFIC REQUIREMENTS FOR EACH MEMBER STATE

Austria

Signatories have to provide **one of the following personal identification document numbers issued by Austria:**

- Reisepass (passport)
- Personalausweis (identity card)

Belgium

Signatories must be **residents in Belgium or Belgian nationals residing outside Belgium** provided they have informed the Belgian authorities about their place of residence.

Bulgaria

Signatories have to provide the following **personal identification number issued by Bulgaria**:

- Единен граждански номер (personal number)

Croatia

Signatories have to provide the following **personal identification number issued by Croatia:**

- Osobni identifikacijski broj (personal identification number)

Cyprus

Signatories have to provide one of the following **personal identification document numbers issued by Cyprus**:

- Δελτίο Ταυτότητας (identity card of national or resident)
- Διαβατήριο (passport)

Czech Republic

Signatories have to provide one of the following **personal identification document numbers issued by the Czech Republic**:

- Občanský průkaz (national identity card)
- Cestovní pas (passport)

Denmark

Signatories must be **residents in Denmark or Danish nationals residing outside Denmark** provided they have informed the Danish authorities about their place of residence.

Estonia

Signatories must be **residents in Estonia or Estonian nationals** even if they reside outside Estonia.

Finland

Signatories must be **residents in Finland or Finnish nationals** even if they reside outside Finland.

France

Signatories have to provide one of the following **personal identification document numbers issued by France**:

- Passeport (passport)
- Carte nationale d'identité (national identity card)

Germany

Signatories must be **residents in Germany or German nationals residing outside Germany** provided they have informed the German authorities about their place of residence.

Greece

Signatories have to provide one of the following **personal identification document numbers issued by Greece**:

- Δελτίο Αστυνομικής Ταυτότητας (identity card)
- Διαβατήριο (passport)
- Βεβαίωση Εγγραφής Πολιτών Ε.Ε./Εγγραφο πιστοποίησης μόνιμης διαμονής πολίτη Ε.Ε. (residence certificate/permanent residence certificate)

Hungary

Signatories have to provide one of the following **personal identification (document) numbers issued by Hungary**:

- személyazonosító igazolvány (identity card)
- útlevél (passport)
- személyi azonosító szám (személyi szám) (personal identification number)

Ireland

Signatories must be **residents** in Ireland.

Irish nationals living in another member state should select that member state.

Italy

Signatories have to provide one of the following **personal identification document numbers issued by Italy**:

- Passaporto, inclusa l'indicazione dell'autorità di rilascio (passport, including issuing authority)
- Carta di identità, inclusa l'indicazione dell'autorità di rilascio (identity card, including issuing authority)

Latvia

Signatories have to provide the following **personal identification number issued by Latvia**:

- Personas kods (personal identification number)

Lithuania

Signatories have to provide the following **personal identification number issued by Lithuania**:

- Asmens kodas (personal number)

Luxembourg

Signatories must be **residents in Luxembourg or Luxembourgish nationals residing outside Luxembourg** provided they have informed the Luxembourgish authorities about their place of residence.

Malta

Signatories have to provide one of the following **personal identification document numbers issued by Malta**:

- Karta tal-Identità (identity card)
- Dokument ta 'residenza (residence document)

Netherlands

Signatories must be **residents in the Netherlands or Dutch nationals** even if they reside outside the Netherlands.

Poland

Signatories have to provide the following **personal identification number issued by Poland**:

- Numer ewidencyjny PESEL (PESEL identification number)

Portugal

Signatories have to provide one of the following **personal identification document numbers issued by Portugal**:

- Bilhete de identidade (identity card)
- Passaporte (passport)
- Cartão de Cidadão (citizen's card)

Romania

Signatories have to provide one of the following **personal identification (document) numbers issued by Romania**:

- carte de identitate (identity card)
- pașaport (passport)
- certificat de înregistrare (registration certificate)
- carte de rezidență permanentă pentru cetățenii UE (permanent residence card for EU citizens)
- Cod Numeric Personal (personal identification number)

Slovakia

Signatories must be **residents in Slovakia or Slovakian nationals** even if they reside outside Slovakia.

