

Dear Members of the European Commission,

Thank you for inviting me to respond to your Green Paper [COM (2009) 622]

The effective implementation of the European Citizens' Initiative is of overriding importance in developing a true European *demos* which has so often been argued to be lacking. If the ECI is to stay truthful to its original aim, it should be **easily accessible and unconditional** on all terms, with exception of the two binding conditions laid down in the Lisbon Treaty:

“Not less than **one million citizens** who are **nationals of a significant number of Member States** may take the initiative of inviting the European 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.”

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### (1) Minimum number of Member States from which citizens must come

On the 14th of January it was reported: “The Spanish EU Presidency has obtained the consensus of all EU countries that the million signatures needed to trigger the Union's legislative initiative must **come from a minimum of nine member states**” (EurActiv Spain).

This question is now solved. However, I cannot agree with the underlying logic entirely. The mechanism intended to ensure ‘significant spread’ within the Union is not favourable when taking into account its practical implications. As an example, having both the Belgian and the Dutch nationality, and a place of residence in Germany, I would rather prefer to be considered ‘European’ in the light of the European Citizens' Initiative. To this end, Member States must be urged to disclose the necessary information to make possible verification of ECIs at the EU level. This obviously requires **an EU supervisory body or agency for the ECI to be set up**. Citizens in turn will welcome this gesture as a real sign of democratic deepening within the EU. In addition, the accessibility/representativeness dilemma is not founded: minorities (of at least one million citizens!) will present ‘their contribution’ to the European policy making process, merely asking the Commission ‘to look at’ their proposal – with the Commission, of course, retaining its ‘right of initiative’ as well as its ‘discretion to act’. One million citizens, thus, should be regarded a sufficient number to grant immediate access via the ECI without further conditions. I think that **involving 9 Member States poses an unwelcome challenge**.

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### (2) Minimum number of signatures per Member State

This condition should be avoided at all costs, let alone the introduction of fixed thresholds per Member State which will render the ECI too complex and deprive it of its potentially efficient application. Moreover, as all Europeans are already affected by EU legislation in their daily lives, “genuine European flavour” of proposals does not only spring from transnational arrangements but can also exist in ‘national or regional’ proposals calling for EU legislation to benefit citizens of the Union as a whole or affecting their situation in particular. As such, they may be genuinely representative of a Union interest or concern on behalf of **1 million EU citizens** which is, I do believe, ‘**sufficiently representative**’. Therefore, I would neither favour the fixed thresholds nor the proportional approach. Whatever the mechanism used, the opinion of 1 million citizens will neither be representative of the entire EU population nor can it represent a ‘majority interest’ in any convincing way – the ECI differs from EP elections!

### **(3) Eligibility to support a citizens' initiative - minimum age**

Why not adopt the minimum age of 16 as in Austria? It leaves the possibility for young Union citizens to sign or initiate original and innovative ECI proposals, making them 'part of Europe' at an early stage in their lives. I believe a minimum age of 16 is sensible provided that some level of control can be entertained by the EU in the form of a supervisory body or agency. Otherwise, the minimum age should be in compliance with Member State electoral requirements (to enable verification by the Member States on an 'intergovernmental level').

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### **(4) Form and wording of a citizens' initiative**

No legal requirements! **Initiatives should be regarded as 'ideas'** to which citizens can commit themselves by signing a given ECI. Legal texts are often vague and open to interpretation i.e. not comprehensible for the majority of citizens! If the Commission does not understand an ECI, it may ask the respective 'ECI entrepreneurs' for more information.

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### **(5) Requirements for the collection, verification and authentication of signatures**

An **ex-post verification** of an ECI reaching the Commission can be used to establish its 'sincerity'. This again should be done by a body or agency – introduced by the EU regulation on the ECI. Ex-ante requirements for the collection of signatures are not desirable, leaving the form and method to the respective 'ECI entrepreneurs'. Overall transparency in collecting, however, is essential but not to the extent that every single signatory has to be accounted for.

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### **(6) Time limit for the collection of signatures**

The Treaty does not foresee a time limit for the collection of signatures. **The time limit for collection should be set at a maximum of three years.** It does not matter that individual Member States currently allocate significantly less time for the collection of signatures during initiatives (although Switzerland foresees a period of 18 months). In order to guarantee the quality of any ECI, it should be able to ripen and grow stronger with time – citizens have to back the proposal and in effect carry it through to 'implementation'. After all, what can be the purpose of collecting a million signatures from citizens who are only vaguely aware of an issue because they are rushed into signing an ECI? On the other hand, minorities with less developed means of collecting signatures may feel unable to execute their ECI in time due to practical (or time) constraints – however useful a tool they may consider it to be. Sometimes a rather 'specific' ECI will be initiated which would obviously need time to bring about interested signatories from all over the European continent. Thus **I consider 18 months to be too short a time frame; and it may discourage undertaking an ECI altogether.**

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### **(7) Registration of proposed initiatives**

Registration of initiatives can be made obligatory in the future. For now, in the absence of any such possibility and with some ECIs already in the process of collecting signatures (on the basis of the relevant articles in the Lisbon Treaty) this would mean a death blow. Obviously the ECI will need time to be legally formalized. However, it does not seem fair to citizens if the Commission would reject currently running – but non-registered – ECIs without cause.

## **(8) Requirements for organisers - Transparency and funding**

“The Regulation could require that organisers make publicly available all relevant information on funding and support during the course of the campaign.” Furthermore, “it is not foreseen that any specific public funding would be provided for citizens’ initiatives. This is also in the interest of preserving the independence and citizen-driven nature of initiatives” (Green Paper). A high-quality ECI is likely to generate sufficient financial backing indeed.

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## **(9) Examination of citizens' initiatives by the Commission**

A time limit for the examination of an ECI by the Commission could be set at three months to six months. A communication stating the position of the Commission on the ECI at stake should be issued to the ‘ECI entrepreneurs’ within that time limit. In addition, the ECI is to be published without delay in the Official Journal of the European Union.

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## **(10) Initiatives on the same issue**

“The operational and financial resources required to the launch of an EU-wide initiative are likely to limit repetition and duplication” (Green Paper). This constraint is not to be underestimated: launching an initiative of this scope also needs a considerable financial input. However, it seems to me that the emergence of ‘similar initiatives’ is unlikely to occur. By increasing transparency of ECIs in operation throughout the Union via an EU website (containing a link to the ECI), this problem would easily be overcome. Even if two similar Citizens’ Initiatives would reach the Commission, the latter can still decide whether to merge them into one draft proposal or opt for the one deemed most appropriate. As the Commission is not legally obliged to act on submitted ECIs, it will retain its ‘monopoly of initiative’.

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In anticipation of a legally binding framework for the European Citizens’ Initiative, I can but sincerely hope that the objective of making the ECI as accessible and ‘light’ as possible for Europe’s citizens can be effectively accomplished without imposing any further conditions (e.g. minimum thresholds per Member State, ECIs as draft legal acts with clearly recognisable legal provisions, strict formal requirements for the collection of signatures, etc). It should be borne in mind that the ECI is aimed primarily at involving citizens and not the governments of the Member States once again. The ECI is yet to be made into a pragmatic tool to bridge the gap between institutions and citizens. Let the ECI be a citizen-friendly and ‘inviting’ experience. I am convinced that a more democratic future for the EU has come within reach.

It’s time to decide now. The momentum gained must not ebb away...

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