



CONTRIBUTION TO THE EUROPEAN COMMISSION'S PUBLIC CONSULTATION ON EUROPEAN CITIZENS' INITIATIVE¹

Number of registration in the European Commission *interest representatives register*²: **6335057668-74**

Introduction

The Lisbon Treaty, introducing new forms of participatory democracy and public participation in European Union policy shaping, represents an important step forward in the European construction and reflects the democratic changes occurred over the last years across the European Union.

For us, the democratic legitimacy of the European Union is not only rooted in a clear definition of its institutions' powers and responsibilities but also implies that those institutions enjoy public confidence and can secure active involvement of citizens in the European venture.

Participatory democracy meets the present-day needs of European governance by supplementing and reinforcing representative democracy. Involving civil society in policy-shaping and the preparations of decisions strengthens the democratic legitimacy of public institutions, of their work and activities.

One of the concrete tools for civic participation set out in Article 11, Paragraph 4 of the Lisbon Treaty is the European citizens' initiative, enabling one million citizens who are nationals of a "significant number of Member States to take the initiative of inviting the European 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."

The European Civic Forum welcomes the consultation process launched by the European Commission on 11 November 2009 to seek views from interested parties on how the "Citizens' initiative" should work in practice and is happy to respond to the issues raised in the Commission's Green paper.

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

Questions:

*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?

¹ http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/index_en.htm

² The Commission asks organizations who wish to submit comments in the context of public consultations to provide the Commission and the public at large with information about whom and what they represent. If an organization decides not to provide this information, it is the Commission's stated policy to list the contribution as part of the individual contributions. (Consultation Standards, see [COM \(2002\) 704](#), and Communication on ETI Follow-up, see [COM \(2007\) 127 of 21/03/2007](#)); To register go to EC register of interest representatives <https://webgate.ec.europa.eu/transparency/regrin/welcome.do?locale=en#en>



The European Civic Forum shares the Commission's opinion that the citizens' initiative should be sufficiently representative of the European Union's interest and that the representativeness criteria should be determined in line with other Treaty provisions.

Nonetheless, we do not share the Commission's opinion that one third of the total number of Member States (9 Member States) would constitute a "significant number of Member States" as required by the Treaty, but rather agree with the European Parliament that **one quarter of Member States (7 Member States)** would be an appropriate threshold to insure that the Union interest is adequately represented.

Considering the current civic disengagement from "political Europe" and the fact that the Citizens initiative would be an important tool for transnational deliberative process, prohibitive bureaucratic hurdles, limits and thresholds should be kept reasonably low and as favourable as possible for the organisations which will carry on such already difficult to reach "one million signatures" initiatives.

2. Minimum number of signatures per Member State

Questions:

*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?*

Considering the legal nature of the European citizens' initiative as an "agenda setting" initiative which does not result into a binding decision, but rather gives citizens the right to submit a proposal to the European Commission which keeps its legislative monopoly power, the European Civic Forum suggests that **0,08% of the total population of each Member State** should be an appropriate threshold for a minimum number of signatures from each Member State.

This lower scale would facilitate its implementation and in combination with the "one million signatures" request, it would strike the right balance between representativeness and genuine European interest requirements.

3. Eligibility to support a Citizens' initiative

Questions:

*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?*

The European Civic Forum agrees with the Commission and the European Parliament to say that citizens must be of **voting age for the European elections in their Member State of residence** in order to be eligible to support with signatures a citizens' initiative.

4. Form and wording of a Citizens' initiative

Questions:

*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?*

The European Civic Forum considers that **minimum formal requirements** should be imposed for a citizens' initiative to be taken into consideration by the Commission. Such an initiative should clearly state the **subject matter** and the **objectives** of the Commission's proposal called for.

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

Questions:

*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?*

When implementing such a legal instrument at the EU level, account should be taken of the specific needs and circumstances to carry out the collection of signatures, namely because of:

- the geographic distances, which makes it difficult and expensive to meet and plan;
- the more than 20 official languages, which make it difficult to communicate across borders;
- the absence of a strong common public space.

Therefore, a **full harmonisation** of procedural standards at EU level is needed and the EU Regulation should provide a **set of minimum common requirements** for the collection, verification and authentication of signatures. In so doing, *formal restrictions* should be *lower than at national levels* and *supportive elements* for citizens' initiatives should be *stronger than at national levels*, in order not to kill the instrument before it is born.

In this respect, additional national requirements would be unreasonable obstacles to the implementation of this participatory tool.

All methods of signature collection (on line or on paper) that **allow identity checks** should be authorised. Name, address and date of birth, as well as a verification e-mail in case of on line collection, are adequate data for security and authentication purposes. The EU regulation should provide guidelines for an IT tool for on line collection of signatures. Additional administrative burdens such as requiring national authorities to confirm the authenticity of on line collection of signature seem disproportionate and unreasonable.

Moreover, citizens should be allowed to support such an initiative **regardless of their country of residence**. It would be preferable that signature of Europeans living abroad should be assigned to their country of residence, rather than to the country of which they are nationals, as European citizens' initiative should also contribute to create the feeling of belonging to a wider, European community. But this option would then need to be adapted in order not to become an obstacle to the participation of EU citizens living in "third countries".