Slovenia

Signatories have to provide the following **personal identification number issued by Slovenia**:

- Enotna matična številka občana (personal identification number)

Spain

Signatories have to provide one of the following **personal identification (document) numbers issued by Spain**:

- Documento Nacional de Identidad (identity card)
- Pasaporte (passport)
- Número de Identidad de Extranjero, de la tarjeta o certificado, correspondiente a la inscripción en el Registro Central de Extranjeros (foreigner's identification number (NIE), of the card or certificate, corresponding to the registration in the Foreigners' Central Registry)

Sweden

Signatories have to provide the following **personal identification number issued by Sweden**:

- Personnummer (personal identification number)

United Kingdom

Signatories must be **residents** in the United Kingdom.

UK nationals living in another member state should select that member state.

ANNEX 7: ECI COUNTRY FORM THAT SIGNATORIES CAN USE DEPENDING ON THEIR CITIZENSHIP AND RESIDENCE

This table has been elaborated on the basis of the signatory requirements set out by the Member States in Regulation (EU) No 211/ 2011 on the citizens' initiative.

Legend:	
CC = Country Code	
CC	You can use the form of the country corresponding to the Country Code indicated (either the one of your country of nationality or the one of your country of residence)
CC/CC	You can **choose** between the forms of the countries corresponding to the Country Codes indicated (your country of nationality and your country of residence) - In any case, you can give your support **ONLY ONCE** for a given European citizens' initiative
x	Due to the requirements asked by your country of nationality and your country of residence, you cannot give your support to a European citizens' initiative. In addition, non-EU citizens cannot support a European citizens
CC	The use of the corresponding form is subject to the holding of a personal identification (document) number issued by the country concerned (see the (document) number(s) accepted by each country concerned below the table)
*	Only if your national authorities are informed of your place of residence

