



EFC Contribution to European Commission public consultation on the European Citizens' Initiative

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The EFC welcomes the debate initiated by the European Commission on the practical implementation of the European Citizens' Initiative set out by Article 11 of the Lisbon Treaty. Indeed, the European Citizens' Initiative should be seen as a step further in the recognition of the importance of the involvement of citizens at EU level, complementing the traditional representative democracy, and as one of the elements to reinforce citizens and organised civil society's participation in the shaping of EU policies.

However, the EFC calls on the Commission to address in its consultation process also the other instruments of participatory democracy introduced by article 11 of the Lisbon Treaty, namely civil dialogue and the Commission's existing consultation practices. Initiatives which have been already tested, and proven their value, to promote citizens' direct involvement, such as the European Citizens' consultations and the European Citizens' Panel, should be fully taken into account and further developed. We believe that the different instruments should complement and reinforce each other and that their practical implementation should be therefore considered as a whole.

In this context, the EFC would like to share its views on the practical implementation of the European Citizens' Initiative as well as on the general framework for civil dialogue set up by the Lisbon Treaty, namely:

Dialogue with civil society organisations

1. There is a **need to set up a framework for civil dialogue at European level** in order to allow a structured and permanent dialogue within organised civil society and between civil society organisations and EU institutions. This would involve the definition of civil dialogue as well as the setting up of an institutional framework and the legal tools (statutes) to develop this dialogue. The "Manifesto for a genuine European civil dialogue", which was presented in April 2009 by a coalition of civil society organisations members of the European Economic and Social Committee (EESC) Liaison Group, including the EFC, presents some initial proposals on how to set up an adequate framework for civil dialogue.
2. The **current forms of civil dialogue**, which still lack both stability and structure and very much depend on the institution concerned, **must be developed**. At the present time, civil dialogue takes three complementary forms:

- sectoral civil dialogue between civil society organisations and their interlocutors in executives and legislatures,
 - structured and regular dialogue between all of these civil society organisations and EU institutions,
 - dialogue between civil society organisations on the development of the European Union and its policies.
3. It is important to **take into account and cater the diversity of civil society organisations** while reviewing and clarifying “criteria” for participation of these organisations. Both at policy and operational levels, structured consultations and participation procedures should fully take into account the autonomy and plurality of CSOs, their respective specificities, strengths and fields of expertise, whether their primary aim is to give voice to the concerns of citizens, represent some citizens’ interests, deliver services to meet citizens’ needs, help resource and fund citizen-led actions.
 4. Civil dialogue at EU level would require the **creation of appropriate European legal instruments (statutes)** to enable organisations taking part in it to work effectively with a European legal base and governance requirements. The EFC recommends that the proposals for European statutes for foundations, associations and mutuals are addressed in this regard.
 5. The EFC calls on the Commission to launch a **Green Paper on a structured framework for European civil dialogue** which would deal with the issues covered above.

Citizens’ direct participation

6. **Direct participation and consultation of citizens should be given due attention and fully supported.** The importance of setting up an effective institutional framework for civil dialogue between civil society organisations and EU institutions goes hand in hand with the development and use of instruments that allow for direct citizens’ participation in the decision-making process at EU level. The projects developed in the framework of initiatives such as the Plan D, “Debate Europe” and “Citizens for Europe” are promising tools that should be reinforced.

Initiatives in the field have been already tested such as the European Citizens’ Consultations and the European Citizens’ Panel. They set new ways of collecting the perspective of citizens at EU level and organising pan-European debates involving randomly-selected citizens, representing the diversity of the population, to discuss key European issues. These tools should be further used and developed and could be used by the European Commission as an additional tool alongside studies and impact assessments when preparing possible policy proposals.

European Citizens’ Initiative: procedure and practical arrangements

7. The EFC believes that to be useful and achieve its goal of giving citizens a stronger voice, the Citizens’ Initiative should be a **simple and easy-to-use tool**. Its implementation should be based on effective procedures and arrangements which would facilitate the use of this tool by interested parties. It should also respect criteria related to accessibility and inclusiveness. With this in mind, the EFC would like to share its views on the different questions and proposals regarding the implementation of the initiative the Commission invites stakeholders to answer to.
8. **Minimum number of States from which citizens must come.** One quarter of EU Member States (currently seven Member States) seems a reasonable number of countries to strike a

right balance between ensuring adequate representativity of European interests and facilitating the use of the instrument.

9. **Minimum number of signatures per Member State.** The option selected should treat equally organisers and participants from all Member States, be they big or small, which would not be the case if the minimum number of citizens per Member State would be set to a fixed number. Two options have been proposed:

- The Commission's proposal to fix this minimum number at 0.2% of the total population of each Member State.
- The EESC's recommendation to use a sliding scale, for example, a fixed lower limit of 0.08%¹ could be required in order for the signatures from a Member State to be counted.

