

Conference “Open Europe: Open Data for Open Society”,
18th-19th of February, 2015, Riga & Jelgava

Conclusions and Recommendations of Expert Panel on European Citizens' Initiative

Information about the Event and the Expert Panel

As part of the official agenda of Latvian Presidency in the Council of the European Union¹, several civil society organisations – Latvian Open Technology Association, Centre for Public Policy PROVIDUS and Civic Participation Foundation - organized an international conference “Open Europe: Open Data for Open Society” on February 18th-19th, 2015.

Within the framework of this conference, an international expert convened for 2.5 hours to discuss successful national level e-petitioning /civic initiative systems and the European Citizens' Initiative. The aim of this discussion: to collect the experience of successful national level e-petitioning systems/citizen initiatives' in order to understand whether there are lessons to be learned for the ECI mechanism. In the panel there were experts on national level e-petitioning/civic initiatives' systems from Finland, Latvia, Switzerland, UK, Estonia

Experts: Joonas Pekkanen (Finland), Madara Peipiņa (Latvia), Peter Herlihy (United Kingdom), Uwe Serdült (Switzerland), Liia Hänni (Estonia), Xavier Dutoit (France)². The discussion was moderated by Iveta Kazoka, Centre for Public Policy PROVIDUS.

Discussion

The full video recording of discussions is available online on the conference website³.

The discussion built upon several evaluations/reports on ECI already published by European Union institutions and civic society organisations. Among those, the most important evaluations were the following:

- ECI That Works! Learning from the first two years of European Citizens' Initiative (edited by Carsten Berg and Janice Thompson)⁴

¹ <https://eu2015.lv/events/political-meetings/conference-open-europe-open-data-for-open-society-2015-02-18>

² More information about each of the experts and their presentations can be found on the conference webpage <http://lata.org.lv/conference-2015/international-expert-panel-discussion/>

³ It can also be viewed directly on YouTube here: <https://www.youtube.com/watch?v=w4cxQqvOtaQ>

⁴ http://ecithatworks.org/wp-content/uploads/2014/04/An_ECI_That_Works.pdf

- European Citizens' Initiative – First Lessons of Implementation (study by European Parliament)⁵
- Presentations and discussions during „European Citizens' Initiative Day 2014: Building up success” (organized by EESC)⁶
- ECI Legal Framework – need for reform? (ECI support centre, ECAS)⁷

Then successively the experience of Latvia, Finland, Switzerland, Estonia and UK were discussed. One can see the full presentations + video recordings of those presentations on the conference website⁸.

The most important facts shared by the panellists were the following:

- 1) In **Latvia** since 2011 already 8 civic initiatives have received a reaction from the parliament and contributed to/resulted in the amendments of the policy;
- 2) In **Finland** since the institutionalization of citizen initiatives in 2012, there have been 9 initiatives that have reached the parliament, among those 1 has been turned into law;
- 3) In **Switzerland** the citizen initiatives go to general vote (the parliament can propose counter-proposals) . There have been 25 such initiatives from 2010-2014. 5 initiatives have been approved, 20 – declined. Even though the success rate is not high, around 50% of initiatives indirectly enters into the Swiss laws and policies;
- 4) **Estonia** in 2014 institutionalized the citizen initiatives (collective proposals). There are already 4 pending proposals. At the moment Estonia is working on a new internet platform where, prior to proposing a petition, there will be a possibility to deliberate on its contents.
- 5) In **United Kingdom** the e-petitioning platform was introduced in 2011 - there are 5 million signatories every year. 36 have reached the threshold of 100 000 which entitles them to a debate on House of Commons. Generally, it takes less than 2 minutes to sign a petition.

Following presentations on national-level citizen initiatives, the panellists and the audience engaged in an in-depth discussion on the lessons to be learned for the ECI mechanism. The main focus of the discussion: how to find the right balance between the necessity to engage citizens and the necessity to avoid risks (such as - bad decisions being taken due to a citizens' initiative or there being irregularities in the process of collecting signatures or the initiative itself not fitting the legal requirements, etc.)



⁵ [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509982/IPOL_STU\(2014\)509982_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509982/IPOL_STU(2014)509982_EN.pdf)

⁶ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eci-day-2014>

⁷ <http://www.ecas.org/wp-content/uploads/2014/12/Report-on-ECI-conference-December-2014.pdf>

⁸ <http://lata.org.lv/conference-2015/international-expert-panel-discussion/>

Conclusions and Recommendations

There are four main conclusions from the debate:

1. ECI participation rates cannot be considered a success – they are partly a result of restrictive formulations on ECI found in the EU treaties;
2. ECI system is skewed in favour of excessive risk avoidance;
3. ECI suffers from webpage usability issues;
4. European Commission's quality of engagement with citizens is relatively good.

