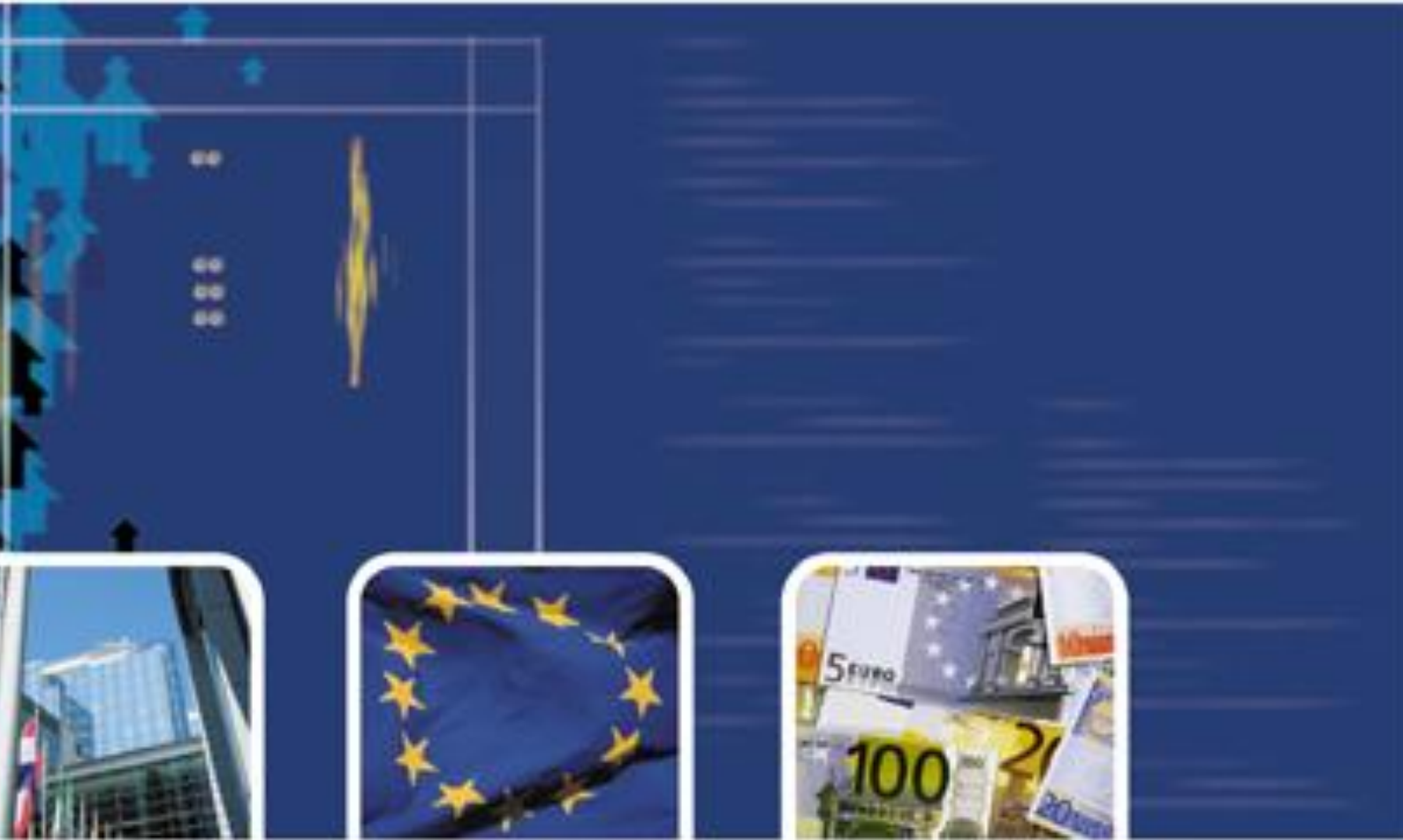


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Contribution of the Austrian Federal Economic Chamber

CONSULTATION ON THE EUROPEAN CITIZENS' INITIATIVE

January 2010

As the legal representation of Austrian business the Austrian Federal Economic Chamber (Wirtschaftskammer Österreich - WKÖ) welcomes the consultation of the European Commission on the European citizens' initiative.

I. General remarks

The Austrian Federal Economic Chamber fully supports the introduction of a European citizens' initiative which will involve citizens and enterprises more in the discussions on what the European Union could offer them within the frame of the treaties. In the implementation of a European citizens' initiative transparency has to be ensured and unnecessary administrative burdens for Member States' administrations and thus costs have to be avoided.

II. Specific Comments

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

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

WKÖ: For the enhanced cooperation of Member States the Lisbon Treaty foresees the cooperation of at least 9 Member States. Accordingly, a "significant number of Member States" as required by the Treaty for the European citizens' initiative should comprise at least 9 Member States.

2. Minimum number of signatures per Member State

Q: 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?

WKÖ: In our view, 0,5% of the total population of each Member State would be a more appropriate threshold in order to both create a public debate on the issues in question and to achieve a representative result not only across Member States but also within Member States. For ex. 0,2% of the population of Malta would only be around 820 citizens (out of around 410.000 citizens in total).

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

Q: 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?

WKÖ: The minimum age required to support a European citizens' initiative should be linked to the voting age for the European Parliament elections in each Member State. This would ensure that national voting rules are respected and that additional administrative efforts with regard to a European citizens' initiative can be minimized.

