

MORAIS BISMARQUE GASPAR Ana Gloria

From: [REDACTED]
Sent: 01 April 2014 01:17
To: Euro-Ombudsman
Subject: WG: AW: REMINDER - ECI - Ombudsman invites feedback
Attachments: 2014-3-31 Ombudsman inquiry on ECI_answers ECI 30kmh.pdf; 2012-12-10 letter of complaint ECI 30kmh - making the streâ |.pdf

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

-----Original-Nachricht-----

Betreff: AW: REMINDER - ECI - Ombudsman invites feedback

Von: [REDACTED]

An: "GADESMANN Gundi" [REDACTED]

Dear Ms. Gadesmann,

thank you very much for reminding us of this important inquiry.

Our answers come a bit late as there is still a lot to do concerning the validation of our ECI but I would be glad if it was still possible to take our remarks into account. Thank you very much.

Kind regards,

Heike Aghte

-----Original-Nachricht-----

Betreff: REMINDER - ECI - Ombudsman invites feedback

Datum: Tue, 25 Mar 2014 11:30:57 +0100

Von: GADESMANN Gundi [REDACTED]

An: GADESMANN Gundi [REDACTED]

Good morning,

For those of you who are involved in the European Citizens' Initiative: The European Ombudsman is still open for feedback on the ECI and how it is working **until 31 March 2014**.

You find more information here: <http://www.ombudsman.europa.eu/en/press/release.faces/en/53306/html.bookmark>

And thank you to those of you who have already submitted comments. You will hear about the next steps in this investigation shortly.

Best wishes,



European Ombudsman

Ms Gundi Gadesmann

Deputy Head of the Communication Unit

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European Citizens Initiative

“30 km/h – making streets liveable!”

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Answers to

The European Ombudsman own- initiative inquiry OI/9/2013/TN into the functioning of the European citizens' initiative (ECI) procedure

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 right is well known among many active citizens' group – quasi potential ECI organisers - but has remained widely unknown to the general public.

During our ECI campaign we experienced that media and especially the mass media knew little about the new right. We got in touch with many journalists who had not yet heard anything about the ECI and so we were the first to inform them.

The ECI was often mistaken for a petition or for some unofficial sort of signature gathering.

A detail from German speaking countries: the ECI has widely been mixed up with the term “BI” or “Bürgerinitiative” which is used as a general term for unofficial action groups, without saying anything about the nature of the activities.

And so we read many media articles saying that a group of activists had been founded and was finally taking care of the mobility issue and people could relax as this policy gap would be closed now - which sometimes sent a message even opposite to what the ECI is intended to be: an instrument to enable citizens' active participation in policy making.

What we would suggest to raise awareness

We feel that the upcoming EU elections could provide a unique opportunity for awareness raising and we suggest that all letters containing election voting cards have a basic fact sheet about the ECI right, too.

We also feel that the importance of the new right should be highlighted by the President of the European Commission, Mr. Barroso, who has not commented very much on the ECI right yet. This might also be an interesting task for the future President of the

European Commission.

We would suggest to reconsider the German translation of the “ECI”. Another translation such as “Europäische Volksinitiative” or „Europäisches Bürgerbegehren“ or „Europäisches Volksbegehren“ might work as well and put an end to the ambiguity we experienced.

We would suggest to give special support to media work done by citizens for citizens, like the online activities of the “ECI campaign” and other websites set up by democracy NGO or ECI organisers. These media have developed information in an easy-to-read style and are creating stories around the issue. They might have got the potential to reach out to many more users visiting their online media to learn about their new right.

We would also suggest to support training activities and knowledge transfer about the ECI within the member states of the EU. We appreciate the conferences we attended in Brussels (like the “ECI day”) as they have been providing valuable help for us, and we believe that they could make a difference for national activists, too.

Finally, we feel that it might be very helpful if the commission ran a media campaign about the issue specially addressing mass media in the EU.

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.)

We had mixed experiences depending on the sort of questions we had. These were either general / administrative issues during the preparation period and throughout the signature gathering, or translations of the ECI text, or technical IT problems.

a) General and administrative issues

We used to directly address Ms. Rive (contact person of the Commission) and got helpful answers in very short time. In case of more complicated questions we experienced that the persons concerned were actively seeking solutions and then getting back to us. There was no need for any reminder.

b) Adding additional languages:

Additional languages can only be announced to the commission after the signature gathering has already started. The consistency with the original language was checked within just a few days which we really appreciated.

