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LANDES-EUROPABÜRO



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BETREFF

Reply to the questions raised in the Commission's Green Paper
on a European Citizens' Initiative

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Reply to the questions raised in the Commission's Green Paper on a European Citizens' Initiative, Document COM (2009) 622 by Land Salzburg, Austria.

Land Salzburg welcomes that Member States, regions and citizens were invited to comment the Commission's Green Paper. Salzburg has legal instruments and practical experience in the areas of citizen consultation, citizens' petition and citizens' vote (referenda) at municipal and regional (Land) level. The regional parliament (Salzburger Landtag) is the competent body to legislate in these matters.

The new instrument of a European citizens' initiative will enrich the political discussion process on European issues. In the implementing phase it has to be stressed, that the initiative focus on European issues and safeguard a European representativity.

Salzburg calls upon the European Commission to strictly respect the principle of proportionality. This means, that the regulations for authentication in the case of an initiative do not need to be as strict as in the case of elections. The citizens' initiative shall be used as a means of political expression of citizens and not be threatened by easy failure for formal reasons. The objective is to enable citizens to voice a political issue on European level and not to adopt a specific legal act.

DAS LAND IM INTERNET: www.salzburg.gv.at

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Stellungnahme Bürgerinitiative EN.doc

Replies to the specific questions raised in the 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?

Yes

If not, what threshold would you consider appropriate, and why?

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?

Yes

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?

One million citizens can table a topic at European level. This, however, does not mean, that the position of this small group must be followed at the end of the process. In the political decision making process in the Council and in the European Parliament democratic quorums will apply. These then will ensure representativity.

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

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?

Yes.

In accordance with the principle of subsidiarity the age limit has to be set by the Member States. If the European Union set up the age limit, it could cause problems with the different age limit in Austria. In Austria the age limit is 16, whereas it is 18 in the other Member States.

If not, what other option would you consider appropriate, and why?

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?

The desired objectives should be stated in a reasonable manner.

What other requirements, if any, should be set out as to the form and wording of a citizens' initiative?

A web-based entry form should establish some consistency and certain procedural requirements. Communication should be possible between the Commission and the organizers of the Citizens' initiative.

Elements could be:

- **Subject of the citizens' initiative**
- **Summary of the objectives to be achieved or changed by the Commission or other European actors;**
- **possibly a proposal of specific measures (proposal which do not fall into the exclusive jurisdiction of the Commission shall not make the initiative invalid as a whole)**
- **justification / reason**

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?

It should be possible to sign and support the citizens' initiative both online and in a conventional written way. The paper version must have the same structure and content as the electronic one). Given the different traditions of democracy in Member States harmonization of their provisions is not an option. Hence the regulation should only regulate basic essentials.

Criteria for identification: first name, surname, date of birth, social insurance number, passport number, address, etc. (if applicable)

Member States' authorities should electronically control and verify the information randomly. Due to the character of the citizens' initiative it is not necessary to apply the same strict rules as for elections.

To what extent should Member States be able to put in place specific provisions at national level?

Member States should fix the details of the random controls and the samples of identification (passport number, social insurance number, etc.).

Member States should also be able to support organizers of Citizens' initiatives.

Are specific procedures needed in order to ensure that EU citizens can support a citizens' initiative regardless of their country of residence?

Yes. A website of the Commission is needed as the existing one on "Your Voice in Europe". <http://ec.europa.eu/yourvoice>

Should citizens be able to support a citizens' initiative online? If so, what security and authentication features should be foreseen?

EU citizens should be able to vote both online and in writing. Hence a dual system should exist.

Filled in paper forms must have the same structure as the website. They should be sent to the representation offices of the Commission. There they should be processed electronically.

In addition to the statements to the first reply of question 5 experiences from e-commerce as regards authentication should be used.

The personal delivery of signatures at a municipal office would cause an undue burden for both the local authorities and the citizens themselves. Furthermore this could reduce the turnout, which is not desirable.

6. Time limit for the collection of signatures

Questions:

Should a time limit for the collection of signatures be fixed?

Yes

If so, would you consider that one year would be an appropriate time-limit?

Yes

7. Registration of proposed initiatives

Questions:

Do you think that a mandatory system of registration of proposed initiatives is necessary?

Yes

If so, do you agree that this could be done through a specific website provided by the European Commission?

Yes. A good example is "your voice in Europe". <http://ec.europa.eu/yourvoice/>

8. Requirements for organisers - Transparency and funding

Questions:

What specific requirements should be imposed upon the organisers of an initiative in order to ensure transparency and democratic accountability?

The organisers should provide information about the citizens' initiative like objectives, aims, composition/members, website, etc.).

No detailed publication of funding is needed.

Do you agree that organisers should be required to provide information on the support and funding that they have received for an initiative?

No. The topical relevance of a citizens' initiative should be judged independently of the organisers.

9. Examination of citizens' initiatives by the Commission

Questions:

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

Yes, 6 months.

If this period is exceeded, the users could be enabled to address the ombudsman or the ECJ.

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?

Several citizens' initiative on the same topic should be possible. It is possible that citizens' initiatives address a similar legal instrument, but pursue different goals. On the website the various citizens' initiatives on the various topics should clearly be identified for interested citizens.

If so, would this best be done by introducing some sort of disincentives - or time limits?

No.

On behalf of the government of Land Salzburg



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