



Response of Active Citizenship Network – Cittadinanzattiva to the EU Consultation on the Green Paper on a European Citizenship Initiative

Active Citizenship Network-Cittadinanzattiva is registered in the Commission register of interest representative: ID number: 06914363155-58

I. Introduction:

Active Citizenship Network (ACN – www.activecitizenship.net) is a European network of citizens' organizations created in November 2001 and promoted by the Italian NGO, Cittadinanzattiva (www.cittadinanzattiva.it). ACN's mission is twofold: to contribute to the development of a European Active Citizenship; to promote the participation of citizens' organizations in European and national public policies.

ACN supports the Citizens' Initiative which is included in the Lisbon Treaty and welcomes the consultation process. In our view, this new instrument and the process of collecting 1 million signatures across the EU can be a concrete exercise of European Active Citizenship. Therefore, before responding specifically to the questions regarding the Citizens Initiative, we would like to call on the European Commission to propose a more general consultation regarding the other articles regarding participatory democracy of the Lisbon Treaty and the participation of civic organizations in the European democratic governance process.

A necessary premise: the need for a Green Paper on European Active Citizenship

Active Citizenship Network believes that no effective implementation of the Lisbon Treaty's norms on citizens' participation in European public policies will take place without the definition of a clear framework, rules and procedures interpreting and integrating the Treaty itself. Without this necessary step the European Union risks to weaken instead of strengthening the popular support to its activity. To this end, the drafting, discussion and finalization of a Green Paper on European Active Citizenship has to be accomplished.

The rationale for this proposal is that the articles on participatory democracy of the Treaty are definitely vague and reductive. In particular, apart the norm on legislative initiative, they view citizens' participation only in terms of discussion and debate; they intend the citizens' involvement in European policy making only as participation to the administrative activity and not to the government of society; they mention twice the issue of representativeness of associations but without any clear statement of what representativeness is. The EU Charter of Fundamental Rights itself establishes a number of rights of European citizens as individuals, but not as collective actors of European policy making. To fill these gaps, it is necessary on one side to give a shared interpretation of the meaning of the Treaty and on the other side to recognize the value of the practices that civic organizations already implement with the aim to contributing to the European democratic governance.

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The Green Paper on European Active Citizenship should take into account relevant documents on the issue of citizens' participation and first of all the European Charter of Active Citizenship, established in 2006 with the support of the European Commission. It should clearly state that citizens in Europe have the right to intervene and take the initiative whenever and wherever their rights and European common goods are at stake. It should also give a practical meaning to this right, with regard to the implementation of prevention activities, the consultation practices, the access to information and situations, the evaluation of public policies, the interlocution with public authorities. The Green Paper should also state the duties of public institutions vis-a-vis citizens' organizations, with regard to the respect of citizens' time and obligation to give a feedback, the principles of trust and equal dignity, the support and facilitation measures, the establishment of horizontal bodies devoted to interact with citizens' organizations. A clear definition of the topic of representation and representativeness of citizens' organizations should also be considered in the Green Paper.

Active Citizenship Network calls citizens' organizations operating at all levels in the European public space; the EU Parliament, Commission, Council, Economic and Social Committee and the Committee of Regions; think-tanks and experts and whoever else is engaged in the building of European democratic space to support the proposal of a Green Paper on European Active Citizenship.

II. Green Paper on a European Citizens' Initiative

The experience in EU member states has shown that citizens' initiatives, if "they are to be truly workable, need to be designed in a citizen-friendly way". This is even more the case for a European Citizens' Initiative due to the far more difficult circumstances at the transnational level compared with the regional or national levels in Europe and the additional fact that the citizens' initiative is not legally binding but rather formulates a request for the European Commission to take action of which the Commission can reject. It is, therefore, not recommendable to just copy the design of a national procedure and apply it at the EU level. Instead, the procedure needs to be engaging, innovative and adapted to the needs of citizens and citizens' organizations in the European context.

