
Part II – Reflections on the ECI

0. What didn't happen with the European Citizens' Initiative...and what did

Janice Thomson

Public engagement specialist Janice Thomson campaigned for a citizen-friendly ECI regulation and then left the EU before it went into effect. She compares what she and others thought would happen with the ECI to what actually did. The ECI proved to have greater democratic potential, but also encountered more significant obstacles, than anyone expected.

I feel a bit like Rip Van Winkle, the main character in a short story by Washington Irving who fell asleep for 20 years, missed the struggles of the American Revolution and awoke to a newly democratic country. In my case, it's only been two years and I didn't fall asleep. I just left the EU. The struggles I missed were those of the first European Citizens' Initiative (ECI) campaigns. The ECI hasn't triumphed and the EU has not become more democratic. But the ECI has shown surprising democratic potential. It also continues to face enormous obstacles.

As The ECI Campaign's representative in Brussels during the development of the ECI implementing regulation, I was thoroughly acquainted both with the ECI tool and the people who wanted to use it. I thought I knew what was going to happen once the ECI went into effect. Yet, when I returned to The ECI Campaign in late 2013, I was surprised by what actually had transpired. What did *not* happen with the ECI astonished me as much as what actually did.

Powerful corporate and political interests shunned the ECI, but citizens' groups adopted it.

When the ECI regulation was being developed, many feared that powerful interests would use the ECI for their own ends. There was talk of MEPs launching ECIs to attract voters, corporations using the ECI to promote products, and trade associations employing the ECI to pressure politicians for favourable legislation. EU public affairs consultancies even began to develop ECI support services.

These fears have proven groundless. No MEP or political party has yet launched an ECI. There have been only two ECIs from business interests; the first (*EU Directive on Dairy Cow Welfare*) was quickly withdrawn and the second (*European Free Vaping*) was recently registered. Large Brussels-based NGOs and unions, with the notable exception of the public services trade union federation EPSU (*Right 2 Water*), have likewise avoided the ECI. These powerful groups all have access to much cheaper and easier ways to influence EU policy than the ECI.

The ECI has instead been used primarily by the powerless: groups of civic-minded EU citizens and networks of associations with little clout in Brussels. Yet, ironically, these poorly resourced, often volunteer-run groups have had to struggle with crushingly burdensome regulations designed to rein in big, wealthy lobby groups!

The ECI wasn't used to destroy the EU, but rather to strengthen it.

Another early fear was that the ECI would be used by Eurosceptics to undermine the EU or its values. This has not happened. In fact, the majority of ECIs have been launched by pro-EU groups. Rather than taking policy areas out of EU competency, many want to put new topics *in*, or the EU to act *more* forcefully. Furthermore, by creating and strengthening pan-European networks and debate, the ECI has become a powerful tool for enhancing European identity and solidarity. This is exactly what EU communications and "active citizenship" programmes strive, but so often fail, to do.

There were, however, a few "Eurosceptic" ECIs which were all refused registration. The reason given was the same as for all rejected ECIs: they "*fell outside of the Commission's competence*". While these rejections may have been justifiable on legal grounds, the ECI should be available to *all* EU citizens, regardless of their political beliefs or attitudes toward the EU. It would be interesting to see if a truly "anti-EU" ECI could build the pan-EU networks and campaigning capacity necessary to succeed.

Personal data requirements didn't kill the ECI outright, but have gravely wounded it.

When I first learned that many member states would require citizens to provide identity card numbers and/or place and date of birth to support an ECI, I feared the ECI was dead. Many groups which were initially eager to use the ECI suddenly turned their backs on the tool. I was therefore surprised that over 40 groups attempted to launch an ECI and over five million Europeans signed one. Yet every ECI campaign, without exception, has suffered, often gravely, from a myriad of problems stemming from these data requirements.

All campaigns encountered people who said they'd like to support their ECI....until they saw what information they'd have to provide. Other people just gave their name and address, but omitted ID card numbers, rendering their support invalid. Some internal EU expatriates found they didn't have the documents needed to support an ECI in either their country of nationality or country of residence. Shockingly, some countries with widespread identity theft or histories of state surveillance (e.g. Bulgaria and Poland) demand personal identity numbers.

