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## Public Response to the European Commission's Green Paper on a European Citizens' Initiative

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Dear Commissioner Šefčovič,

The **European Citizens' Initiative** represents a **unique opportunity** for the people and institutions of Europe to overcome the democratic deficit that is generally associated with EU politics, contributing to the promotion of a genuine European public sphere, which results in a more tangible notion of a participatory EU citizenship. The aim of this public response is to set out the general steps for the development of an online tool that facilitates the implementation of a European Citizens' Initiative.

### **A) A European Citizens' Initiative online portal is the ideal solution to the formal and organisational problems of conventional initiatives**

In order to implement the European Citizens' Initiative, **we stipulate the general development of a web-based platform** to overcome many of the organisational and procedural problems related to conventional initiative campaigns. The European Commission already mentions the use of an online tool in its Green Paper, although it does not advance the idea to the same extent as envisaged here. Websites similar to the one advocated here already exist and have proven to be fully suitable. Therefore, **we invite the Commission to give this idea serious.**

Thanks to such an electronic instrument, **citizens' requests for an initiative could be entirely submitted online** in the form of either a general subject and objectives or a precise legislative draft. The Commission could entrust a unit or team of permanent staff to manage such an online tool responsibly and independently. The European Parliament, perhaps through the European Ombudsman, could scrutinize its work. Submitting proposals online would facilitate their rapid translation and publication throughout the Union.

**We have registered the online domain [www.citizensinitiative.eu](http://www.citizensinitiative.eu) and are willing to transfer it to the Commission**, so that it can make the best use of it. This web-domain is highly visible and self-explanatory, and thus more suitable than the unknown standard domains used by the Commission.

### **B) Advancing a European Union not only for, but also by the People**

A web-operated European Citizens' Initiative would **effectively contribute to overcoming the democratic deficit** the European Union institutions are facing, by actively **encouraging a multi-level European public debate** and providing European citizens with a strong voice. Additionally, this kind of participatory democracy would have a largely positive impact on the relation between citizens and their policy-makers, therefore further fostering a tangible notion of EU

citizenship. This uncomplicated and immediate tool would provide European citizens direct access to the EU legislative process, which cannot be achieved by conventional methods of organising Europe-wide initiatives. Thus, this would **give legislative proposals by the European Commission democratic weight**.

The Commission should therefore seriously consider embracing or actively supporting the electronic implementation of the European Citizens' Initiative, not only because it represents the **most effective approach** in terms of yielded results, but especially because it is **also the easiest**. Furthermore, it will hardly interfere with the Commission's prerogative of initiating legislative proposals. The Treaty is very clear in that respect, since it is "*inviting* the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties." Therefore, the **final decision as to how to handle initiatives will always lie with the Commission**.

### **C) Responding to the specific points raised in the public consultation**

Addressing the uncertainties arising from the wording of Article 11 TEU, we draw your attention to the following positions:

#### 1) Minimum number of Member States from which citizens must come

We would like the Commission to reconsider its proposal to set the minimum number of Member States required to a threshold of one third. This runs counter its own intention to "reinforce the democratic fabric in the European Union", since it significantly reduces the chances of a European Citizens' Initiative to succeed. It would be desirable for the Commission, **acting in the general interest of the people** and complying with its will, clearly expressed in the **European Parliament resolution of 7 May 2009**, to envisage setting a threshold of one quarter of Member States required.

**Setting the threshold at one third would lead to an indirect discrimination that benefits bigger Member States**, since smaller Member States are more unlikely to reach the threshold of one million signatures alone. Considering the difficulties in organising and divulging a European Citizens' Initiative, reaching the overall aim of "not less than one million citizens" will *de facto* depend mainly on the United Kingdom, France, Germany, Spain, Italy and Poland.

If, for instance, only citizens from small and middle-sized Member States show interest in a specific initiative, then the risk persists that they will not be able to petition the Commission. In the case that 0.2% of the total population of the abovementioned bigger Member States are interested in launching an initiative, they will be able to collect already approximately 680,000 alone. If the interest in these countries regarding an initiative is then slightly higher, they will easily reach the one million threshold. Unfortunately, the same is not true for small and middle-sized countries.

However, by **setting the threshold at one quarter** of Member States, the Commission would achieve a dual goal. On the one hand, it **would enable larger Member States to push for initiatives alone**, without the support of smaller Member States, considering that they represent more than half of the EU's population. On the other hand, **this would not preclude smaller**

**Member States from launching initiatives themselves.** Therefore, we invite the Commission to take this specific consideration into account in its impact assessment following the consultation period.

2) Minimum number of signatures per Member State

**0.2% of the total population of a Member State is an appropriate threshold** that respects the democratic values of our societies.

Raising this threshold would interfere with the European Citizens' Initiative's likeliness of success, and thus would run counter to the original intention of including citizens in the European political debate.

3) Eligibility to support a citizens' initiative – minimum age

In accordance with the **principle of subsidiarity**, the **Member States should decide on the minimum age** to support a European Citizens' Initiative. Nevertheless, **we welcome the first option mentioned** in the Commission's Green Paper, namely the voting age requirement for the European Parliament elections. Choosing this option would require no further action on the side of the Member States, and hence pose no unnecessary obstacle to the implementation of the initiative.