Another important issue to be considered when preparing the EU Regulation would be the concept of "**residency citizenship**" related to the European citizenship and the situation of those "third countries" nationals residing on EU territory for a long period of time.

6. Time limit for the collection of signatures



Questions:

*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?

Looking at previous experiences with informal European citizens' initiatives in the run up to the Lisbon treaty, launching and carrying out such a campaign can be a time and energy-consuming process and none of the two informal ECIs, which succeeded to collect 1 million signatures on paper, managed to do this within 12 months, even so this are very large organisations (Greenpeace and the European Disability Forum).

Since the Commission suggests lowering the restrictions when it comes to its own role and requires more resources in time (half a year) concerning its own time limit to respond to an ECI and start legal action, the European Civic Forum recommends an **18 months' time limit** for the collection of 1 million signatures.

The process of collecting signatures and the debate created around the subject matters is just as import as the outcome, as it could contribute to developing a genuine European public sphere and a civic and popular ownership of European challenges.

7. Registration of proposed initiatives

Questions:

*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?*

The European Civic Forum **agrees** with the Commission that **registration formalities** for a citizens' initiative are necessary before starting the collection of signatures, and that the publication of the title, subject matter, objectives and background of the proposed initiative on a **specific website** provided by the Commission for this purpose would also contribute to insuring the **transparency** of the process.

Concerning the **admissibility** of such an initiative and the assessment by the organisers of Commission's legal intervention power, the European Civic Forum considers that **the Commission should provide assistance and legal advice** as well as **translation** in all EU languages of the registered initiative. A **helpdesk** should be created to this purpose.

8. Requirements for organisers

Questions:

*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?*

Transparency and **accountability** are two important pillars of the democratic functioning of an organisation. Bearers of a citizens' initiative should commit to these requirements and make **publicly available the list of organisations supporting the initiative** and their **sources of funding** for supporting the initiative.



The European Civic Forum does not agree with the Commission's refusal to financially support citizens' initiatives, assuming that such a **financial support would endanger the independence of ECI organisers**. By analogy, this would mean that civil society organisations that benefit from a structural support of the European Commission via existing programmes have, by this fact, lost their independence. Such an argument is not only unconvincing, but also unacceptable.

We therefore suggest that an **EU funding** should be **awarded** for registered initiatives that have already reached a certain threshold of **signatures collected (50 000 for example)**.

9. Examination of citizens' initiatives by the Commission

Questions:

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

The European Civic Forum agrees that a time limit is needed for the Commission to examine and to respond to a citizens' initiative. The **time limit** proposed within the Green paper (**6 months**) seems adequate. Nevertheless, we support the **two-stage approach** proposed by the European Parliament: **two months** to assess the **formal criteria** and **three months** to **reach a decision** on the substance.

Commission's communication should be publically available and clearly state the reasoning behind the positive or negative decision:

- if the **Commission decides** that citizens' proposal deserves **further action** from its side, then it should **clearly indicate the action** intended to pursue and the **timetable for the legislative process**;
- on the contrary, **in case of refusal to act**, Commission's **decision** should be **clearly motivated** and should indicate the **appeal procedures** which organisers could introduce against this decision.

10. Initiatives on the same issue

Questions:

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?

The European Civic Forum considers that EU should foresee **supportive measures** for the implementation of citizens' initiatives. If the information and the communication about registered initiatives is properly provided (translation of registered initiatives in all EU languages, publicity via information relays such as Euractiv, Direct Europe etc.), organisers of potential citizens' initiatives should be aware of the existing process and decide by themselves to launch a similar initiative or not. It would be inappropriate to add more obstacles to the setting up of this "agenda setting" tool.

Additional remarks

European citizens' initiative, as provided within article 11, paragraph 4 of the Lisbon Treaty, neither is a petition (which already exists in respect to the European Parliament) nor is it a full citizens' initiative in the sense of a popular initiative leading to a popular vote (referendum). Instead, ECI establishes for the very first time a direct legislative channel for European citizens to participate in the European agenda setting process.



At European level, many civil society players have been active in the process of building and unifying Europe. They have a key role to play in carrying forward this process so that it fully meets the expectations of the peoples of the European Union. At a time when many citizens feel that the European institutions are remote from their concerns, the stakes could not be higher.

This is why, in addition to direct participation tools such as the European Citizens' initiative or the European Citizens Consultation, and the relatively permanent and structured dialogue that some European institutions developed over the years with civil society organisations, there is now a need to devise a structured, efficient and sustainable overall framework for European civil dialogue.

This would contribute to ensure that the voice of civil society is fully heard and acknowledged by all the European institutions, and that the contribution made is reflected in such a way that policies, in keeping with the Union's values, meet citizens' concerns and demands, so they can regain confidence in the EU's ability to respond to their needs.

In conclusion, European institutions together with civil society organisations should undertake to create a climate in which civil dialogue can grow and flourish at both national and European levels, and to ensure that all the provisions of the Lisbon treaty, giving practical substance to participatory democracy, are brought to life.

The European Civic Forum warmly invites the European Commission to publish a Green paper and to launch a wide consultation on the other three paragraphs of article 11 of the Lisbon Treaty and the setting up of a structured framework for European civil dialogue:

- 1. "The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action."*
- 2. "The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society."*
- 3. "The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent."*

