

Submission by Senator Deirdre de Burca to the Commission's Green Paper on the European Citizen's Initiative.

Introduction.

The decision by the incoming Spanish Presidency to prioritise the implementation of the EU Citizen's Initiative which is outlined to in the Lisbon Treaty is very welcome. This initiative is an ambitious one. The EU is a trans-national democracy consisting of 27 Member States with differing political cultures. The effective implementation of the initiative could contribute over time to a necessary enrichment of the concept of EU Citizenship. It also has the potential to play an important part in addressing the 'legitimacy' problems faced by the EU. These problems stem to a large extent from a common perception amongst EU citizens that there is an entrenched democratic deficit at the heart of the way in which the Union functions as a political system.

The successful implementation of this citizen's initiative, however, cannot be taken for granted. I will begin my submission by outlining some general proposals concerning the possible implementation of the initiative. Were the Commission to adopt these proposals, I believe that the possibility that the EU Citizen's Initiative would realise its potential as an important instrument to strengthen the 'democratic fabric' of the Union could be greatly increased.

Submission proposals

My proposals concerning the Citizen's Initiative are as follows:

(i) EU Citizenship Unit

A special unit on EU Citizenship should be established within the Commission over the next year or two. Responsibility for most aspects of the operation of the Citizen's Initiative should rest with this unit.

(ii) Information and public awareness campaign

The operation of the EU Citizen's Initiative has little hope of success unless its launch coincides with a properly planned and resourced information /public awareness campaign about the initiative aimed at citizens across all Member States. This public awareness campaign should be managed by the Commission.

(iii)Engagement of national governments and parliaments

The governments and national parliaments of the Member States have a critical role to play in ensuring the effective implementation of the EU Citizen's Initiative. The cautious response to date of some of my own fellow national parliamentarians to the proposed implementation of this initiative suggests that there is a need for the Commission to act in order to engage national governments and parliaments with the Citizen's Initiative, and to encourage their co-operation with its effective implementation. This could involve prioritising discussions on the Citizen's Initiative at both the level of the European Council and at relevant Council of Ministers' meetings. Furthermore, a formal commitment could be sought from Heads of State, Prime Ministers and relevant government ministers that adequate resources will be

made available by Member States to enable, for example, acceptable national verification procedures to be established for citizen's signatures that are collected as part of the initiative.

(iv) EU Citizen's Initiative Task Force

While the timeframe that has been given to the Commission for advancing proposals concerning the EU Citizen's Initiative is relatively brief, it is important that sufficient time and attention are given to some of the problems/challenges that might arise in relation to its implementation. It would seem sensible for the Commission to form an EU Citizen's Initiative Task Force or Working Group, to tease out the many practical issues, and even 'unintended consequences' that may arise as a result of the implementation of the initiative. This group could include Commission officials, representatives of civil society, national and European parliamentarians, experts from jurisdictions where citizen's petitions/initiatives are in operation, and internet/social media experts. This group could 'stress test' the likely operation of the initiative and ensure that most possible scenarios have been anticipated, and planned for. This should help to avoid any serious problems when the initiative is eventually launched.

(v) EU Citizen's Initiative website

Citizen's expectations with regard to this new initiative will need to be carefully managed. This can only be done by providing them with full information and explanation about the use of petitions/citizen's initiatives in other jurisdictions, the perceived strengths and weaknesses of these initiatives, the parameters within which an EU Citizen's initiative can be framed, the issue of the admissibility of citizen's initiatives and the role that the Commission, Council of Ministers and EU Parliament will play in the eventual adoption of the requested legislation. In fact, this will provide a very useful opportunity to educate citizens about the respective roles of the various EU institutions and the competences given to them across different policy areas by the EU treaties etc. This will require **a well-designed website to be developed which is dedicated to the EU Citizen's Initiative** and that will provide all of the necessary information for those interested in participating in an initiative. Innovative approaches could be used to communicate some of this information and to avoid a 'text-overload' on the website.

(vi) Use of the internet and online communication

Considerable awareness now exists of the skilful way in which US President Barack Obama used the internet and online communication to engage a significant section of the vast US electorate in his presidential campaign. The same potential exists in relation to the use of the internet and online communication to engage EU citizens with the EU Citizen's Initiative process. This potential should be fully exploited in the way that the initiative is rolled out across the Union.

Green Paper on the EU Citizen's Initiative - Answering the Commission's questions

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

I believe the option of one third of Member States is a sensible one. It avoids the otherwise likely scenario where citizen's initiatives would be launched by a bloc or "geographical subsystem" of Member States (ie the Central and Eastern European Member States, the Northern European States, the Southern European States etc). The citizen's initiatives launched by these blocs could be seen as advancing their own particular interests rather than those of the Union as a whole. The requirement that citizens from at least a third of Member States participate in an EU Citizen's Initiative makes this less likely in my opinion.

