

Mr José Manuel Barroso,
President of the European Commission,
European Commission,
B - 1049 Brussels,
BELGIUM

January 2010

**Contribution by the Irish Labour Party
On the European Citizens' Initiative Green Paper**

Dear President Barroso,

The Labour Party welcomes the opportunity to take part in the consultation on the Green Paper on a European citizens' initiative (COM(2009)622 final), published by the European Commission on 11 November 2009.

The Labour Party has long supported the establishment of a citizens' initiative at European level. Our representative, Proinsias De Rossa MEP, at the Convention on the Future of Europe, advocated its inclusion in the draft treaty establishing a Constitution for Europe presented by the Convention in 2003. We repeatedly highlighted the citizens' initiative during the campaign in Ireland to ratify the Lisbon Treaty.¹ And we supported the European Parliament resolution of May 2009 which urged the Commission to come forward with proposals for a regulation on the citizens' initiative without undue delay after the Lisbon Treaty entered into force.² We will play our part in ensuring the proper scrutiny and swift adoption of the forthcoming regulation, both at national and at European level.

The Labour Party sees the citizens' initiative as one of the principal democratic achievements of the Lisbon Treaty. It puts the citizen on the same footing as the European Parliament and the Council as far as the initiation of European legislation is concerned. It is a 'world first' in terms of supra-national participatory democracy. It will enable groups of citizens to participate more fully in Europe's democratic life and hopefully encourage deeper debate about European politics.

While the Commission, whose core mission under the treaties is to promote the general European interest (Article 17, TEU) retains its final right of initiative, we believe that the Commission will be obliged to very carefully consider its response to all successful citizens' initiatives.

With regard to the specific questions set out in the Green Paper, we would make the following comments:

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

As we are concerned to ensure that the threshold for participation is not overly onerous we believe that a stipulation of one quarter of Member States is sufficient to meet the requirement of a '*significant number of Member States*' so as to guarantee that the initiative reflects a wider, common European interest.

2. Minimum number of signatories per Member States

We agree that the requirement for at least one million supporters across a significant number of Member States implies a minimum number of supporters from each of those Member States in order to avoid a situation whereby most of the signatories would come from a small number of Member States, with only a token number from other Member States.

Since one million citizens equals approximately 1/500th of the current EU population in 2010, we propose that 1/500th of the eligible population (i.e. those that are entitled to vote in European elections under Article 20(4), TFEU) of those Member States should be regarded as sufficiently representative for such a requirement. This would require roughly 8,500-9,000 signatures from Ireland for example. In setting the Member State signature threshold and the minimum number of Member States we propose that the formula not result in a minimum threshold higher than the one million in the Treaties.

3. Minimum age of signatories

We support with a minimum age for taking part in a citizens' initiative. We agree with the need to avoid a situation whereby this minimum age is higher than the minimum age for taking part in European elections. For this reason, the minimum age should be the same as the minimum age for voting in European elections in each Member State. This would have the additional benefit of enabling Member States to use their voter registration system for verification of signatures.

4. Form and Wording of a Citizens' Initiative

We believe that it would be sufficient for a proposed citizens' initiative to clearly state the subject matter and the aims of the proposal on which the Commission is being invited to act. This would not preclude a draft legal text or references to the appropriate legal bases being appended to the proposal by the organisers if they so wished.

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

We propose that the European regulation set common *basic* procedural requirements for the collection, verification and authentication of signatures. Member States should be free to put in place specific provisions at national level, provided these respected the common European requirements.

Since many Member States including Ireland have no experience of citizens' initiatives at the national level, we believe it would be useful for the Commission to prepare a comparative analysis of the practice as regards the collection, verification and authentication of signatures in the Member States and the third countries where citizens' initiatives are held. This could be issued in tandem with the publication of the draft regulation.

With regard to ensuring that EU citizens can support a European citizens' initiative regardless of their country of residence, since Irish citizens living outside Ireland are not entitled to vote in national elections in Ireland, but are entitled, under Article 20(4) of the TFEU, to vote in European (and local) elections, any EU citizen who is entitled to vote in European elections in their Member State of residence should be entitled to take part in a citizens' initiative in that Member State if they so choose.

