
6. National Authorities in the ECI Process: First Verification Experiences of the German Signature Verification Office

Interview with Axel Minrath and Ulrich Schmitz

Carsten Berg of The ECI Campaign talked with Mr. Minrath and Mr. Schmitz of the Federal Office of Administration (BVA) which is responsible for checking ECI statements of support in Germany. National authorities have, in principle, some room for manoeuvre in terms of the strictness of their checks. Since more signatures for ECIs have been collected in Germany than any other country, it is important to discover just how “citizen-friendly” the German authorities have been. This interview was translated from German and edited for brevity.

Carsten Berg: *Sirs, you have faced a quite special task in the context of the ECI procedure. In Germany alone, 1.3 million statements of support for the Water is a Human Right ECI were collected. Can you tell us exactly what you have to do with them?*

Mr. Minrath: Our main task arises from the EU regulation and also from the German ECI law: coordinating the checking of the statements of support and issuing a certificate on the number of valid statements. In order to do so we must determine the percentage error i.e. the rate of invalid statements. So we check on possible errors, for example, whether anyone has given more than one statement or has signed on behalf of others without them knowing. Of course, this way of checking is not 100% reliable – but it is to a very high degree. At the end of the 90 day checking period we send the certificate to the initiative and finally destroy and delete the statements.

B: *The first ECIs have now submitted their signatures of support for checking. What issues have emerged from the checking process?*

M: There are a number of issues. During the checking process little flaws in our ECI application system kept turning up which were corrected with the help of our IT experts, allowing us to improve the whole system.

B: *Did the ECI organisers experience practical problems, for instance in submitting the signatures in time?*

M: Yes. There were some late submissions of paper signature collection forms. Then, as a result of delivery problems at Deutsche Post, we received a large box of signatures a week after the official submission date. We also received online signatures stored on CDs which we could not read. We were able to make a delayed start on the whole checking process only after the signatures had been reprocessed by the initiative.

B: *The first ECIs were granted a collection period extension by the Commission. Why were the statements that were collected in the extension period not checked, but were declared valid by the Commission?*

M: In accordance with the EU regulation and the federal law on the ECI, the BVA only confirms as valid those statements of support which were submitted *within the official period*. However, the Commission and the initiatives are being informed as to how many statements were invalid and

were not subjected to further checking because the 12-month deadline had been exceeded. The number of signatures certified to the Commission and to the initiatives is determined by the BVA by sampling and then extrapolated proportionately. It is left to the Commission as to how they evaluate the figures.

B: *How do the digital and paper signatures compare in terms of the level of invalidity?*

M: There is a significantly higher invalidity rate with the paper/offline signatures than with those given online.

Basically there are seven reasons why a signature can be declared invalid: the signatory is underage; a non-EU citizen; a duplicate signature; support under reservation; no signature; details incomplete or unreadable; wrong form used. Whereas in theory every one of these errors can occur in the case of a paper signature, with online signatures it is only possible to make four of these errors leading to a signature being declared invalid. Thus there is a very high probability that the failure rate will be greater with paper signatures than with online ones.

B: *In Germany we always recommend initiatives at the local and state level to build in a cushion of 10 to 15 percent, since that roughly corresponds to the normal level of invalid signatures.*

M: It would be better if the cushion were 20 percent.

B: *In other countries where, as in Germany, ID numbers do not have to be given – such as Finland, the Netherlands and Slovakia – the failure rate in some initiatives is between 1 and 3 percent: much lower than in Germany. What do you think is the reason for this?*

M: I really can't say. The fact is that in Germany there are a relatively large number of boxes that have to be filled. That increases the risk of error. It's especially the case with paper signatures that necessary details are often missing or the signature is illegible. It could be that if the first signatory on a collection sheet doesn't fill in one of the boxes, then the ones who sign afterwards may also leave that box blank.

Well, we are in principle accommodating – and it has even been agreed with the EU Commission and the Interior Ministry that where there is some doubt we would not apply excessively strict criteria, but rather somewhat gentler ones. If someone gives their postcode, but forgets to name their town – because they think that the postcode is sufficient – then we can live with that.