We had a few problems though, as a few language versions did not meet with the translators' expectations. In these cases, we received a comment on the mistakes. Some of the comments were unclear to us yet there was no opportunity to contact the person who commented or ask any detail.

One language version was even refused several times, and so we could not add that language to our signature gathering. This was a bit of a discouragement for our partner organisations.

Besides, we feel that the translators had more working load than they would have had if

they simply had translated the ECI text (800 characters maximum) themselves.

c) IT support and communication with IT experts

We experienced considerable problems with reference to guidance and communication. We were using our own server and due to the over-complex OCS plus many bugs, it was extremely difficult to simply install the commissions' software. In connection with any software bought on the open market the standard is that technical support is provided for at least 12 hours per day, often even 24 hours. But we had the impression that only few IT experts of the commission were involved with technical support. We feel that when the OCS was planned too little precaution was taken given the risk that severe malfunctions could occur and substantial support would be needed.

The quality of the support was good and the direct communication with the experts, once we were given their email address, was very friendly and good, but the waiting times were too long. In the end, it required 5 months to only install the OCS, and this was partly due to waiting times.

Just one day after the start of our signature gathering, we experienced new problems concerning the OCS, and so we needed IT support again but experienced the same problems as before. We were even told that it was our own fault if something went wrong which was not true. Only after we sent a letter of complaint to Mr. Šefčovič (see the letter attached) our case was paid more attention, and then the co-operation was excellent. But, clearly there was insufficient support staff in some areas.

These technical difficulties lasted another month, while the signature gathering was already running.

Concerning our letter to the commissioner, we did not get any answer although we asked him to get a response.

What we would suggest to improve the guidance, communication and information provided by the commission

- For translation services, the ECI be considered a document "of major significance" and the Commission translate ECI texts into all official languages by the first day of signature gathering. This improvement would also mean considerable time savings, since Commission translators sometimes had to make repeated corrections of our ECI text. It would also send a strong signal for the high estimation the ECI has with regard to the Lisbon Treaty and the Regulation 211/2011), should the ECI be included into the habit of drafting documents of general application in all official languages of the union by the EU translation services.

- Organisers should have access to the software several days before the ECI is formally registered in order for them to carry out test runs.

- The commission should engage more technical support staff to correct faults faster and provide communication with IT experts in due time.

- Organisers of the first ECI s which used the Commission's software be reimbursed for additional expenses incurred due to its failings.

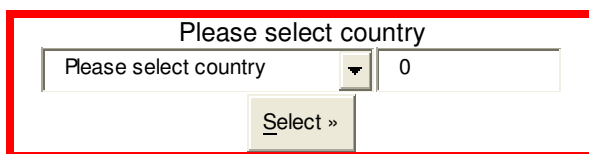
3. Please give your view on the functionality and usefulness of the Commissions' software for collecting signatures online. In particular, please consider issues such as hosting of the online collection system and the online's system's accessibility for visually impaired persons.

We are fully aware of the great challenges connected to the development of a trans-national and multi-lingual collection system but even taking this into account we feel the OCS is highly over-complicated and with bugs.

Apart from the technical challenges mentioned, we feel that the software design could become more user-friendly and would like to give a few examples

First pitfall: „Please Select country“ for those living abroad




There is no clear rule which country to select for citizens living abroad as each EU country created their own requirements.

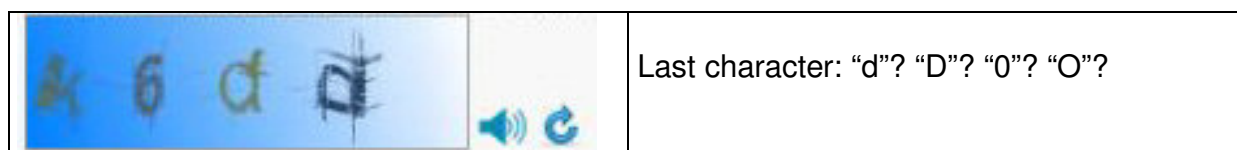
A screenshot of a web form titled "Please select country". It features a dropdown menu with the text "Please select country" and a small downward arrow. To the right of the dropdown is a text box containing the number "0". Below these elements is a button labeled "Select »". The entire form is enclosed in a red rectangular border.