Citizens should be able to support a citizens' initiative online with appropriate online security tools.

We also propose that the practice under Directive 93/109/EC on the right of EU citizens to vote in European elections in their Member State of residence, whereby the Commission must report to the European Parliament and the Council on the application of this legislation and propose amendments if need be, should be replicated as regards the citizens' initiative

6. Time limit for the collection of signatures

One year would be an appropriate time period in which signatures can be collected. This period should begin on the first day of the third month following the successful registration of a proposed citizens' initiative. This would give the organisers two months to prepare their campaign to collect the required number of signatures.

7. Registration of proposed initiatives

There should be a mandatory system of registration. This could be done through an appropriate, publically-available website. Registration should involve the organisers uploading all relevant information (e.g. title, subject-matter, objectives, background, declaration of interests, and information on source of funding, etc) on to this website. The

organisers would then be sent a formal confirmation of the registration, the date and a registration number, on the basis of which the collection campaign could be launched.

The Labour Party considers the question of *where and by whom* registration should take place as of crucial importance.

The Commission's Green Paper rightly warns of the dangers of an impression being given that the Commission has somehow given a 'stamp of approval' to a proposed initiative solely on the basis of its successful registration.

For this reason, we believe that the process of registering a proposed initiative and the political decision whether or not to act on an initiative that has achieved one million signatures of support should *not* be carried out by the same institution.

As the Commission will have the responsibility to make the final political decision on implementation we propose that proposed initiatives should be registered with the European Ombudsman's office.

The European Ombudsman should decide on the admissibility of the proposed initiative (i.e. that it calls on the Commission to submit draft legislation; ii) that the EU can adopt such the legislation in question; iii) that the Commission can propose such legislation; and iv) that the proposed act complies with the general principles of EU law).

The European Ombudsman should decide whether the registration procedures have been completed successfully within two months of receipt of a proposed initiative.

The registration procedure should take place *before* signatures are collected in order to avoid citizens engaging in a major project only to be told when its completed that it does not meet the necessary legal criteria.

8. Requirement for organisers - transparency and funding

The organisers of a proposed initiative should be required to provide all relevant information on funding and support they receive during the course of the campaign in favour of an initiative. They should also be obliged to make declarations of interests; e.g. business interests, membership of political parties etc. They must also comply with all obligations relating to the protection of personal data. Consideration should be given to requiring organisers to register and report with Member States' bodies that oversee standards in public office.

9. Examination of citizens' initiatives by the Commission

The Commission should be obliged to respond to a citizens' initiative which has been registered by the Ombudsman's office, within three months of its formal submission with the required number of signatures of support.

10. Initiatives on the same issue

The practical challenges posed by launching European-wide citizens' initiatives are likely to limit the submission of identical citizens' initiatives. The citizens' initiative is a new instrument of direct democracy and it should not be unduly circumscribed. There should be a review procedure incorporated in the Regulation which would examine any problems that have arisen in its implementation.

Final Remarks

Each stage of the procedure must end with a formal decision, each of which can be challenged in the Court of Justice of the European Union in accordance with the relevant provisions of EU law. Procedures and decisions at national level must also be open to legal challenge at national level.

We believe that the regulation should also acknowledge that the European Parliament may formally endorse, if it so decides, a successful citizens' initiative by means of its own 'right of initiative' (Article 225, TFEU).

Finally, the Labour Party agrees that our submission may be published by the Commission.

Yours sincerely,

Joe Costello TD
Spokesperson, Europe and Human Rights,
The Labour Party

Proinsias De Rossa MEP,
Leader, Irish Labour Delegation,
Socialists and Democrats Group, EP.

¹ See speech by Eamon Gilmore TD, Leader of the Labour Party, at the National Forum on Europe, 7 February 2008 - <http://www.labour.ie/press/listing/1202381487147562.html>

² P6_TA-PROV (2009)0389, 7 May 2009