



**European Movement
Mouvement Européen**

Response of the **European Movement International (EMI)** to the European Commission's Green Paper on the European Citizens' Initiative

I. Introduction

The **European Movement International (EMI)** welcomes the European Citizens' Initiative (ECI) as one of the major innovations of the Treaty of Lisbon. The ECI is a tool to strengthen democracy in the European Union and can help to further promote the European Civil Society. The EMI is confident that the new participation mechanisms as the citizen's right of initiative, will contribute to a more involving European Union and the EMI is ready to play a key role in organising the interests of civil society organisations within the new treaty framework. The ECI is an opportunity to bridge the gap between the citizens and the bodies of the European Union.

The EMI sees the current Green Paper as a first round of an ongoing consultation process of the European Commission regarding Article 11 TEU, entering into a first phase dialogue with Civil Society and other stakeholders in order to shape related future regulations. The EMI appreciates and welcomes that the Commission has established the current dialogue on the implementation of Article 11.4 TEU, the European Citizens' Initiative. Although, the EMI will monitor how the European Commission will implement paragraph 1-3 Article 11 TEU, referring to appropriate opinion exchange of citizens with the EU institutions, maintaining an open, transparent and regular dialogue with civil society or carrying out broad consultations in order to ensure that the Union's actions are coherent and transparent. In this regard the EMI will be ready and is in favour of the possibility to be able to further contribute to a more democratic European Union.

Finally, the EMI would like to draw your attention to the foreseen ECI admission process. Neither the European Parliament, nor other European stakeholders question the fact, that the European Commission should be the body to decide on the admissibility of the ECI. The ECI is aimed at giving the citizens more influence on EU politics while maintaining the institutional balance of the Union. In order to balance the admission process, the EMI suggests to introduce an admission procedure which will lie with the office of the European Ombudsman. The Ombudsman can in addition create an admission committee that will serve as a forum for opinion exchange before deciding on the admissibility. Like this the European Commission would be able to underline its willingness to implement a transparent and open admission process, increasing the standing and credibility of the ECI right from the start.

II. Detailed response of the EMI to the Green Paper Questions

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

The EMI shares the Commission's opinion that the threshold should be determined on the basis of objective criteria. It does not agree with the Commission that a minimum of a third of Member States, i.e. nine states, are needed in order to ensure that the Union interest is adequately represented; neither does it share, however, the opinion held by some organisations that as few as four Member States is a significant number.

Rather, the EMI agrees with the European Parliament that one quarter of Member States, which is currently seven states, would be an appropriate threshold.

2. Minimum number of signatures per Member State

The Treaty reads that "not less than one million citizens who are nationals of a significant number of Member States may take the initiative of 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."

Referring only to a "*significant number of Member States*", it would also be an option not to specify a minimum number of participants per country.

The collection of one million signatures just to ask the Commission to act is already a high hurdle. Instead of laying down a rigid figure of 0.2% per Member State, the EMI recommends using a sliding scale, which could provide a useful balance between the states. 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, and a citizens' initiative must, of course, have 1 million signatures in total. These two criteria in combination will automatically strike a balance that also does justice to the Treaty's focus on representativeness and a genuine European interest. In this regard the regulation should also state the exact figures of citizens needed per EU Member States to pass the threshold (e.g. Germany 65.600, Belgium 8.000, Malta 328 etc.).

The EMI also feels that a flexible system such as this, which would facilitate implementation, is also justified given that, in the end, the European Citizens' Initiative does not result in a binding decision, but is simply a "request" to the Commission. The European Citizens' Initiative is thus an "agenda initiative", as opposed to the "popular initiatives" customary in some Member States, which trigger a binding referendum.

3. Eligibility to support a citizens' initiative - minimum age

The EMI shares the Commission's view that, in order to avoid unnecessary administrative burdens, eligibility to participate in a citizens' initiative could be based on participants' eligibility to vote in the European Parliament elections in their countries of residence. However, as the voting age isn't the same throughout all the

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

Member States, the EMI would be in favour of using the broader rule and consider all EU Nationals above 16 eligible to support a citizens' initiative.

4. Form and wording of a citizens' initiative

The EMI thinks that very rigid requirements in terms of form would be inappropriate; the formal requirements necessary for official petitions should apply (see question 8), and the content of the initiative and the decision called for should be presented clearly and unambiguously. The Commission should offer both, the possibility of submitting the initiative as a *draft legal act* or a *normal proposal*.

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

There is no reason not to establish common procedural rules or standards for collection, verification and authentication at EU level that differ from national law.

