

Contribution to the Public consultation: the EU Citizens' Initiative

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ISSUE 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?

Reply

The EU, even following the reforms brought about by the Lisbon Treaty, will continue to be affected by a strong prejudice of democratic illegitimacy. This can be explained by the fact that the different Member States articulate differently their vision of citizen's participation in the legislative process.

Such an ex-ante belief needs to be tackled urgently. However, as no further Treaty reform is expected to take place in the near future, it is of key importance to make the "Citizens' Initiative" a tool to fill in that gap. The "Citizens' Initiative" in this sense has two key roles:

- A stated role of proposal to the European Commission of new legislative action, and
- An equally important opportunity for citizens of various European countries to cooperate articulating their interests at European Level.

Having highlighted this, we can now better evaluate the discussion over the trade-offs between *representation* and *accessibility* mentioned in the Green Paper.

Representation: the fact that the signatures come from 7-8-9-10 or even more member states will not change the fact that the Initiative is set not to represent the totality of the European Citizens. Even in the case that the signatures come from 10 MS, these could hypothetically belong only to a particular region of the Union with specific interests (e.g. the 8+2 "new" member states: 10 new member states minus Cyprus and Malta plus Bulgaria and Romania).

Why don't we need a high MS representation? The "Citizens' Initiative" is set to propose to the Commission to take action on a specific issue. It will be up to the Commission to evaluate it and present a proposal which is balanced for the whole of the EU (as the European Commission is to represent the interests of the Union as a whole). Later on it will be up to the Parliament (which represent all the EU Citizens) and to the Council (which represent the MS) to agree on it so to make it sure that the legislation proposed by the Commission is fair and applicable.

In other words it is not necessary and arguably unfair, to transfer the responsibility of building consensus from the EU Institutions to the citizens by asking them to collect signatures from a very high number of countries.

In addition this might determine that only certain groups or lobbies will be able to profit from the "Citizens' Initiative" while common citizens with limited economic resources will be left out.

Why accessibility is key: as mentioned above the proposals made by the citizens will need to go through the EU legislative process, so the purpose of the "Citizens' Initiative" should be to engage as many citizens as possible which can only be done by limiting the difficulties and requirements (the main being the minimum number of MS). This for the following reasons:

- The Citizens' Initiative can help building a European-wide debate on issues which are of concern for the EU citizens;
- Can boost an exchange of views and cooperation between the members of the civil societies of the various MS without discriminating the one with *limited economic resources*;
- Help articulating citizens' interests in the framework of European Regions which tend to have similar concerns and needs;
- Increase the legislative competence and legitimacy of the European Commission,

All this would have the result of reducing the perception of the existence of a Democratic Deficit and would give EU citizens the perception that their voice is heard.

For all the issues raised above, I believe that the minimum number of Member States from which citizens must come from should be very low, potentially from 3 to 5.

This will not impede to have citizens from more MS to participate, especially considering that 1.000.000 signatures will need to be collected: this imply that a higher number of citizens of different nationality will be needed as far as more "least populated" countries are involved. On the other hand this will also mean that "most populated" MS will often be key in the success of the Citizens' Initiatives (see table and explanation in the next answer).

ISSUE 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?

Reply

The 0,2% of each MS signatures is acceptable and should be kept. *However we should take into account that this requirement is strictly related to the requirement of the number of signatures and the number of countries.*

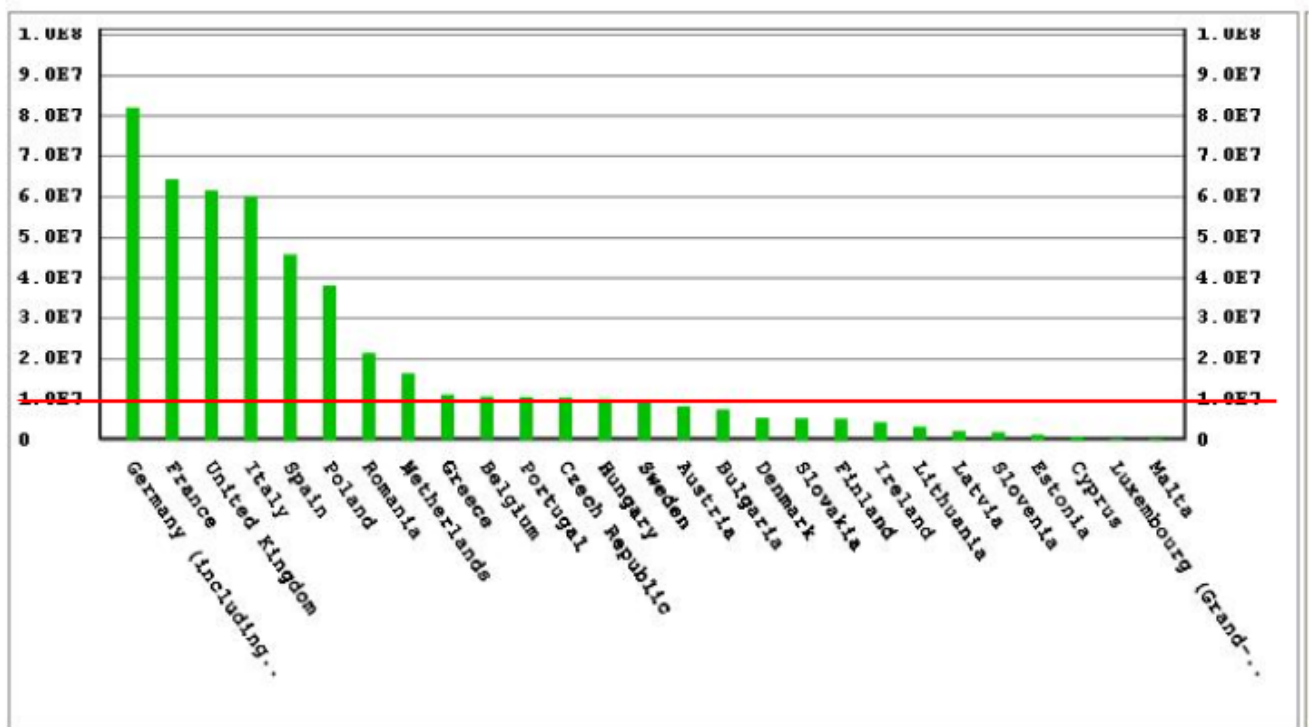
The graph below (source Eurostat) show the population of the EU Member States. The red line show the limit of 10 million people. As we can see 19 EU member states have about or less than 10 millions inhabitants.