2. Minimum number of signatures per Member State

I consider that 0.2% of the total population of each Member State is an appropriate threshold, is sufficiently low not to discourage citizens from organising themselves and yet is high enough to represent an acceptable percentage at a European level.

3. Eligibility to support a Citizen's Initiative – minimum age

I believe that the launch of the EU Citizen's Initiative offers a unique opportunity to try to engage more young people in European politics and in an emerging European public space. For that reason, although I do recognise the convenience of limiting participation in the initiative to those who are of voting age for the European Parliament elections in each Member State, I believe that the age at which citizens should be entitled to take part should be set at 16 years. (In the interests of reassuring those who might be concerned about the possibly disproportionate impact of non-voting 16 year old citizens on legislative proposals emerging from the EU Commission, it might be possible to specify that the signatures of 16 and 17 year olds should not amount to more than a given percentage of signatures gathered within any Member State). It is important to point out that under my proposal, 16 and 17 year olds would not be given the right to vote for elected representatives, but rather to try to exercise an (albeit) limited influence on the legislative agenda of the Union within the parameters set down by the Treaties. I do understand that the governments of many Member States may be unwilling to support this as it may create pressure to introduce something similar at a domestic level. However, on the other hand it would indicate that the new and evolving political system that is the EU is offering innovative forms of political engagement to young people who cannot access such opportunities under most of the more traditional national political systems.

3. Form and wording of a Citizen's Initiative

I believe an initiative should require that the subject matter and objectives of the proposal on which the Commission is invited to act should be clearly stated. I don't believe that citizens should be obliged to state these using legal terminology or phrasing. This can be done at a later stage by the Commission once the initiative has been deemed to be valid.

4. Requirement for the collection, verification and authentication of signatures

The eventual success or otherwise of the European Citizen's Initiative will largely stand or fall on the effectiveness and transparency of the collection, verification and authentication of signatures. I wish to make a few short points in this regard. Firstly I believe that full harmonisation of procedural requirements at EU level would not be practical. However I believe that Member States must solemnly commit to putting in place effective and transparent collection verification and authentication procedures and that these should be subject to *regular audit* by an independent body. Citizen should be able to support a Citizen's Initiative online. However, security and authentication features should be built in to the process, whether this involves the use of social security numbers, passport numbers and other personal identification markers. The process should not be so easy to complete that it encourages those who have little interest in the content of the initiative to add their signature mischievously or fraudulently. Given the geographical size (and growing) of the European Union, it is inevitable that online debate and communication will form an important element of any European public space. The operation of the EU Citizen's Initiative should recognise this fact.

5. Time limit for collection of signatures

I believe that a time limit of one year for the collection of signatures is acceptable.

6. Registration of proposed initiatives

I believe the mandatory registration of proposed initiatives is necessary. This could be done through a specific website provided by the Commission. I also agree with others who have suggested that the admissibility of the proposed initiative should be established at an early stage before the time-consuming process of collecting signatures is entered into. I also believe that the Commission's responses to the proposed initiatives should be made available on the website. Complete transparency will be very important with regard to the citizen's initiative process and others wishing to participate in such initiatives may learn from the experiences of others through access the information on the website. In the event that a citizen's initiative results in the successful adoption of the legislation requested, this could be recorded on the website. Successful participants could be interviewed on video and share their experience with other interested parties.

7. Requirements for organisers – transparency and funding

I believe that organisers should be required to provide information on the support and funding they have for an initiative. I believe that in the case of any Citizen's Initiative that is submitted, there should be a named sponsoring organisation or individual who can liaise with the Commission regarding any aspect of the initiative. I believe there should also be full transparency requirements around any funding connected with the initiative and the campaign surrounding it. It is not clear whether this could be done at a national level with the appropriate bodies or whether it would need to occur at an EU level.

8. Examination of Citizen's Initiatives by the Commission

I believe a clear timeline should be set for each stage of the Citizen's Initiative process, outlining maximum time periods within which certain actions had to occur. The process should not be open-ended or at the discretion of the Commission or any of the other EU institutions. There should be clarity and certainty for participating citizens about what they can expect to happen and within what time- frame.

9. Initiatives on the same issue.

I believe it is appropriate to introduce rules to prevent the successive presentation of Citizen's Initiatives in relation to a particular issue, as long as the issue is very particular and well-defined. There is a danger that in relation to a wide-ranging policy area such as Climate Change, it would be unreasonable to exclude legislative proposals that sought to tackle the problem but using very different means or legislative approaches. Therefore I think the rules draw up in this area need to be qualified somewhat as a rigid interpretation might exclude very worthy and legitimate legislative proposals.