



national union of students scotland

**The response of NUS Scotland
to the European Commission's
green paper on the European Citizens'
Initiative**

January 2010

NUS Scotland

NUS Scotland is a federation of local student organisations in Scotland, comprising over 60 local campus student organisations that are affiliated to the National Union of Students of the United Kingdom (NUS). NUS Scotland is an autonomous, but integral, part of the National Union of Students. The students' associations in membership of NUS Scotland account for 85% of students in higher education and over 95% of students in further education in Scotland.

Students' associations affiliated to NUS retain autonomy over all policy areas, and may choose to make individual students' association submissions based on local policy. NUS Scotland operates a democratic forum for policy and debate on national issues affecting students, and NUS Scotland's role is to reflect the collective position.

Introduction

NUS Scotland welcomes the opportunity to respond to the European Commission's green paper on the European citizens' initiative. We welcome the European citizens' initiative introduced by the Lisbon Treaty and believe it will strengthen the democratic legitimacy of the European Union by offering an opportunity for the direct participation of citizens in the creation of policy.

1. Do you consider that one third 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?

Gaining one million signatures already represents a significant challenge for any civil society group and will require a well resourced long-term campaign. We would therefore argue that a slightly lower number of Member States than the suggested third would be appropriate. The citizens' initiative must become something that citizens feel they can engage with, so setting a reasonable threshold is a means of opening this possibility up to more of Europe's citizens.

NUS Scotland hopes that the European Commission will ensure that the citizens' initiative is accessible for civil society organisations. Six countries represents a sizeable proportion of Member States (just under a quarter), and is a reasonable, but not unachievable number of countries in which to gather signatures as part of an extended campaign. The required number of signatures per country would average at around 166,667 and in the UK would constitute around 0.27% of the population.

NUS Scotland hopes that citizens' initiatives will be reflective of the views of a proportion of the EU population, and will therefore routinely be supported in more than six Member States. However, we believe that a threshold of six Member States would increase the popularity of the citizens' initiative, giving more opportunities for citizens to participate in the process.

2. 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?

NUS Scotland supports the extension of the right to support a citizens' initiative to those over the age of 16. It would therefore be appropriate to make the calculation for the threshold based on the population of each country over the age of 16, not the total population. This would lower the threshold slightly, again supporting our proposal to make the process more accessible.

3. 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 voting age for Austria has recently been lowered to 16. This gives Austrian 16 and 17 year olds the right to support a citizens' initiative, but not their EU counterparts. This creates a democratic deficit between the rest of the EU's 16 – 17 year olds and their Austrian counterparts. NUS Scotland feels that the EU should promote the civic rights of younger people. We would therefore support giving the right to participate in citizens' initiatives to all EU citizens over the age of 16. NUS Scotland believes that the European Institutions should become the leaders in extending civic rights to young people over the age of 16. This would generate more interest in the European institutions amongst young people by making them feel that these institutions value them, and offer them the opportunity to play a role in making genuine change.

Furthermore, as the citizens' initiative is concerned with linking citizens to the European Institutions, it is not incumbent on the Treaty to be completely compatible with member nations' democratic regulations.

The European Commission must seek to ensure that the citizens' initiative and the Lisbon Treaty form a part of citizenship education for young people in schools. Were the right to sign a citizens' initiative given to over 16s this would become even more important. The citizens' initiative is an attractive and interesting feature of the Treaty and, if young people could participate at 16, this would give

them a very real feel for how their voices can be heard, and how they can initiate change at a European level.

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

NUS Scotland is keen for the citizens' initiative process to be as accessible as possible. Citizens should not require to be legal experts in order to submit an initiative. As long as the subject matter and aims of any initiative are clearly stated by the proposers, the Commission should then be responsible for drafting this into an appropriate proposal for the Parliament and Council.

At the petition stage of a citizens' initiative, it would be useful for the Commission to offer the services of their translation service to translate the initiative into all official EU languages for posting on the proposed website and for use by the petitioners to invite signatures. The Commission should ensure that member states make citizens' initiatives accessible in community languages and Braille where appropriate. Initiatives should be publicised by European Commission national representations and by national governments through their own mechanisms such as websites.