If you are a	**Citizen of**	Belgium (BE)	Bulgaria (BG)	Czech Republic (CZ)	Denmark (DK)	Germany (DE)	Estonia (EE)	Ireland (IE)	Greece (EL)	Spain (ES)	France (FR)	Croatia (HR)	Italy (IT)	Cyprus (CY)	Latvia (LV)	Lithuania (LT)	Luxembourg (LU)	Hungary (HU)	Malta (MT)	Netherlands (NL)	Austria (AT)	Poland (PL)	Portugal (PT)	Romania (RO)	Slovenia (SI)	Slovakia (SK)	Finland (FI)	Sweden (SE)	United Kingdom (UK)	NON-EU
Resident in																														
Belgium (BE)		BE	BE/ BG	BE/ CZ	BE/ DA*	BE/ DE*	BE/ EE	BE	BE/ EL	BE/ ES	BE/ FR	BE/ HR	BE/ IT	BE/ CY	BE/ LV	BE/ LT	BE/ LU*	BE/ HU	BE/ MT	BE/ NL	BE/ AT	BE/ PL	BE/ PT	BE/ RO	BE/ SI	BE/ SK	BE/ FI	BE/ SE	BE	x
Bulgaria (BG)		BE*	BG	CZ	DA*	DE*	EE	x	EL	ES	FR	HR	IT	CY	LV	LT	LU*	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	x	x
Czech Republic (CZ)		BE*	BG	CZ	DA*	DE*	EE	x	EL	ES	FR	HR	IT	CY	LV	LT	LU*	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	x	x
Denmark (DK)		BE* / DA	BG/ DA	CZ/ DA	DA	DA/ DE*	DA/ EE	DA	DA/ EL	DA/ ES	DA/ FR	DA/ HR	DA/ IT	DA/ CY	DA/ LV	DA/ LT	DA/ LU*	DA/ HU	DA/ MT	DA/ NL	DA/ AT	DA/ PL	DA/ PT	DA/ RO	DA/ SI	DA/ SK	DA/ FI	DA/ SE	DA	x
Germany (DE)		BE* / DE	BG/ DE	CZ/ DE	DA*/ DE	DE	DE/ EE	DE	DE/ EL	DE/ ES	DE/ FR	DE/ HR	DE/ IT	DE/ CY	DE/ LV	DE/ LT	DE/ LU*	DE/ HU	DE/ MT	DE/ NL	DE/ AT	DE/ PL	DE/ PT	DE/ RO	DE/ SI	DE/ SK	DE/ FI	DE/ SE	DE	x
Estonia (EE)		BE* / EE	BG/ EE	CZ/ EE	DA*/ EE	DE*/ EE	EE	EE	EE/ EL	EE/ ES	EE/ FR	EE/ HR	EE/ IT	EE/ CY	EE/ LV	EE/ LT	EE/ LU*	EE/ HU	EE/ MT	EE/ NL	EE/ AT	EE/ PL	EE/ PT	EE/ RO	EE/ SI	EE/ SK	EE/ FI	EE/ SE	EE	x
Ireland (IE)		BE* / IE	BG/ IE	CZ/ IE	DA*/ IE	DE*/ IE	EE/ IE	IE	IE/ EL	IE/ ES	IE/ FR	IE/ HR	IE/ IT	IE/ CY	IE/ LV	IE/ LT	IE/ LU*	IE/ HU	IE/ MT	IE/ NL	IE/ AT	IE/ PL	IE/ PT	IE/ RO	IE/ SI	IE/ SK	IE/ FI	IE/ SE	IE	x
Greece (EL)		BE* / EL	BG/ EL	CZ/ EL	DA*/ EL	DE*/ EL	EE/ EL	EL	EL	EL/ ES	EL/ FR	EL/ HR	EL/ IT	EL/ CY	EL/ LV	EL/ LT	EL/ LU*	EL/ HU	EL/ MT	EL/ NL	EL/ AT	EL/ PL	EL/ PT	EL/ RO	EL/ SI	EL/ SK	EL/ FI	EL/ SE	EL	x