We need to take into account the specific circumstances at the EU level: huge geographic distances, the differences in language, culture and organizational structures of civil society, the absence of a common public space mark, which are only some of the key challenges to developing a Europe-wide campaign structure.

The task of collecting one million signatures is sufficiently complex and difficult, any additional formal restrictions – such as sub-thresholds, time limits, issue exclusions and provisions for collecting signatures – should be kept reasonably low and as favorable as possible to the organizers of future citizens' initiatives. In addition, some supportive elements and incentives ought to be incorporated into the procedure along with the right for organizers to engage in dialogue with the European institution regarding the initiative.



1. Minimum number of Member States from which citizens must come

Do you consider that one third of the total number of Member States would constitute a "significant number of Member States" as required by the Treaty? If not, what threshold would you consider appropriate, and why?

The fact that it is stated in the treaty that the signers of the citizens initiative must come from a significant number of member states provokes perplexities. As mentioned above this is European initiative for citizens, therefore, it would be an error to apply the same criteria used for national initiatives or intergovernmental relationship (as in the other treaties). We are dealing with citizens and not governments therefore 1/3 and even 1/4 are too high and could run the risk to limit the use of the citizens initiative only by larger, more structured and well-financed organizations.

If the objective is to guarantee that it is an European Initiative than it could be possible to acknowledge other criteria such as the criteria regarding the process of European enlargement and diversity - For example: the need to have at least one country from the original 6, one country for the enlargement to 15 and one country from the enlargement of 27 and the minimum number should not be more than 5.

2. Minimum number of signatures per Member State

Do you consider that 0.2% of the total population of each Member State is an appropriate threshold? If not, do you have other proposals in this regard in order to achieve the aim of ensuring that a citizens' initiative is genuinely representative of a Union interest?

The treaty states not less than one million signatures which we believe is sufficient. Collecting one million signatures across potentially 27 Member States is a complex endeavor and doesn't need to have additional difficulties such as a .2% percent as a minimum. Once again it is important that we do not just apply national criteria. This criteria treats all countries the same not recognizing that the capacity of citizens and citizens organization to collect signatures is not necessarily the same in all countries as well as the impact or interest for the initiative by the citizens in the country. These differences at the European level can make it more difficult to collect signatures in one country than another but not that the initiative does not represent a European issue.

To respect this difference it is necessary to be more realistic regarding a minimum number of signatures (.05%) or a minimum number of signatures needed in general taking as a reference the smaller countries. In the end there is one million European citizens that believe the initiative merits the attention of the European Union and that is what is fundamental.

3. Eligibility to support a citizens' initiative - minimum age

Should the minimum age required to support a European citizens' initiative be linked to the voting age for the European Parliament elections in each Member State? If not, what other option would you consider appropriate, and why?



Linking the minimum age with the voting age has the benefit of administrative convenience if voting registers were to be used for verifying eligibility. However, it could result in an inequality where citizens in one country could participate at a younger age or participate in their national policy but not promote an European Initiative. This is contradiction. Administration convenience should not be the main criteria taken into consideration. Therefore, in order to facilitate and promote the participation of youth in EU policy making and being that there is no legal reason to link the minimum age for participating in a European Citizens' Initiative to voting age, we propose to put the minimum age at 16. In addition the EU should identify a simple and efficient procedure that can permit citizens 16 yrs. that do not have the right to vote to participate.

4. Form and wording of a citizens' initiative

Would it be sufficient and appropriate to require that an initiative clearly state the subject matter and objectives of the proposal on which the Commission is invited to act?

There needs to be certain minimum information required that an initiative clearly state such as the subject-matter and objectives of the proposal on which the Commission is invited to act. However, if a citizens initiatives wants to include additional information such as a draft legislature it should be possible and required to be considered.

5. Requirements for the collection, verification and authentication of signatures

Do you think that there should be a common set of procedural requirements for the collection, verification and authentication of signatures by Member States' authorities at EU level?