**Irishman living in Athens:
Which country to select?**

Second pitfall: the captcha

We received many complaints about failures throughout our signature gathering. Many of them turned were related to misleading captcha characters;

<p>Geben Sie die Zeichen ein, die Sie im Bild erkennen</p>  <p>A captcha image showing four characters: 'v', '8', '2', and 'b'. The characters are stylized and overlaid on a blue background with a grid pattern. A speaker icon is visible to the right of the image.</p>	<p>„2“ or „z“?</p>
 <p>A captcha image showing four characters: 'I', 'S', 'U', and '3'. The characters are stylized and overlaid on a blue background with a grid pattern. A speaker icon and a refresh icon are visible to the right of the image.</p>	<p>What is the first character?</p>
 <p>A captcha image showing four characters: 'f', 'f', 'i', and '2'. The characters are stylized and overlaid on a blue background with a grid pattern. A speaker icon and a refresh icon are visible to the right of the image.</p>	<p>Characters 1 and 2?</p>



Third pitfall: acoustic captcha

Some persons reported that they had switched to the acoustic captcha but were disappointed about the quality: Too many clicks were needed, the voice was speaking in an inarticulate manner, the number of figures given was too high (up to 9 numbers!), acoustic captchas are in English language only.

Fourth pitfall: double signing

Many persons complained about error messages they did not understand. Investigating this failure message for several times, we found out that the reason was a double signing. The correct message should have been: “You have already signed this ECI. Thank you for your support.”

Message in the OCS	True meaning:
“An error has occurred. There was an error while dispatching your request. Please contact the system administrator. The error message was: D599F10 We apologise for any inconvenience.”	“You have already signed this ECI. Thank you for your support.”

It was not before October 2013 that this false message was changed by the commission, one and a half years after the start of the first ECI signature gathering.

Fifth pitfall: signatures not counted?

Some persons complained about the failure message mentioned above, and when we explained that it meant a double-signing they insisted: “No, I am sure, I have not signed yet.”

I experienced the same when I tried to sign a new ECI today: Submitting my statement of support, I got the message:

Duplicate signature detected We are sorry, your statement of support already appears in our database.

As I am sure that I have not supported the ECI mentioned yet, I must assume that there might be a technical problem which deserves to be investigated.

Sixth pitfall: missing snowball effect

Experts in online campaigning advised us to apply direct links from the online collection system (OCS) to social media. They were astonished to learn this is not possible with the Commission’s OCS. Simple details could have made a difference - like changing the screen that pops up after supporters sign.

A first improvement was made in autumn 2013, after more than one year of discussions with the commission. It is good that ECI organisers can make use of this now, but we do not understand why improvements like the one mentioned have been implemented so late.

4. The Commission extended the deadline for the first initiatives to collect signatures because of problems getting its software for 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.

With regard to the letter of complaint sent to the commission, we mentioned that we would like to get an extension of the deadline in the letter of complaint we sent to Mr Sefcovic but we got no reply.

We did not get back to this later, as we had some trouble with partner organisations being disappointed because of all the hindrances. They stayed back from major activities, and so an extension of the deadline would no longer have been an appropriate procedure.

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

We think that it was very helpful for us to have printed forms throughout our campaign. We would like to suggest a few changes to make the forms more user-friendly, especially with regard to persons with visual impairment.

- We feel that the compulsory information on the ECI is too long and that it could be reduced for the use on printed forms (for example delete commission's website, registration number etc). Shorter texts can be printed in bigger characters.
- Information on data protection is compulsory but printed in very small characters (6point only). This makes no sense because hardly anybody can read it. This should be improved.
- We had not expected to find as many invalid signatures as we finally did. This was often due to the fact that people left out or gave wrong information, especially in countries asking for information from personal documents.
For example in Austria, many people copied their driver's licence number rather than that of their passport.
- Activists in tourist regions inconveniently needed to carry all sorts of forms with them and first ask where interested persons come from before they could let them sign.

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)?

Many people were uncomfortable giving extensive personal data. For instance, we discovered many support statements with neat and careful writing that left out the

numbers of personal documents, date of birth or place of birth. People asked why they had to give so much personal data. Some noted how co-signing a petition to the European Parliament only requires name and town. Many simply walked away after they saw the ECI support form. This effect got worse after the summer of 2013 with press reports on NSA data security abuses.