The Member States make provision for an effective procedure for the collection of lawful statements of support for a citizens' initiative and for official confirmation of the result of that collection. Verification should be organised by the Member States and in compliance with their national electoral laws. The signatures of Europeans living abroad should be assigned to their country of residence.

All methods of signature collection that allow for identity checks should be authorised (which would rule out telephone voting, for example); it should be possible to collect signatures both via an online portal and in public. The EU-institutions shall explore and develop a verifiable online signature procedure. A verifiable e-signature option would immensely help to facilitate large scale use of and access to this new instrument.

In the EMI view, conditions such as requiring national authorities or a notary to confirm the authenticity of signatures present an unreasonable obstacle. A random examination of signatures should be sufficient.

6. Time limit for the collection of signatures

The EMI agrees that for the collection of signatures a time limit has to be set. Otherwise the topic could lose its relevance and would not reflect anymore the original cause of the initiative when started. The EMI is in favor of a period of *one year* to collect the signatures, starting the day the organisers register the initiative with the Commission.

7. Registration of proposed initiatives

The EMI agrees with the Commission that it is up to initiators to check in advance that their initiatives are lawful and admissible. It should be possible to register initiatives using a website run by the Commission, which would also gather information on their content so that the public could keep up-to-date on ongoing initiatives.

The EMI suggests to prepare standardised forms to submit as also to support an ECI. The submission form should state the cause, the title and the objective of the initiative as also give some further background information. In addition the ECI

regulation should also lay down a form with the minimum requirements to support an ECI (name, address, date of birth, nationality, data protection note, declaration of unique support etc.). Every supporting person should receive a receipt as official statement of their support.

The Commission should provide on its website, accessible to the public, an index of all successfully registered citizens' initiatives. The organisers of a citizens' initiative may withdraw the initiative at any time. It is then considered not registered and is deleted from the Commission index.

Finally, the EMI feels that initiators of citizens' initiatives should also have access to a contact point providing advice not only on procedural questions but also on substantive issues. It would therefore welcome a "helpdesk" to respond to related questions.

8. Requirements for organisers - Transparency and funding

The EMI agrees that the organisers of a successfully registered citizens' initiative shall be obliged to hand in a *transparency report*.

In the EMI opinion, the initiators of an initiative should provide the following information:

- sponsoring organisation and its external representatives;
- supporters (initiators);
- evidence of funding;
- evidence concerning human resources and structures.

The report shall be examined by the Commission and published together with an opinion of the Commission on the legitimacy of the funding and the sources of the funding. As a general rule the Commission should begin to address the content of a citizens' initiative only after a transparency report has been presented in due form.

The EMI finds the Commission's statement that it is not foreseen that any public funding would be provided for citizens' initiatives completely unacceptable, particularly the claim that this is the only way of guaranteeing the independence of such initiatives. The European Commission funds the structures and the work of many effective non-governmental organisations, and it would be quite unwarranted to assume that these civil society players were therefore dependent on the Commission because they were partly funded by it. Moreover, the logical consequence of the Commission's approach would be that only large organisations with financially strong supporters would even be in a position to consider a European citizens' initiative.

The EMI therefore suggests that the EU should provide funding assistance once an initial milestone, for example 50 000 signatures, has been reached, in order to exclude hopeless or frivolous campaigns. Moreover vouchers to cover common ECI expenses (e.g. translation costs) could be a system to avoid financial abuse of public funding.

9. Examination of citizens' initiatives by the Commission

The EMI considers the 6-month time-frame proposed by the Commission to be an absolute upper limit, and supports the two-stage approach proposed in the European Parliament's resolution (two months to assess the formal criteria and three months to reach a decision on the content).

10. Initiatives on the same issue

It will be essential to support European citizens' initiatives with information and communication activities: for example, the Commission should ensure that every properly registered initiative is translated into all the EU's official languages and published on the Internet. It will then be up to initiators to launch an initiative on a similar topic if they wish. It is worth reiterating that the new European citizens' initiative is not a direct initiative as provided for in a number of Member States, triggering a binding referendum, but an "agenda initiative" calling on the Commission to legislate. The EMI therefore sees no reason to incorporate bans or obstacles.

11. Additional remarks

The EMI would also note that the issue of appeals in cases where the Commission rejects a citizens' initiative for technical reasons (e.g. when assessing whether a citizens' initiative falls within the Commission's sphere of competence) should be dealt with in the Regulation adopted.

Moreover the EMI proposes to re-evaluate the ECI regulations after a time period of 5 years.