1. ECI participation rates cannot be considered a success – they are partly a result of restrictive formulations on ECI found in the EU treaties

If we compare the number of people simultaneously collecting signatures for national-level initiatives and for EU level initiatives, it's clear that ECI mechanism has not been a success. At the moment of discussion (February 18th, 2015), there were only 3 initiatives collecting signatures on the European Commissions' website.⁹ Since the launch of the mechanism in 2011 only 2 initiatives had reached the European Commission. The national level success rates are much higher (see above).

The main reason for lack of activity on EU level: the restrictive requirements stipulated in the EU treaties. Namely, the European Citizens' Initiative:

- a) needs to be addressed exclusively to the European Commission;
- b) should only deal with subject matters having to do with the powers of the European Commission;
- c) should contain a demand for a new legal act;
- d) (that legal acts needs to be) required for the purpose of implementing the EU Treaties.

The national level citizen initiatives – in Finland, Latvia, Estonia, UK - allow more general proposals, and that is part of the reason for their popularity. Those proposals tend to concern almost every issue where some action (or even inaction) from a state is needed, it doesn't necessarily have to be a new legal act.

At national level, the institutions are quite flexible in cases where they feel that some other institution is more appropriate for solving the problem indicated in the citizens' initiative. For example, Estonian regulations empower the parliament to transmit the proposal to some other competent institution. The parliament also has different means of actions: it can not only initiate a

⁹ <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>

new law or reject the proposal, but also, for instance, hold a public sitting or resolve the problem by other means. The same principle is true for Latvia.

What can be done?

- When considering amendments to the EU Treaties, it should be evaluated:
 - whether European Commission should remain the only addressee of ECIs (or whether the ECIs could also be addressed to the European Parliament or the Council);
 - whether it is truly necessary to demand from EU citizens a proposal for a new legal act and not, for example, some more general action.
- When reviewing the existing practice of ECIs, the EU institutions should consider an option to allow collective e-petitions that do not meet all the requirements of the EU Treaties for a ECI (for example, they are not addressed to the European Commission). Such e-petitions might also receive some consideration by the EU institutions in cases where they reach a certain threshold of signatures.

2. ECI system is skewed in favour of excessive risk avoidance

One of the main conclusions of the panel discussion – in contrast to national level, ECI as a mechanism is very much skewed in favour of risk avoidance. This is at the expense of citizen engagement.

For example, none of successful national level citizen initiatives/e-petitioning mechanisms demand a lengthy pre-registration process. That's why it is easy for the citizens of the respective countries to gain a momentum in their campaigns – for instance, they can immediately come up with an initiative in reaction to some notable scandal or to some nation-wide discussion. If the initiative is against the rules set up by the parliament, the parliament will not accept it at a stage when the signatures have been collected. Sometimes the intent of the organizers behind some citizen initiative is not so much to change a law as, rather, to initiate a public discussion. Generally, it is not necessary to form an obligatory citizens' requirements, and requirements are quite low for verifying the identity of a signatory or for protecting the personal data.

What can be done?

When reviewing the existing practice of ECIs, the EU institutions should consider:

- Lifting the pre-registration requirement for ECIs;
- Lifting the requirement to form an obligatory citizens' committee altogether or abolishing some of the formal requirements for its formation;
- Rethinking the requirements for verifying the identity of a signatory;
- Lifting some of the personal data protection requirements (such as – destroying signatures following a campaign).

3. ECI suffers from webpage usability issues

There are many usability issues with the current EC website for collecting signatures. For successful national level mechanisms, a good usability has been a key to success. For example, in UK and in Latvia it generally takes less than 2 minutes to sign an initiative. Insights from United Kingdom show that 60% of the visitors arrive from social media websites, which they mostly use via mobile phones. The problems with the existing European Commissions' website have been analyzed here: <http://openeci.eu/>

What can be done?

- European Commission should consider creating a new ECI website – taking into account suggestions from campaigners (<http://openeci.eu/>) so that this website is not only user friendly, but would also allow the ECI organizers to communicate with the signatories.

4. European Commission's quality of engagement with citizens is relatively good.

When compared to successful national level mechanisms, the quality of European Commissions' response to the EU citizens (who have submitted an ECI) is good. European Commission shares an in-depth reasoned response. The Right to Water ECI also received a commitment by the European Commission to take 7 concrete steps or new actions. There has also been some additional follow-up by European Commission after sharing its response.

The same is not always true on the national level – the petitioners rarely, if ever, receive such an extensive reasoned response containing concrete commitments. Usually they are only entitled to participate in deliberations at the level of the parliamentary committee and to receiving some sort of a reasoned feedback. Sometimes, as in Finland, most of deliberations in the parliamentary committee even happens behind closed doors. So overall the cooperation between the European Commission and the successful ECI organizers can be characterized as being relatively good and transparent.