In both cases, it is our understanding that the threshold would only apply to the minimum number of Member States referred to in the previous question, and that support from citizens in other countries will also be counted towards the one million support benchmark, even when the total number of supporters from these countries is below the threshold.

10. **Eligibility to support a citizens' initiative.** We should be careful not to set any requirements related to the age that would prevent the participation and involvement of young people.

On the other hand, the EFC considers that all EU residents should be entitled to take part in EU Citizens' Consultations. This would ensure that these initiatives are inclusive and representative of EU population.

11. **Form and wording of a citizens' initiative.** Initiatives should clearly state the subject-matter and objectives of the proposal on which the Commission is invited to act. Such an option would not exclude the possibility for citizens to annex a draft legal act for ease of reference.

The Commission should be able to ask the initiator of the initiative for further information in a reasonable period of time of up to 3 weeks.

12. **Requirements for the collection, verification and authentication of signatures.** It would be important to have common basic provisions at EU level regarding the collection, verification and authentication of signatures. Given that it is a common European initiative, citizens from different Member States should be able to take part on an equal footing.

Regarding the **collection of data**, full advantage should be taken of available online tools, which would be complemented with traditional tools allowing direct contact between the initiator(s) and citizens. Any method of collection of signatures that allows checking the identity should be authorised. However, we have to take into account that for being an effective tool, requirements should be proportionate to encourage interested parties to use the instrument.

Accessibility and inclusiveness criteria should be fully considered so that every citizen is able to take part in the Citizens' consultations, regardless of the tool used for the collection of data, and notably in relation to the online tools. Specific actions could also be foreseen to raise awareness and encourage to get involved those persons that would face more barriers to do so.

13. **Time limit for the collection of signatures.** In our view, a time limit of 18 month would be reasonably. This time limit should take into account that launching this type of initiatives at EU

¹ This percentage is based on the minimum requirement of 0.08% for a citizens' initiative in Italy.

level is a complex and time-consuming process and should therefore allow for a reasonable period of time that allows reaching the positive outcome.

- 14. Registration of proposed initiatives.** A mandatory and centralised system of registration of initiatives should be set up. This could be done through a dedicated website, which could be run by the European Commission.

The registration process should not involve any decision from the Commission as to the admissibility of the proposed initiative; it should be then up to the organisers of the Citizen's Initiative to check in advance the criteria for their initiative to be lawful and admissible. However, as indicated above, the Commission should be able to ask the initiator for further information on the subject-matter and objectives of the proposal on which the Commission is invited to act in a reasonable period of time of up to 3 weeks.

The possibility to set up a contact point/ helpdesk which provides interested parties with advice and guidance on the implementation of such initiatives should be considered.

- 15. Requirements for organisers- transparency of funding.** The possibility to launch such an initiative should be open to both individual persons and organisations as long as it is clear who is the organiser of the initiative. Organisers should be required to provide certain basic information notably in relation to the organisations that support an initiative (whom they represent, their mission, their specific expertise/competence in the field, their governance and finance) and how the initiatives are or will be funded. Finally they should comply with the obligations relating to the protection of personal data according to the relevant national law implementing EU legislation on data protection.

- 16. Examination of citizens' initiatives by the Commission.** The 6-month period proposed by the European Commission should be the upper limit. A proposal is the two-stage approach put forward in the European Parliament's resolution, i.e. two months to assess the formal criteria and three months to reach a decision on the content. The Commission should make its decision public and motivated and, if it accepts to act on a particular initiative, to present a proposal to follow-up with a reasonable period of time of 18 months.

In general terms, the EFC believes that clarification is needed in relation to how the proposals made through the European Citizens' Initiatives will be addressed and, if they are successful, how the Commission will take them into account and which decision-making process will apply. Clear rules should be set up and made publicly available. This will be a key factor for the success of the initiatives as for citizens it is important to know what could be the impact of their engagement in the EU policy-making.

- 17. Initiatives on the same issue.** The presentation of initiatives on the same subject matter should be allowed; they could present different approaches to the same issue and would show that there is an interest from citizens. In addition, restrictive rules would not help to achieve the very first aim of the initiative, i.e. to reinforce citizens' involvement.

This said it is essential that the information on the initiatives already being undertaken or in process is publicly available and easy-to-access. For this purpose, it is important to develop effective systems to register and make publicly accessible, through the internet, information about any registered initiative and its state-of-play. Particular attention should also be paid to the information and communication efforts so that citizens' and Citizens' Initiatives initiators are aware of the existence of this information resource. It could also be considered to translate all Citizens' Initiatives received in all EU official languages to overcome the obstacles created due to language issues.

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