



BULGARIAN ASSOCIATION FOR THE PROMOTION OF CITIZENS INITIATIVE

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POSITION ON THE ECI

Dear Mr. President and members of the European Commission,

The Bulgarian Association for the Promotion of Citizens Initiative has been actively involved in the Europe-wide debate about the ECI since its very inception by the Convention and first inclusion in the text of the European Constitution. A couple of years ago we have managed to collect the fifth largest number of signatures of supporters of ECI throughout the EU.

We also claim to have accumulated considerable experience in advocacy actions to democratize an out-dated totalitarian law on direct-decision making still in force in Bulgaria. We strive to open up opportunity for meaningful citizen participation in our country, which was the only new member of the EU that never put any accession issue to the popular vote. By indicating this, we would only like to stress out that we know about hurdles and paralyzing designs of participatory mechanisms from our own experience.

In view of the above we would like to offer our input in the consultation process regarding the specifics of the ECI.

A starting point of our recommendations is our understanding that the ECI is not a fully-fledged direct-decision making instrument, but it is rather an indirect and not binding (for the representative institutions of the EU) form of participatory legislating and agenda-setting. These limitations of the ECI shall correspond with lower thresholds and qualification requirements, so that procedure is not disproportionately complicated and inaccessible by eventual initiators of proposals and their supporters.

Hereunder follow our answers/comments to your questions:

Q: 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?

We consider the suggested distribution quorum of one third of the member states too high for the above mentioned reasons. We believe the recommendation of the EP for one fourth of member states, if not lower, shall be accepted.

The actual number will be 7 states (in the 27 members realm) which is more than ¼.

Q: 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?

We believe the trinity of quorums: minimum total number of signatures, minimum number of countries and minimum share of signatures per country is a hurdle in itself. That is why we would prefer a lower threshold per member state and it should be 0.1% of the citizens entitled to vote.

Q: 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?

YES. This will be most easily implemented.

Q: 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?

What other requirements, if any, should be set out as to the form and wording of a citizens' initiative?

We believe an initiative can take the form of: a) a general proposal mentioning the specific goal(s) of the legislation and the main measures to be introduced (or changed), or b) a draft legal act.

The wording and admissibility of an initiative shall be consulted with the Commission prior to the process of signature collection, so as to prevent eventual waste of time and money on an initiative that may, when submitted, not qualify for consideration.

The cost of consultation shall be undertaken by the Commission.

The Commission may need to establish an ECI office to handle initiatives.

It will make perfect sense for the Commission to undertake the cost of an ECI office as well as the cost of consultation and advice since a stronger voice of the EU citizens has been proclaimed a priority by it and millions of taxpayer's money is currently being used for funding trans-national participatory democracy projects aiming to connect citizens with decision makers.

Q: 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? If so, what security and authentication features should be foreseen?

Verification shall remain within the discretion of existing national legislations. Some minimal standards however may be useful to develop and apply EU-wide. Citizens should be able to support initiatives online. More attention has to be paid to verification of electronic signatures, as in this area member states seem to display considerable differences.

Q: 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?

While quorum requirements shall be kept low, time for collection of signature shall be extended to 18 months in view of the transnational nature of the ECI and related difficulty to organize and coordinate campaign throughout a whole continent.

Q: 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?

Yes, we approve of a mandatory system of registration of proposed initiatives. Initiatives shall be announced through a specific web-site, but also published without delay in the Official Journal of the EU and the Official Gazettes of the member states.

Q: 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?

Organizers shall be required to provide information on the support and funding received for an initiative. They shall be obliged within certain time-limits to provide a report on the funding of a given initiative.

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

Time limit for examination by the Commission is a must. We agree with the 3 months recommendation by the European Parliament.

Q: Is it appropriate to introduce rules to prevent the successive presentation of citizens' initiatives on the same issue? If so, would this best be done by introducing some sort of disincentives - or time limits?

With analogy to the direct legislation and practice of member states where initiative is in use, time limits can be imposed on repetitive initiatives, e.g. an initiative on the same issue shall not be eligible for registering earlier than one year ...

ADDITIONAL RECOMMENDATIONS:

The right to a hearing by the respective institutions (Commission, Parliament, Council) shall be included in the design of the ECI.

The EC shall provide for some of the costs such as the cost of translation into the official languages of the member states, cost of consultation, cost of publishing in the Official Journal and reimburse in part some other costs. Otherwise the ECI will not be affordable for citizens groups and NGOs, but only for special interests and lobbyists.

Strict time lines for considering an initiative by the institutions shall be defined.

The Commission has to give its reasons in case of rejection. The organizers of an initiative shall have the right to challenge a rejection before the competent European Courts.

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