

**MORAIS BISMARQUE GASPAR Ana Gloria**

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**From:** Jerry Van Den Berge [REDACTED]  
**Sent:** 31 March 2014 22:55  
**To:** Euro-Ombudsman  
**Cc:** Jan Willem Goudriaan; Pablo Sanchez Centellas; [REDACTED]  
Véronique Vandenaabeele; Catherine Boeckx  
**Subject:** RE: Own Initiative Inquiry: OI-9-2013-TN  
**Attachments:** Answers to questions European Ombudsman on ECI.docx; PR 2014 03 19  
Commission lacks ambition.pdf

**Follow Up Flag:** OI/9/2013/TN  
**Due By:** 04 April 2014 08:30  
**Flag Status:** Flagged

Dear Emily O'Reilly, dear European Ombudsman,

Thank you very much for taking the initiative to an inquiry on ECI's!

Please find attached our answers to your questions regarding the ECI procedure. We are willing to meet with you in case you have more or more specific questions, for example in relation to the public hearing and the answer from the Commission.

On behalf of the ECI "right2water",  
Kind regards,



Jerry van den Berge  
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From: Euro-Ombudsman [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
Sent: mercredi 18 décembre 2013 14:03  
To: undisclosed-recipients  
Subject: Own Initiative Inquiry: OI-9-2013-TN

Dear Madam/Dear Sir,

Please find attached a letter from the European Ombudsman.

The Registry



Answers to questions European Ombudsman on ECI's:

1. Do you consider the citizens' initiative right to be sufficiently well known among the general public so that citizens feel confident in signing initiatives? If not, what, in your view, could be done to raise awareness?

The ECI is not known at all among the general public. As first starter in this process we experienced that before asking people's signature we had to explain to each and every person 'what is an ECI?' We were lucky that we reached media attention (especially in Germany) that helped enormously to raise awareness on our ECI. Nevertheless, exemplary is a question that we received hundreds of times: why don't you use "Avaaz"/"Petitions.org"/"Change.org" etc. Simple websites that do petitions but are useless or even counter productive for an ECI because then people think they have signed, but they have not signed for an ECI. What can and needs to be done is promotion of the ECI as a tool by national governments. Awareness needs to be raised in each country separately.

2. Please give your view on the information and guidance the Commission provided to you as an organiser of an initiative (on the Commission website, in direct contacts etc.).

The information provided by the Commission to us was very good and helpful. We had the opportunity to meet with the Commission-staff in the beginning of the ECI process (2012) and we hope this opportunity remains for new ECI's, because it is so much better to ask questions to someone in person than just trying to do an ECI with only a website as reference/guiding tool.

3. Please give your view on the functionality and usefulness of the Commission's software for collecting signatures online. In particular, please consider issues such as hosting of the online collection system and the online system's accessibility for visually impaired persons.

After that we encountered many problems in the initial phase of signature collection we think it is functioning good now. We did not receive complaints from people about access for visually impaired persons. We did receive a lot of complaints about the "captcha code" that was not functioning.

4. The Commission extended the deadline for the first initiatives to collect signatures because of problems getting the online collection system up and running. Please comment on whether you consider that this extension of the deadline was sufficient and applied in a fair manner.

This extension was absolutely necessary. For us it proved sufficient. However we consider an 18-month period for collection of signatures should be given to all ECI organisers, as 12 months is pretty short. (And the clock starts immediately on the day of approval of the ECI by the Commission).

5. Please give your view on the functionality and usefulness of the paper form to be used for collecting handwritten signatures.

The paper form was not very useful as too many details need to be written in a too small space. We agreed with the Commission to adapt the form (from 10 signatories per page to 5 signatories per page) so that it would be possible to write the required details in the boxes. We also think that too many

details are asked in several countries. (E.g: both country as well as nationality are required, while on top of the paper form it is already indicated for which country the form is.)

6. Do you have any concerns or comments in relation to the treatment of personal data provided by citizens signing an initiative (either online or on a paper form)?

We think many member states are demanding too many details (especially ID requirement, but also nationality, country(?) postal code). The Finnish form can be seen as a good example for signing with only providing name, address and date of birth.

7. Do you have any concerns or comments as regards the possibilities (or lack thereof) of tracking the number of signatures obtained throughout the collection period?

No.

8. What is your experience as regards the contacts with different national authorities in relation to your initiative (for certification of the online collection system and certification of the number of valid statements of support)?

With verification of signatures the national authorities were very helpful as far as we have experienced.

9. What changes to the ECI Regulation would you consider useful, if any?

- Extension of the period for collection of signatures
- Reduction of personal details required to sign an ECI
- Abolishment of the "captcha code"
- Removal of the ID requirement for signing an ECI

10. Please provide any other information or suggestions, in succinct form, that you would consider useful for improving the citizens' initiative procedure.

Most effective and rewarding improvement to the ECI procedure would be if the Commission would commit to act upon the requests/proposals done by 1 million citizens and that an ECI would be binding to the Commission. Now the Commission only has to answer to an ECI, which leaves so much room for maneuver (by the Commission) that it gives us a feeling of being heard but not being listened to. Please see our Press release attached.

*European Federation of Public Service Unions (EPSU)*

**EPSU Press communication – 19 March 2014**

**Commission lacks ambition in replying to first European Citizens' Initiative**

The European Commission (EC) published a Communication today that gives its official response to the first successful European Citizens' Initiative (ECI) which called on the EC "to implement the human right to water and sanitation in European law." In the Communication, the European Commission does recall the importance of the human right to water and sanitation and states the importance of water as a public good and fundamental value and that "*water is not a commercial product*". However, that's as far as it goes.

*"The reaction of the European Commission lacks any real ambition to respond appropriately to the expectations of 1.9 million people" says Jan Willem Goudriaan, vice-president of the ECI Right2Water. "I regret that there is no proposal for legislation recognising the human right to water."*

The ECI also asked for a legal commitment that there would be no EU initiatives to liberalise water and sanitation services. But there is nothing in the Communication on this. We certainly welcome the fact that the support of people for our ECI led to the exclusion of water and sanitation services from the concessions directive. However, the Commission's Communication makes no commitment to explicitly exclude these services from trade negotiations such as the Transatlantic Trade and Investment Partnership (TTIP).

Nevertheless, there are aspects of the European Commission response that we do consider to be positive. For example, the recognition that the provision of water services is generally the responsibility of local authorities which are closest to citizens. This confirms the trend towards remunicipalisation across Europe which according to the communication is the safest way for water to be kept out of the internal market rules, one of the main demands of the ECI.

We also welcome the commitment of the Commission to promote universal access to water and sanitation in its development policies and to promote public-public partnerships.

We expect that the review of the Water Framework Directive (WFD) and the Drinking Water Directive will be an opportunity to realise the human right to water and sanitation in the EU. The Citizens' Committee expects to be considered as a major stakeholder.

We will be asking the political parties and their candidates for President of the EC to commit to proposing legislation to implement the human right to water and sanitation and not to liberalise water and sanitation services in the EU and beyond. This will be important for the European elections in May 2014.

More info: Pablo Sanchez [REDACTED] 0032474626633

*EPSU is the European Federation of Public Service Unions. It is the largest federation of the ETUC and comprises 8 million public service workers from over 265 trade unions; EPSU organizes workers in the energy, water and waste sectors, health and social services and local and national administration, in all European countries including in the EU's Eastern Neighborhood. EPSU is the recognized regional organization of Public Services International (PSI).*