4) Form and wording of a citizens' initiative

The Commission is encouraged to embrace the second option cited in the Green Paper. **Submitting a final document in the form of a draft legal act will exclude many people from submitting their own initiatives.** It is highly unlikely that most citizens will have the time or even legal knowledge to cope with the complex technicalities of a legal document.

In order to comply with its own programmes on democratic involvement and transparency, the **Commission is therefore asked to accept initiatives merely stating the subject matter and objectives** of the proposal.

Thanks to a well-designed web-based initiatives' tool, the Commission would be able to coherently organise and regroup initiatives belonging to the same category, while it would simultaneously retain the final word as to the detailed provisions of the legislative proposal. This would also prevent the duplication of work.

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

**Thanks to a web-based platform, citizens' signatures could simply be submitted and collected online.**

The **collection of signatures should be preceded by an assessment of admissibility** of the initiative at stake. This would require no appreciable effort on the side of the Commission. Otherwise, the idea of a European Citizens' Initiative is in jeopardy. An electronic tool would make this evaluation easily accessible, and hence a conclusion on the matter straightforward. Once an initiative is deemed admissible by the Commission, **it could then be translated by the Commission's translation service and subsequently be published online.** Since most initiatives will be submitted in the form of general subject matter and objectives, their translation should not require many resources.

**Verification and authentication could be accomplished through online certification.** In order to guarantee the signatures' appropriateness, the Commission, perhaps in close cooperation with the national authorities, could further **examine the validity of 0.001% of the signatures collected involving citizens to send their approval in paper-form.** This would equal to only 1,000 people out of a million, which represents only a small burden on the side of the administration. **A sample-test could identify those signatures that have to be double-checked.** The data stored relating to the online signatures would be deleted after the successful ending of an initiative in order to comply with European and national data protection laws.

The adoption of an online tool implies remarkable advantages: it prevents conventional initiative campaigns to fail due to a lack of signatures, since support will be guaranteed from the very beginning. Access to as well as **knowledge of initiatives will be facilitated and spread, thus greatly improving democracy.** Finally, this approach will also allow for a lower financing and speedy implementation of the initiatives.

6) Time limit for the collection of signatures

Taking into account problems arising from the coordination of European trans-boundary initiatives, either in the form of conventionally run campaigns or an online platform, the **time limit for the collection of signatures should not be shorter than one year.**

7) Registration of proposed initiatives

**A system for the registration of proposed initiatives is desirable.**

Initiators of, and subscribers to, an initiative should provide their full name, postal address, country of residence, nationality, age, organization, and email address, if applicable. This information would be needed later to identify those signatures that need more thorough checking as part of a sample-test.

The **verification of admissibility of an initiative launched online should in any case to be done before the collection of signatures starts.** An online tool makes this verification process very easy, and will guarantee that launching an initiative is as easy for a lay citizen as it would be for a lawyer.

8) Requirements for organizers – Transparency and funding

Public funding should not be provided to the organisation of European Citizens' Initiatives in order to preserve their independence. Furthermore, both individuals and organisations should be allowed to be organisers of initiatives. Nevertheless, organisation of initiatives would be facilitated through the development of a website, which would represent the end of the practical obstacles associated with conventionally organised initiatives at national level.

In order to safeguard the European and national laws on the protection of personal data, no one should have access to the data of those subscribing to an initiative. Since the collection of signatures would occur online, the data would be stored on servers operated and protected by the Commission.

**With the adoption of an initiatives' website, the organisation of initiatives would be changed fundamentally, for their funding would**

**largely become redundant.** This is because online coordination of public debate and the subsequent collection of signatures, followed by the verification of a sample of signatures, does not compare to the economic costs of conventional initiatives.

An initiative's organiser should make public if s/he works for any organisations that operates in the field that relates to that of the initiative. However, what is more important is that the organizer can add some background information on the general purpose and context of the initiative in an appropriate text field.

9) Examination of citizens' initiatives by the Commission

The Commission itself acknowledges in its Green Paper the timely relevance that is so often the driving force behind initiatives. Hence, the Commission is invited to **consider all European Citizens' Initiatives within a time limit not exceeding six months** after the successful completion of an initiative's campaign. The online organization of initiatives under the coordination of the Commission will significantly facilitate this process.

10) Initiatives on the same issue

Assuming that initiatives will take the form of general subject matters and objectives, **their online organisation would prevent unnecessary duplication**, since initiatives relating to the same subject can be linked electronically to each other.

**If an initiative fails** to attract the needed amount of signatures within the set timeframe or if it does not fulfill all the required practical criteria, **it should nevertheless be allowed to be re-submitted at a later stage.** We suggest to let at least one year pass in between the two submissions. This would allow for a proper debate on the issue to be held at European level.

Only when an initiative fails the admissibility test, i.e. does not fall within EU competence, should it be prevented from being submitted.

Co-signed:



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