

## European Ombudsman - ECI day speech

Speech - **City** Brussels - **Country** Belgium - **Date** 10/04/2018

President Dassis, fellow speakers, ladies and gentlemen,

I would like to thank the European Economic and Social Committee for having again invited me to this event. The insights I have gained have been very useful for my work and I commend the EESC for its continued focus on this issue.

My office is of course not involved in making decisions on the reform of the ECI regulation; but having followed the issue for several years, we have made suggestions when possible and my Office has dealt with complaints about how ECIs are handled.

We are now six years on from the adoption of the ECI regulation, and 8 years from the Lisbon Treaty which created it. So it's time to evaluate how this new democratic instrument has and is being used.

The ECI is in the section of the Treaty of the EU, which sets out our common democratic principles. It constitutes one important example of how citizens can participate in the democratic life of the Union yet looking at the data on the first 6 years, we see a decline in the number of initiatives that citizens have brought forward.

However that decline is to some extent compensated for by the fact that the quality of initiatives is improving vis a vis their admissibility.

This has come about partly through the Commission's decision to register ECIs even if only part of the proposal is admissible and also possibly through the provision of better advice to the organisers.

Four ECIs achieved the one million-signature threshold and a fifth ECI proposal initially refused registration collected more than 3 million signatures.

I'm not sure what was anticipated when the ECI idea was first put forward but I sense that citizens would feel that just four official successful initiatives out of just under 70 proposals in six years is not a lot, leaving aside any follow up by the Commission on the four successful initiatives.



So, if we agree that the numbers are disappointing, then what can we say has gone wrong and how can it be put right. I know that this has been the basis of our discussions for the last several years and the Commission has acted on concerns raised and on proposals for improvement. The question for today is, is it enough or has the public appetite for ECIs simply waned.

In the Commission's revision proposal, the age limit for supporting ECIs is lowered from the 18, the legal voting age in nearly all EU member states, to 16 years. This would open up ECIs to an estimated 10 million new potential supporters across Europe.

It is of course important to bear in mind that many of this young generation of potential European 'clicktivists' are used to voicing support at the click of a mouse button, or a swipe across a touch screen, so ECI organisers will need to remember that if signing isn't made as easy as possible, the potential of these new voters may not be realised.

The Commission is indeed proposing welcome measures to lower the barriers to supporting ECIs. In an age when many people expect their online transactions to be as quick and as trouble free as possible, and particularly young people as I have just mentioned, this is particularly important.

Yet perhaps a more fundamental issue relates not to the practical challenges but rather to the gap between the expectations of the ECI organisers in terms of the Commission's follow-up in the wake of a successful ECI, and the actual measures proposed by the Commission. Further reflection is perhaps needed on how to manage the ECI organisers' expectations.

If we look at the first-ever successful ECI, called 'Right to Water', the legislative proposal responding to the ECI was announced at the beginning of February this year, whereas the ECI organisers submitted their statements of support at the end of 2013.

The timing of legislative change does of course depend on a variety of factors, and the Commission has undertaken other non-legislative actions in response to this ECI in the meantime, but over 4 years is nonetheless a long time for citizens to feel that their efforts had a direct legal impact.

On the other end of the scale, the last ECI that collected more than a million signatures - the 'Ban glyphosate' initiative - was declared successful at the end of 2017, and the Commission responded promptly with a set of proposals, both of a legislative and non-legislative nature.

Although the Commission did not agree with the organisers' demand that the active substance glyphosate should be banned, it did announce that it will present a legislative proposal next month, with a view to improving transparency in scientific assessments and decision-making in the food chain. In preparation, the Commission organised a public consultation at the start of this year.

Given the experience of my Office with complaints relating to the EU risk assessment model, I decided to submit a contribution suggesting three guiding principles for improving the EU's risk



assessment independence, transparency, and meaningful engagement with stakeholders and the wider public.

These three principles are also applicable to the Commission's handling of ECIs and informed the guidelines and suggestions for improvements that I made following my 2015 ECI inquiry, and in the contribution I submitted to last year's public consultation.

I am very pleased that those suggestions are largely addressed in the Commission's revision proposal but I stress that continued public engagement and engagement with the organisers and potential organisers is the key to making a success of the ECI tool.

In this regard, I welcome today's launch of the 'Collaborative Platform', with which the Commission is offering - at the initiative of the European Parliament - a space for ECI organisers, citizens, experts and the Commission to offer support and advice on organising ECIs.

My final point is in relation to the transparency of ECIs. It is crucial that the public is able to follow ECIs and that the instrument is seen as a tool for citizens. I therefore suggested that the Commission could do more to ensure that funding and sponsorship information declared by ECI organisers on its website is as accurate and comprehensive as possible and that any concerns in relation to this are enabled to be brought to its attention as currently happens with the Transparency Register through its alerts and complaints system.

In an era of gross online manipulation of the democratic process, we must protect the ECI from any possible abuse.

Once the co-legislators have decided on the outcome of the current revision, and when that new legislation is implemented, my Office will continue to look at how the revisions are followed in practice and deal with any complaints concerning the ECI procedure generally.

So once again thank you all for your input to my work in this area and thank you again to EESC for their important engagement and leadership in this vital issue for citizens.

Thank you for your attention.