If you are a	Citizen of	Belgium (BE)	Bulgaria (BG)	Czech Republic (CZ)	Denmark (DK)	Germany (DE)	Estonia (EE)	Ireland (IE)	Greece (EL)	Spain (ES)	France (FR)	Croatia (HR)	Italy (IT)	Cyprus (CY)	Latvia (LV)	Lithuania (LT)	Luxembourg (LU)	Hungary (HU)	Malta (MT)	Netherlands (NL)	Austria (AT)	Poland (PL)	Portugal (PT)	Romania (RO)	Slovenia (SI)	Slovakia (SK)	Finland (FI)	Sweden (SE)	United Kingdom (UK)	NON-EU
Resident in																														
Spain (ES)		BE* / ES	BG/ ES	CZ/ ES	DA*/ ES	DE*/ ES	EE/ ES	ES	EL/ ES	ES	ES/ FR	ES/ HR	ES/ IT	ES/ CY	ES/ LV	ES/ LT	ES/ LU*	ES/ HU	ES/ MT	ES/ NL	ES/ AT	ES/ PL	ES/ PT	ES/ RO	ES/ SI	ES/ SK	ES/ FI	ES/ SE	ES	x
France (FR)		BE*	BG	CZ	DA*	DE*	EE	x	EL	ES	FR	HR	IT	CY	LV	LT	LU*	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	x	x
Croatia (HR)		BE* / HR	BG/ HR	CZ/ HR	DA*/ HR	DE*/ HR	EE/ HR	HR	EL/ HR	ES/ HR	FR/ HR	HR	HR/ IT	HR/ CY	HR/ LV	HR/ LT	HR/ LU*	HR/ HU	HR/ MT	HR/ NL	HR/ AT	HR/ PL	HR/ PT	HR/ RO	HR/ SI	HR/ SK	HR/ FI	HR/ SE	HR	x
Italy (IT)		BE* / IT	BG/ IT	CZ/ IT	DA*/ IT	DE*/ IT	EE/ IT	IT	EL/ IT	ES/ IT	FR/ IT	IT/ HR	IT	IT/ CY	IT/ LV	IT/ LT	IT/ LU*	IT/ HU	IT/ MT	IT/ NL	IT/ AT	IT/ PL	IT/ PT	IT/ RO	IT/ SI	IT/ SK	IT/ FI	IT/ SE	IT	x
Cyprus (CY)		BE* / CY	BG/ CY	CZ/ CY	DA*/ CY	DE*/ CY	EE/ CY	CY	EL/ CY	ES/ CY	FR/ CY	HR/ CY	IT/ CY	CY	CY/ LV	CY/ LT	CY/ LU*	CY/ HU	CY/ MT	CY/ NL	CY/ AT	CY/ PL	CY/ PT	CY/ RO	CY/ SI	CY/ SK	CY/ FI	CY/ SE	CY	x
Latvia (LV)		BE* / LV	BG/ LV	CZ/ LV	DA*/ LV	DE*/ LV	EE/ LV	LV	EL/ LV	ES/ LV	FR/ LV	HR/ LV	IT/ LV	CY/ LV	LV	LV/ LT	LV/ LU*	LV/ HU	LV/ MT	LV/ NL	LV/ AT	LV/ PL	LV/ PT	LV/ RO	LV/ SI	LV/ SK	LV/ FI	LV/ SE	LV	x
Lithuania (LT)		BE* / LT	BG/ LT	CZ/ LT	DA*/ LT	DE*/ LT	EE/ LT	LT	EL/ LT	ES/ LT	FR/ LT	HR/ LT	IT/ LT	CY/ LT	LV/ LT	LT	LT/ LU*	LT/ HU	LT/ MT	LT/ NL	LT/ AT	LT/ PL	LT/ PT	LT/ RO	LT/ SI	LT/ SK	LT/ FI	LT/ SE	LT	x
Luxembourg (LU)		BE* / LU	BG/ LU	CZ/ LU	DA*/ LU	DE*/ LU	EE/ LU	LU	EL/ LU	ES/ LU	FR/ LU	HR/ LU	IT/ LU	CY/ LU	LV/ LU	LT/ LU	LU	LU/ HU	LU/ MT	LU/ NL	LU/ AT	LU/ PL	LU/ PT	LU/ RO	LU/ SI	LU/ SK	LU/ FI	LU/ SE	LU	x
Hungary (HU)		BE* / HU	BG / HU	CZ / HU	DA* / HU	DE* / HU	EE / HU	HU	EL / HU	ES / HU	FR / HU	HR / HU	IT / HU	CY / HU	LV / HU	LT / HU	LU* / HU	HU	MT / HU	NL / HU	AT / HU	PL / HU	PT / HU	RO / HU	SI / HU	SK / HU	FI / HU	SE / HU	HU	x
Malta (MT)		BE*/ MT	BG/ MT	CZ/ MT	DA*/ MT	DE*/ MT	EE/ MT	MT	EL/ MT	ES/ MT	FR/ MT	HR/ MT	IT/ MT	CY/ MT	LV/ MT	LT/ MT	LU*/ MT	HU/ MT	MT	NL/ MT	AT/ MT	PL/ MT	PT/ MT	RO/ MT	SI/ MT	SK/ MT	FI/ MT	SE/ MT	MT	x
Netherlands (NL)		BE* / NL	BG/ NL	CZ/ NL	DA*/ NL	DE*/ NL	EE/ NL	NL	EL/ NL	ES/ NL	FR/ NL	HR/ NL	IT/ NL	CY/ NL	LV/ NL	LT/ NL	LU*/ NL	HU/ NL	MT/ NL	NL	NL/ AT	NL/ PL	NL/ PT	NL/ RO	NL/ SI	NL/ SK	NL/ FI	NL/ SE	NL	x
Austria (AT)		BE*	BG	CZ	DA*	DE*	EE	x	EL	ES	FR	HR	IT	CY	LV	LT	LU*	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	x	x
Poland (PL)		BE* / PL	BG/ PL	CZ/ PL	DA*/ PL	DE*/ PL	EE/ PL	PL	EL/ PL	ES/ PL	FR/ PL	HR/ PL	IT/ PL	CY/ PL	LV/ PL	LT/ PL	LU*/ PL	HU/ PL	MT/ PL	NL/ PL	AT/ PL	PL	PT/ PL	RO/ PL	SI/ PL	SK/ PL	FI/ PL	SE/ PL	PL	x
Portugal (PT)		BE*	BG	CZ	DA*	DE*	EE	x	EL	ES	FR	HR	IT	CY	LV	LT	LU*	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	x	x