To what extent should Member States be able to put in place specific provisions at national level? Are specific procedures needed in order to ensure that EU citizens can support a citizens' initiative regardless of their country of residence? Should citizens be able to support a citizens' initiative online?

The need to coordinate between 27 countries makes it is essential that there be a common set of procedural requirements for the collections, verification and authentication of signatures. Member states authorities should verify the signatures but can not include additional provisions that could add extra administrative burden.

It is essential that Citizens' Initiatives can use internet based solutions for gathering support across the EU in order to simplify the procedure and make it accessible. Moreover, signatures should be able to be gathered freely (by circulation/downloading of lists to be filled in and signed) without the need of additional administrative burden such as government registration offices or notaries etc.

For EU citizens who do not reside in the country of residence, they should have the choice of participating on-line in their country of citizenship or by any available mechanism in their country of residence. However, they would have to certify that they have only supported an initiative in one of the two countries concerned.



6. Time limit for the collection of signatures

Should a time limit for the collection of signatures be fixed? If so, would you consider that one year would be an appropriate time-limit?

Taking into account the complexity of the operation and the fact that it will be carried out by mostly volunteers, in different languages throughout Europe one year could be too short we propose 18 months.

7. Registration of proposed initiatives

Do you think that a mandatory system of registration of proposed initiatives is necessary? If so, do you agree that this could be done through a specific website provided by the European Commission?

ACN agrees with the need to have a mandatory registration of the proposed initiative before being able to collect signatures. The Commission should have a specific website that will contain all the pertinent information (title, purpose, objectives, context and proposed action etc.) making available to all citizens.

8. Requirements for organisers - Transparency and funding

What specific requirements should be imposed upon the organisers of an initiative in order to ensure transparency and democratic accountability? Do you agree that organisers should be required to provide information on the support and funding that they have received for an initiative?

To guarantee transparency general information regarding the organizers and financing of the initiative can be included in the initial registration of the initiative. In addition it is important to guarantee that citizens are not given a fee (money or in kind) for signing the initiative.

Moreover not having access to public financing and based on the horizontal subsidiarity principle European and national institutions should provide resources to facilitate and support the citizens' initiative. This could be translations services, legal consultancy, information regarding the EU competency in the area and partial reimbursement of the cost if the initiative reaches the million signatures.

The institutions involved could be:

- The DG of the Commission competent on the issue;
- The European Parliament;
- The EU representation in each member state;
- The office within each national government responsible



9. Examination of citizens' initiatives by the Commission

Should a time limit be foreseen for the Commission to examine a citizens' initiative?

This question regarding the examination of the citizens' initiative by the Commission can not be limited to only a time factor but to a complete process of accountability and the active engagement with the organizers of the Citizens' Initiative.

Once the number of signatures have been collected and the verification by competent authorities the organizers of the initiative can formally present it to the Commission. The organizers should have the right to a hearing with the Commission to formally present the initiative and begin a process of dialogue.

The Commission should decide within 3 months whether it will act upon the initiative completely, partially or reject it. In the case it is rejected the Commission is obligated to give its reasons in its formal decision and notify the organizers. Otherwise it would be a great underestimation of the value of the work done by the citizens and lack of transparency in the EU decision making process. If it is accepted the proposals presented by citizens initiatives should be given priority in the work plan and the European Commission should adopt its proposal within 12 months. It is important that during the procedure the organizers should have the right to be heard by the respective institutions (Commission, Parliament, Council).

The Commission has the right to reject the proposal and thus the organizers should have the right of appeal either to the European ombudsman or to the European Court of Justice Article 263 of the Treaty. The Court may decide whether the Commission has used its decision in an arbitrary way.

In conclusion being a new instrument to be implemented at the EU level, it would be appropriate to include a review clause so that the initial rules can be as light as possible hence motivating and facilitating the use of this instrument with the opportunity to change and/or additional rules if needed.