4. Form and wording of a citizens' initiative

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

WKÖ: In addition to a clear and detailed description of the subject matter (problem description) and of the desired content and means of the proposal on which the Commission is invited to act it should also be stated why the subject matter in question falls within the competence of the European Commission to present a legislative proposal.

Furthermore the organisers of a European citizens' initiative (single citizens/organisations) should describe themselves (name, legal status, address, possibly website). If they act on behalf of an organisation or several organisations (professional organisation, NGO, think tank etc.) the activities of each organisation should be described and a contact person be mentioned.

In terms of transparency also information on the amount of funding which the organisers expect to spend on a European citizens' initiative has to be provided and updated. In addition the sources of funds for the campaigns have to be stated. The planned time frame for the campaigns and collection of signatures should be stated as well.

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

Q: 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?

WKÖ: A common set of procedural requirements at EU level should define the following:

- In the frame of a certain European citizens' initiative signatures have to be collected as of the same starting time and during the same period in all Member States.
- A time limit for the collection of signatures (1 month) has to be foreseen.
- Member States' authorities have to attach great importance to the identification of citizens (unique identity) in order to avoid multiple signatures by one and the same person. In Austria alone there are around 500 citizens with the same first name, surname and date of birth.
- Especially if the support of a European citizens' initiative is possible online the differentiation of people of the same name has to be guaranteed by technical means.

- The organisers of a European citizens' initiative have to bear a fair share of the costs for the collection and verification of signatures which should however not be prohibitive so that democratic initiatives are not being discouraged from the start.

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

WKÖ: Member States should be able to apply their specific national provisions (for ex. the minimum age required) with the exception of procedural requirements agreed at EU level and implemented by the Member States.

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

WKÖ: The procedures should be the same as for the European Parliament elections in each Member State.

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

WKÖ: In principle citizens should be able to support a European citizens' initiative online, but only if the authentication of citizens can be guaranteed under the same conditions as for the elections on national level.

6. Time limit for the collection of signatures

Q: 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?

WKÖ: The starting time as well as the time limit for the collection of signatures for a certain European citizens' initiative should be the same in all Member States. Once the European Commission has given a European citizens' initiative the green light, the organisers should have up to 4 - 6 months for the campaigns and the collection of signatures, a longer time period might endanger the relevance of the issue in question. The collection of signatures should be carried out within one month. The organisers should state the planned time frame when registering the initiative.

The European Commission should inform the Permanent Representations about each admitted European citizens' initiative (content, foreseen timing and necessary steps to be taken).

7. Registration of proposed initiatives

Q: 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?

WKÖ: A mandatory system of registration of proposed initiatives is necessary. This should be done through a specific website provided by the European Commission. In this way the fulfilment of certain basic requirements can be guaranteed (for ex. form and wording of a European citizens' initiative). This website should provide an overview of all registered citizens' initiatives (content, foreseen timing, results).

After the registration of a European citizens' initiative the European Commission should carry out an ex-ante admissibility check, i.e. check whether the issue in question falls under the competence of the European Commission to present a legislative proposal. The organisers and the European Commission might have different points of view in this matter. An ex-ante admissibility check would prevent wrong expectations among citizens and save costs which unnecessary campaigns would cause. Only when the European Commission has given the green light the organisers can start campaigning.

The European Commission should inform the Permanent Representations about each admitted European citizens' initiative (content, foreseen timing and necessary steps to be taken).

8. Requirements for organisers - Transparency and funding

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

WKÖ: The organisers of a European citizens' initiative (single citizens/organisations) should describe themselves (name, legal status, address, possibly website). They should reside or have a registered office in a Member State. If the organisers act on behalf of an organisation or several organisations (professional organisation, NGO, think tank etc.) the activities of each organisation should be described and a contact person be mentioned.

In terms of transparency information on the amount of funding which the organisers expect to spend on a European citizens' initiative has to be provided and updated. In addition the sources of funds for the campaigns have to be stated.

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

WKÖ: Yes. Information on the amount which organisers expect to spend on a European citizens' initiative has to be provided and updated. In addition the sources of funds for the campaigns have to be stated.

9. Examination of citizens' initiatives by the Commission

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

WKÖ: Yes. The European Commission should carry out both an ex-ante and ex-post examination within certain time limits.

Ex-ante examination: The European Commission should carry out an ex-ante examination to check whether the subject matter of a European citizens' initiative falls under the competence of the European Commission to present a legislative proposal. This ex-ante admissibility check should be carried out within 3 months after the registration of a European citizens' initiative. It would prevent wrong expectations among citizens and save costs which unnecessary campaigns would cause.

Ex-post examination: The European Commission should examine a European citizens' initiative within 6 months after the end of the official period for the support of a citizens' initiative.

10. Initiatives on the same issue

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

WKÖ: Within a certain time limit (2 years seem appropriate) the submission of a European citizens' initiative on the same issue should not be possible. The organisers of a European citizens' initiative should bear a fair but not prohibitive share of the costs in order to avoid misuse.

III. Further Remarks

Summing up, our proposal for the time frame of a European citizens' initiative would be the following:

- 1) Registration of the initiative on a specific website of the European Commission
- 2) Ex-ante admissibility examination by the European Commission (3 months), if a European citizens' initiative is given green light ->
- 3) Information campaigns and collection of signatures (up to 4 -6 months, thereof one month for the collection of signatures)
- 4) Ex-post examination by the European Commission (6 months)

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