If you are a	Citizen of	Belgium (BE)	Bulgaria (BG)	Czech Republic (CZ)	Denmark (DK)	Germany (DE)	Estonia (EE)	Ireland (IE)	Greece (EL)	Spain (ES)	France (FR)	Croatia (HR)	Italy (IT)	Cyprus (CY)	Latvia (LV)	Lithuania (LT)	Luxembourg (LU)	Hungary (HU)	Malta (MT)	Netherlands (NL)	Austria (AT)	Poland (PL)	Portugal (PT)	Romania (RO)	Slovenia (SI)	Slovakia (SK)	Finland (FI)	Sweden (SE)	United Kingdom (UK)	NON-EU
Resident in																														
Romania (RO)		BE* / RO	BG/ RO	CZ/ RO	DA*/ RO	DE*/ RO	EE/ RO	RO	EL/ RO	ES/ RO	FR/ RO	HR/ RO	IT/ RO	CY/ RO	LV/ RO	LT/ RO	LU*/ RO	HU/ RO	MT/ RO	NL/ RO	AT/ RO	PL/ RO	PT/ RO	RO	RO/ SI	RO/ SK	RO/ FI	RO/ SE	RO	x
Slovenia (SI)		BE* / SI	BG/ SI	CZ/ SI	DA*/ SI	DE*/ SI	EE/ SI	SI	EL/ SI	ES/ SI	FR/ SI	HR/ SI	IT/ SI	CY/ SI	LV/ SI	LT/ SI	LU*/ SI	HU/ SI	MT/ SI	NL/ SI	AT/ SI	PL/ SI	PT/ SI	RO/ SI	SI	SI/ SK	SI/ FI	SI/ SE	SI	x
Slovakia (SK)		BE* / SK	BG/ SK	CZ/ SK	DA*/ SK	DE*/ SK	EE/ SK	SK	EL/ SK	ES/ SK	FR/ SK	HR/ SK	IT/ SK	CY/ SK	LV/ SK	LT/ SK	LU*/ SK	HU/ SK	MT/ SK	NL/ SK	AT/ SK	PL/ SK	PT/ SK	RO/ SK	SI/ SK	SK	SK/ FI	SK/ SE	SK	x
Finland (FI)		BE* / FI	BG/ FI	CZ/ FI	DA*/ FI	DE*/ FI	EE/ FI	FI	EL/ FI	ES/ FI	FR/ FI	HR/ FI	IT/ FI	CY/ FI	LV/ FI	LT/ FI	LU*/ FI	HU/ FI	MT/ FI	NL/ FI	AT/ FI	PL/ FI	PT/ FI	RO/ FI	SI/ FI	SK/ FI	FI	FI/ SE	FI	x
Sweden (SE)		BE* / SE	BG/ SE	CZ/ SE	DA*/ SE	DE*/ SE	EE/ SE	SE	EL/ SE	ES/ SE	FR/ SE	HR/ SE	IT/ SE	CY/ SE	LV/ SE	LT/ SE	LU*/ SE	HU/ SE	MT/ SE	NL/ SE	AT/ SE	PL/ SE	PT/ SE	RO/ SE	SI/ SE	SK/ SE	FI/ SE	SE	SE	x
United Kingdom (UK)		BE* / UK	BG/ UK	CZ/ UK	DA*/ UK	DE*/ UK	EE/ UK	UK	EL/ UK	ES/ UK	FR/ UK	HR/ UK	IT/ UK	CY/ UK	LV/ UK	LT/ UK	LU*/ UK	HU/ UK	MT/ UK	NL/ UK	AT/ UK	PL/ UK	PT/ UK	RO/ UK	SI/ UK	SK/ UK	FI/ UK	SE/ UK	UK	x
NON-EU		BE*	BG	CZ	DA*	DE*	EE	x	EL	ES	FR	HR	IT	CY	LV	LT	LU*	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	x	x