We sadly experienced that a couple of interested EU citizens could not to sign the ECI: For example:

- several British citizens living in France, who did not possess the personal documents required in France;
- a British citizen living in Norway. This person has even been considering an official complaint as she used to be an activist for our issue as long as she lived in the UK. She was therefore upset to learn that she could not sign after having moved to another country.

We feel that this is a severe problem from the point of democracy thinking because it means that EU citizens could not make use of their citizens' right.

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

We have some concern with regard to the messages of double signing which turned out to be wrong and that we are not sure whether or not the signatures in question were stored. (see third question, "Fifth pitfall").

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)?

We experienced some really supportive contacts, like with the German and the Swedish authorities. As we are still in the validation procedure, we cannot give any comment based on more coherent observations.

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

Firstly, no EU citizen be excluded from signing because of their living abroad (like this is was the case for UK and Irish citizens)

Secondly, the requirements concerning personal data from ECI supporters be reconsidered.

- We therefore suggest that the general amount of required data be reduced. It would mean a significant improvement as it would include that the OCS could be designed in a far less complicated way and with lower security standards. Less IT support from the commission would be needed. The certification process would be less complicated, printed forms could be designed with bigger characters and be more user-friendly for

visually impaired persons. The liability of citizens' committee could be limited.

- Citizens should not be obliged to give the numbers of personal documents in order to support an ECI.
- We suggest the member states come to an agreement about identical requirement concerning the data (for example full name and full address, date of signature and signature).

Thirdly, it be easier for citizens to organise an ECI even if they are not part of the networks of very rich players.

- In order to achieve this, we suggest that the certification process be less complicated and less costly for the ECI organisers.
- Some financial refunding be provided for those ECI organisers who are able to collect more than 100 000 signatures.

Forthly, ECI organisers be able to choose when they wish to start their signature gathering after their ECI has been announced. This could be limited to a certain amount of months maximum.

Less pressure of time would result in much better preconditions for media plannings, technical tests concerning the OCS etc.

Fifthly, The ECI be accepted as a procedure of major relevance and the ECI text be translated by the commission into all official languages as soon as the formal check of an ECI has been passed. All language versions be available on the first day of the signature collection.

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

Validation

Organisers should have the right to get all their signatures validated even if they are not successful. Because this is the only way to have all the work done officially documented and appreciated. (t.ex. for petitions)

It seems to be unclear whether or not the ECI organisers have the right to address the national authorities and ask for the validation of their signatures if they have not reached one million signatures but have carried out the whole procedure of signature gathering. We would suggest to make clear that the organisers can get the signatures officially validated as this is the only way for them to keep any documentation about all their efforts. This might even help in handing in petition to the EP demonstrating the amount of support already gathered.

31.3.2014-
Aghte



ECI „30 km/h – making the streets liveable!“

Citizen's Committee

Heike Aghte, representative

Email: [REDACTED]

www.30kmh.eu

Mr. Maroš Šefčovič,
Vice-President, commissioner for
Inter-Institutional Relations and Administration
of the European Commission

Dear Commissioner,

I am writing to express my concern about the implementation of the Online Collection Software in connection with our ECI „30 km/h – making the streets liveable!“

We are using our own server for the online gathering of signatures and the OCS provided by the commission. Our ECI was registered on 13th November and the online collection was activated on 14th November.

Problems appeared when we tried to add the first additional language as the software denied any upload. We immediately informed the commission about the malfunction. Unfortunately, the problem has not been solved since. Though several debugging attempts were made, it is not possible to integrate further languages into the system. It even seems as if no solution will be found in the near future.

Not only is this discouraging for our partner organisations in various countries, who are waiting for their language version and that they can then start their campaign, but also is the limited time for signature gathering passing. We are disappointed that things seem to be developing at the expense of our power, time and money.

We feel that when the OCS was planned too little precaution was taken given the risk that severe malfunctions could occur and substantial support would be needed. The software malfunctions experienced can only be mended by the developers of the OCS.

What we are expecting is that this problem is now given highest priority categorisation. Furthermore, we would appreciate an appropriate time extension for our signature gathering.

We look forward to hearing from you at your earliest convenient.
Yours sincerely,

Heike Aghte

Representative of the citizen's committee ECI „30 km/h – making the streets liveable!“
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