Data protection rules have caused many headaches for ECI campaigns, but haven't always protected data. All ECI campaigns used the Commission's online signature collection system (OCS) because it complies with stringent data protection rules. But the system has been both riddled with glitches and designed in ways that hinder effective campaigning. Some national data protection authorities require ECI campaigns to comply with strict rules to protect data when it's collected. But, when it's time to submit that data for verification, these same countries' ECI authorities provide no means to safely share it. Perhaps even more frightening, members of ECI citizens' committees, which must be people and not organisations, are *personally liable* for any misuse of this data!

Collecting one million signatures online was not easy. In fact, it was really hard.

Before the ECI went into effect, Commissioner Šefčovič claimed that it would be "*super easy to collect a million signatures due to the online dimension.*" The experience of every single ECI campaign has proven him and the countless others who felt likewise completely wrong. Only three ECI campaigns collected over one million signatures and one of these (*One of Us*) collected the majority of signatures *on paper*.

Collecting ECI signatures online is hard. ECI support often requires sharing much more personal data than an official national petition, let alone an unofficial online signature drive. Furthermore, ECI campaigns have been de-facto banned from using the most effective online campaigning tools and tactics, from single click sharing on social media to common campaigning platforms like *Avaaz*. Worse yet, online campaigning turned into a nightmare for many early ECI campaigns as they lost thousands of signatures and much of their signature collection time due to glitches in the Commission's online signature collection software (OCS).

ECI campaigns run by volunteers can succeed...but only on topics with existing followings.

The ECI Campaign predicted that campaigns would need to spend the equivalent of one Euro per signature. This is what the successful ECI *Right 2 Water* estimated it spent (including staff time and in-kind donations). Many doubted that all-volunteer efforts could succeed. Yet two, *One of Us* and *Stop Vivisection*, did just that. They worked hard and their success is admirable. But their experience was highly atypical.

Most volunteer-run ECI campaigns struggled. They lacked sufficient resources and EU-wide networks for effective transnational campaigning. ECIs on novel or complex topics encountered challenges in explaining their goals. Many only collected a few thousand signatures. *One of Us* and *Stop Vivisection* both addressed high-profile topics with strong existing national movements. It is telling that in areas with frequent citizens' ballot initiatives, such as the US state of California, most signatures are collected by paid staff. Only initiatives related to abortion or animal rights can rely solely on volunteers.

The first Commission admissibility check did not help campaigns. It stifled public debate.

In an early draft ECI regulation, ECI campaigns were to collect 100,000 signatures before the Commission would determine the ECI's legal admissibility. Like many, I rejoiced when this signature requirement was removed and all prospective ECIs were subject to a legal admissibility check prior to registration. But I did not expect the Commission to reject so many proposed ECIs or for these decisions to appear so arbitrary. Nearly 40% of ECI proposals have been refused registration. ECIs were rejected that I was sure would be accepted, and vice versa. Oftentimes acceptance seemed driven more by clever legal wording than by the underlying issue.

Many ECI campaigns which never collected 100,000 signatures nevertheless succeeded in other ways. All raised awareness of their issue, several built vibrant new networks and some even impacted policy. The initial admissibility check thus prevented several potential ECIs on highly topical issues, such as nuclear power and EU governance, from experiencing these benefits.

The ECI didn't only have an impact at EU level. It influenced local policy.

The ECI was designed as a tool for citizens to influence *European Union* policy. It was never seen as an "EU tool" to impact local policy. Yet the ECI has done just that. For instance, the *30 km/h – Making Streets Liveable!* ECI campaign led several towns to lower residential speed limits. Similarly, the *High Quality European Education for All* ECI took the concept of a European education out of Brussels and spread it throughout the EU. The fact that the ECI was "an official EU tool" seemed to give campaign topics added weight with local authorities.

ECI campaigns weren't just promoting issues, they were expanding EU democracy.

In 2010, few NGOs lobbied for a citizen-friendly ECI. Most were focused on their topical issues. They didn't have time for EU democracy. I was therefore surprised by how many ECI campaigns were launched not only to get action on an issue, but also to build "bottom up democracy".

ECI campaigns have been frustrated and often discouraged by burdensome ECI rules. But they have also experienced positive benefits. This had led many to become vocal advocates for reforming the ECI implementing regulation. Reform efforts have found support in the *European Parliament*, the *European Economic and Social Committee*, the *European Ombudsman's* office and some national ECI authorities. The struggle for an ECI that works for EU citizens, however, is far from over. Yet it is clearly worth continuing.

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The text in this file is a part of the book:

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Learning from the first two years of the European Citizens' Initiative

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14 analytic and prospective contributions, and two interviews.

You may order the book by email: contact@citizens-initiative.eu

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