If we put a minimum requirement of 0,2% of MS it means that the minimum contribution expected in terms of signatures to reach the one million target is set to be about 20.000 for 8 Member States, about half for 4 MS and even less for other 7 small member countries.

If we then sum up the contribution in terms of signatures of those 19 medium-small MS we can see that they would not be able to reach the 1.000.000 signatures required unless they join forces with citizens from some more populated MS (with a rough calculation it is possible to estimate that they would reach about 300.000). In this perspective the citizens of the *most populated member states are very likely to be included in the majority of "Citizens' Initiatives"*.

Of course the citizens from the previously "least populated" MS might be able to obtain more signatures than the minimum required; however we can assume that *under the proposed system there will be a proportionately higher number nationalities represented as far as more "least populated" MS are involved.*

This argument goes than hand in hand with the one previously presented, namely that an explicit high number of Member States required to present an initiative might be redundant and simply discourage any action.



Source: Eurostat

ISSUE 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?

Reply

Yes, the minimum age required to support a European Citizens' Initiative should be the same as the voting age for the European Parliament in each Member State.

There is no need to question the fact that an individual considered able to vote for its representatives at the European Parliament and not able to join a Citizen's Initiative.

ISSUE 4 - Form and wording of a citizens' initiative

Would it be sufficient and appropriate to require that an initiative clearly state the subjectmatter 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?

Reply

I believe that it is sufficient and appropriate to require that an initiative simply state the subject matter and the objectives of the proposal. The citizens might also decide to make it more precise by attaching a proposed legal text but I do not think that this should be a requirement.

In light of the current status of the EU and its little ability to communicate with the wider public, I think that the Citizen's initiative is also to be considered as a concrete way to give the EU the legitimacy to tackle directly issues which are of concern for the EU citizens.

In other words via the Citizen's initiative should allow both the following:

- Citizens should be able to present an issue on which they wish the Commission to draft legislation, by presenting a paper or a motivated dissertation on the topic, and
- Citizens should be allowed to present a draft legislation on a specific and detailed issue.

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

Reply

Harmonisation would be the best option taking into consideration the best practices in the various MS. In any case MS should not be in the condition of adding requirements which might hinder the participation of the citizens in the initiatives in object. Also MS (via their central or local administrations) should provide the verification of the signatures swiftly and without delay.

As it happens for the right to vote in local elections, all EU citizens resident in their own country or in another MS, should be in the condition to join the Citizen's Initiative proposed by citizens in the country in which they reside. Eventually they should also be allowed to participate in the initiatives proposed by citizens of the country of which they hold the nationality, as far as they give their signature only once per initiative.

All forms of collection of signatures should be accepted (e.g. mailing list, on-line databases) as far as they unequivocally allow the identification of the signatory (via Identity Card or similar tools).

Privacy should be granted if it is so required by the individual (which could eventually use signing systems which better grant his/her rights e.g. paper signature instead of online submission)

ISSUE 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?

Reply

One year time limit is acceptable

ISSUE 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?

Reply

Yes a mandatory system of registration is required and it could be done through a specific website.

However, with regards to the issue of admissibility we should be more careful. I think that the Commission should do a preliminary check of admissibility if there is high risk of having to

consider many issues out of its competence. This due to the fact that, should an initiative be launched and have high success, a following rejection by the European Commission for inadmissibility would give a very bad signals to the European public which might have spent a year (or more) and considerable amount of resources.

On the other hand should the Commission be in the condition of using the Citizens' Initiatives as a bargaining chip so to obtain additional competences on certain issues or should the Commission assumes that the costs of considering many proposals be too high, then the Commission could be justified in non proceeding to a preliminary screening of admissibility.

ISSUE 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?

Reply

The European Transparency Initiative seems to set a good framework. Information on the support obtained by the organisers as well as funding should be provided and made public. The term "support" should be intended in the widest possible sense e.g. including logistic, sponsors, freebies, gratuities etc.

ISSUE 9 - Examination of citizens' initiatives by the Commission

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

Reply

I believe that swift action should be taken regarding the admissibility (if a screening has not been done at the time of the submission of the proposal). In any case a one year deadline, as the Parliament has proposed, seems appropriate.

ISSUE 10 – Initiatives on the same issue

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?

Reply

I think that a study on previous effects of similar actions could be commissioned before deciding whether such rule need to be introduced. As it is rightly argued in the Green Paper, actions might be slightly different and also might involve different communities in different Member States. For this reason I tend to disagree to the introduction of such a rule, also in light of the fact that more debate can hardly be negative in an EU which has seldom openly debated.

Conclusion:

Thank you very much for the opportunity of joining this open consultation which is dealing with a key issue for the development of a political sphere at EU-level. Please do not hesitate to contact me in order to have further information or to discuss additional issues.

In the past I have participated and organised several initiatives at EU-level and I have already had the opportunity to work for the European Commission and European Central Bank.

Thank you!

Kind Regards

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