5. Do you think that there should be a common set of procedural requirements for the collection, verification and authentication of signatures?

The European Commission should certainly be in a position to verify that all the citizens signing an initiative have done so freely and are EU citizens. NUS Scotland agrees that an equal set of common requirements for collection is appropriate. The Commission must also ensure that geographical and cultural factors are taken into consideration when gathering signatures in Member States. Member States should be allowed to tailor the authentication process to their needs, as part of a common equitable process.

NUS Scotland further recommends that the European Commission, together with Member States, explore a means of gathering signatures electronically, with the aims of widening access and simplifying procedure.

NUS Scotland would support giving organisers of citizens' initiatives the opportunity to add a limited amount of previous signatures to an initiative (for example where support has already been canvassed on a national level), and add further signatures after the initiative has been submitted to the Commission for the proposal drafting stage.

6. 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?

NUS Scotland feels that a time limit would be counter to the principle of the citizens' initiative. This initiative should be flexible and open enough to ensure that civil society organisations feel they can participate. NUS Scotland would therefore encourage the Commission to consider making no arbitrary time limit, or ensure that the time limit is one that allows time to develop a sustained campaign across several Member States, such as a minimum of three years.

Since a European citizens' initiative has never previously been attempted, the Commission should review any time limit after three years to determine if it has caused problems to the collection of signatures by any group.

7. 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?

A website for the registration of initiatives would enhance the transparency and openness of the citizens' initiative procedure, so NUS Scotland would fully support the delivery of this. It would be a useful tool through which to disseminate information on citizens' initiatives. However, the Commission must ensure that other means of publicising these initiatives are also utilised for those who do not have internet access, for example through the display of initiatives in Commission national and regional representations.

8. 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 they have received for an initiative?

NUS Scotland would caution against the requirement for excessively bureaucratic documentation when submitting an initiative. However, the Commission must ensure that the process is as transparent as possible, in order to prevent it being hijacked by big business or corporate initiatives. We would therefore suggest a declaration of funding behind an initiative in the case of one or more corporate sponsors.

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

NUS Scotland supports the time limit of six months proposed in the green paper.

10. Is it appropriate to introduce rules to prevent the successive presentation of citizens' initiatives on the same issue? If so, would this be best done by introducing some sort of disincentives or time limits?

NUS Scotland opposes the creation of any barriers to the repeat presentation of the same issue. We feel that such barriers would defeat the original purpose of the citizens' initiative as an open and democratic mechanism. The crucial point is whether an initiative has widespread popular support not whether bureaucratic rules have been met. While they are important, to ensure the process is open and transparent, they should not be allowed to interfere in the expression of will by citizens in Europe.

Conclusion

NUS Scotland welcomes the European citizens' initiative as a new and innovative way for citizens to engage with the European democratic process. The European Commission must make this process as open and accessible as possible, to ensure its maximum possible usage by European citizens.

We would encourage the European Commission to publicise the citizens' initiative as widely as possible throughout Member States through a concerted and well resourced awareness raising campaign.

The European Commission must also ensure that citizens, civil society and business are informed regarding the positive impact that EU legislation has had. Otherwise, the citizens' initiative could be used to negate important changes that European Directives have brought about on issues such as workers' rights, competition law and consumer protection.

The European institutions must also continue to invest resources into the promotion of the existing means of engaging with the European institutions such as representation through MEPs, national governments, and answering consultations. It should be possible for a single European citizen to raise an issue at European level through their MEP, and this type of participation must not be ignored in favour of mass action. Not all organisations in civil society, and certainly not all European citizens, have the power and resources to gain the support of one million citizens throughout Europe. Representation of citizens by parliamentarians is at the core of our European democracy, and must remain so. The European Commission must ensure that the citizens' initiative becomes a valuable part of the tapestry of European democracy, but not the sole mechanism for ordinary citizens to engage with Europe.

**Submitted by and on behalf of the Scottish Executive Committee
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