ANNEX 8: CORRELATION TABLE

Regulation (EU) No 211/2011	**The proposal**
Article 1 and 2	Article 1
Article 3(1)	Article 5(2)
Article 3(2)	Article 5(1)(3)
Article 3(3)	Article 5(4)
Article 3(4)	Article 2
Article 4(1) first subparagraph	Article 6(1)
Article 4(1) second subparagraph	Articles 6(2) and 4(3)
Article 4(1) third subparagraph	Article 16
Article 4(1) fourth subparagraph	Article 4(4)
Article 4(1) fifth subparagraph	Article 4(1)
Article 4(2)	Article 6(3)
Article 4(3)	Articles 6(3) (7)
Article 4(4)	Articles 6(5) and 18(7)
Article 4(5)	Article 7
Article 5(1)	Articles 9(2) (5)
Article 5(2)	Article 9(1)
Article 5(3)	Article 9(2)(3)(6)
Article 5(4)	Article 9(4)
Article 5(5) first subparagraph	Article 8(1)
Article 5(5) second subparagraph	Articles 8(2) and 9(7)
Article 6(1) first and second subparagraphs	Article 11(1)
Article 6(1) third subparagraph	Article 9(2) fifth subparagraph
Article 6(2)	Article 11(2)(3)(6)

Article 6(3)	Article 11 (3)
Article 6(4)	Article 11(4)
Article 6(5)	Article 11(5)
Article 7(1)	Article 3(1)(a)
Article 7(2)	Article 3(1)(b)
Article 7(3)	Article 22
Article 7(4)	Article 3(2)
Article 8(1)	Article 12(1)(2)
Article 8(2)	Article 12(4)
Article 8(3)	Article 12(5)
Article 9	Articles 13 and 16
Article 10(1)	Articles 14(1) and 15(1) (2)
Article 10(2)	Article 15(2)
Article 11	Article 14(2) and (3)
Article 12	Article 18(1) to (5)
Article 13	Article 5(5)
Article 14	Article 5(6)
Article 15(1)	Article 19(1)
Article 15(2)	Article 19(2)
Article 15(3) and (4)	Article 19(3)
Article 16	Article 22
Article 17	Article 23
Article 18	Article 23
Article 19	Article 23
Article 20	Article 21
Article 21	Article 20

Article 22	Article 26
Article 23	Article 28
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
Annex IV	Annex IV
Annex V	Annex V
Annex VI	Annex VI
Annex VII	Annex VII

New provisions in the Proposal:

Article 4(2)(5)(6)

Article 5(4)(7)

Article 6(4)(8)

Article 8(2)(3)

Article 10

Article 12(3)

Article 15(3)

Article 17

Article 18(6)

Article 27