B: *ECI organisers are reporting that many citizens are forgetting to enter certain information in other boxes – like the place and date of birth. Can a person still be identified in such cases?*

M: Depending on the individual case, that's still possible. On the other hand, we haven't really had that experience yet.

At the moment, the organisational structure is as follows: we have a number of staff members who are involved in checking the statements. Several of them are responsible for inputting the data, and behind them is a person whose job it is to make a decision in those cases where there is doubt. Ultimately what we are dealing with here is a random sample. We're bound in this by §4 of

the German ECI law, which lists eight criteria for validity – such as the minimum age of 18 and the 12-month time allowance for collecting signatures.

Then we get into a grey area which puts us under greater pressure – such as when the statement is illegible or incomplete. In such cases we will be very open and try as much as possible not to reject the statement.

B: *Can signature collectors print data input boxes also on the back of the signature forms? And is it then sufficient just to have the ECI title and its registration number at the top of the page?*

M: Yes, that's OK.

B: *ECI organisers are reporting that they are receiving statements by email which have been scanned. Is that ok?*

M: Yes, we have to deal with those, even if we don't like it.

B: *We think the signature form is still overloaded. For example, the address field in the paper form asks signatories to state their country. But the country name is already included in the text at the top of the form. This confuses a lot of people. ECI organisers are telling us that many people are not entering the name of the country in the box. Does this make the signature invalid in your view?*

M: No.

Mr. Schmitz: You are familiar with *Annex III* and with the signature form proposed for Germany by the Commission. In our view, that proposal leads to problems in filling in the statements of support. In consultation with the Commission and the Federal Interior Ministry, therefore, we developed a form that incorporates the criteria of the Commission and the law, but which makes it easier to enter the data. In doing so, we were thinking of the future use of OCR (Optical Character Recognition) software, which can make it possible for our technical applications to read handwritten data and upload it.

B: *Will it be possible for ECI organisers to see exactly how the validation process was carried out – i.e. to see the relevant signature lists with the notes and comments?*

M: That has not been planned.

B: *What's the situation in other countries? Do you exchange information on the checking procedure? It seems that other Member States were not yet ready to check signatures.*

M: Yes, we meet on an irregular basis every few months or so in Brussels to coordinate specific issues. Our last meeting was in March. At the beginning of January we had a meeting to which people from all the different countries were invited to the German Federal Office of Administration.

B: *Is it true that you have developed specific software for checking the statements of support which can also be used in every other EU Member State?*

M: Yes.

B: *Has a procedure already been thought of for reforming the internal processes with the aim of providing a new and improved basis for the legislation?*

M: Yes, but we haven't begun it yet, because we first have to gain experience of the current system. But in the light of this experience, consideration will be given in 2015 as to how we can simplify the procedures and improve them. The ECI regulation provides for the Commission to report to the European Parliament and the Council on the way the regulation has been applied.

B: *In connection with the signature check, the ECI organisers have to contact up to 28 different national authorities to get a certificate on the number of valid signatures. That costs ECI organisers an enormous amount of time and money – which deprives them of valuable resources.*

In Thuringia, a move has been made to make things easier for the citizens' initiative organizers by making it possible for them to send their collected statements of support to a single central collection point, which then coordinates the checking by the various local authorities. Would it not be possible to propose such a simplified collection and checking procedure for the entire EU? Are there any insurmountable obstacles to implementing such a system?

M: At the moment the EU regulation and national law specify that the checks have to take place in the relevant member states. That makes sense because the data required to carry out the checks exists only in the individual member states, although in a great variety of different places and in relation to differing procedures. For that reason I find the suggestion rather far-fetched at the moment.

B: *ECI organisers have to carry out the collection process based on 28 different sets of legal provisions (for validation and appeals), which in the extreme case would have to be decided upon by 28 different court systems. Can you understand that this is very confusing for ECIs?*

S: Yes, we can appreciate that – but we can't change it.

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