

THE EUROPEAN CITIZENS' INITIATIVE (ECI)

BACKGROUND INFORMATION:

With the treaty of Lisbon, the EU has created another tool to strengthen participatory democracy in the European Union which complements the existing tools of direct democracy – the right to petition and the right of appeal to the European ombudsman.

Citizens of the EU may now suggest legislative initiatives to the European Commission and are thus capable of influencing political decisions in the EU in a more direct way. The European Citizens' Initiative (ECI) is intended to reduce the democratic deficit and to encourage EU citizens in the long run to participate in European policy issues.

The ECI is also aiming at improving the citizens' identification with the EU and increasing the legitimization of the European project as a whole.

Another aim is to strengthen participation of groups in the European Union which have so far been excluded from the democratic process, for example, small parties which are not represented in the European parliament or transnational minorities who have hardly any influence on the respective national politics.

European debates arising from an ECI and the corresponding European movements might additionally help to support the formation of a broad pan-European public.

TO CARRY OUT AN ECI:

The regulation of the European Parliament and of the Council on the citizens' initiative (COM(2010)119) applies:

Conditions:

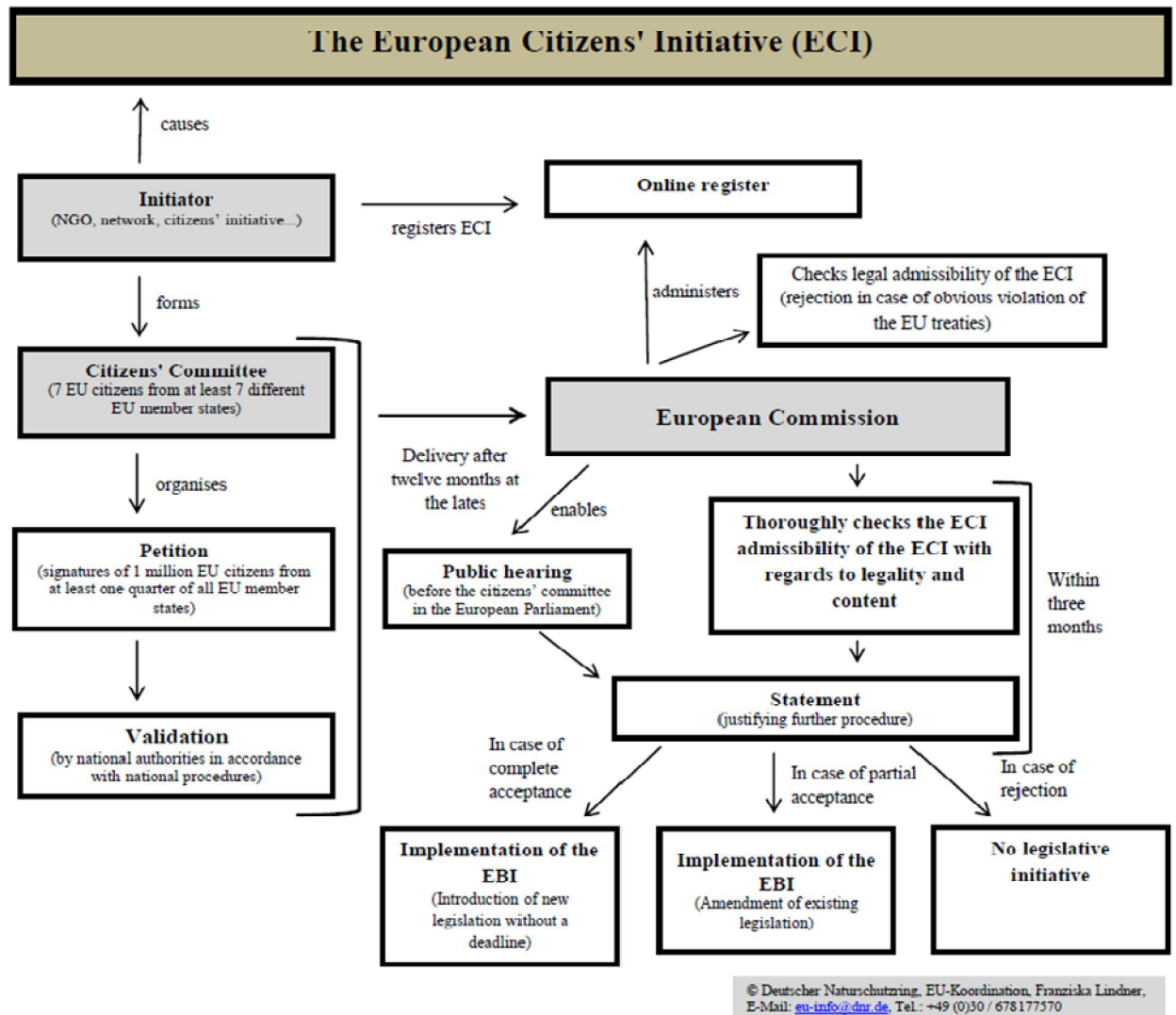
- The proposal must be in accordance with the European Treaties: it must be within the competence area of the EU, it must not violate the basic rights of the Union and it must not violate against higher-ranking European or national rights.
- The proposal must be in a policy area in which the Commission has the right of initiative, that is, in almost all policy areas regulated by the EU. (Exceptions: Art. 223 (2) Treaty for the Functioning of the EU (TFEU), Art. 228 (4) TFEU. From these two exceptions, no limitations arise for ECIs with regard to environmental issues.).

Procedure:

- The proposed initiative will be registered (in one of the official languages of the EU) in an online register that is provided by the Commission. Initiatives must be organised by a citizens' committee composed of at least 7 EU citizens who are resident in at least 7 different EU member states. Members of the European Parliament cannot be counted among the 7 citizens needed.
- When registering, the name of the initiative, its subject matter and goal, the contact data of the members of the citizens committee and the sources of support and funding must be provided. The Commission will register the initiative within a period of two months and assign an identification number. The Commission will refuse to register the ECI in case the terms and conditions are violated. Once the registration of the initiative has been confirmed, the citizens'

committee may translate the initiative into other official EU languages and ask to have them registered in the online register.

- The citizens' committee appoints a representative and a substitute who act as contact persons between the committee and the organisations of the Union during the entire process. The commission also establishes a point of contact (information, help). Starting from the date the initiative is registered, the organisers will have 1 year to collect signatures ('statements of support'): The minimum number of signatories is 1 million EU citizens coming from at least one quarter of all EU member countries (currently 7 out of a total of 27 EU countries). The minimum number of statements to be reached in each country equals to the number of members of European Parliament elected in that country, multiplied by 750. The minimum age required to organize and support an initiative is the voting age for European Parliament elections (Austria: 16, in all other countries it is 18). Statements of support can be collected on paper or online. By January 01, 2012, the Commission will make available an open-source software that can be used free of charge by organisers to collect statements of support. On the basis of national procedures, the relevant national authorities will verify the validity of the statements collected for an initiative within a time limit of 3 months. The national authorities will deliver certificates free of costs indicating the number of valid statements collected in the respective country. After receiving the certificates from the national authorities, the citizens' committee submits the initiative including the support and funding information to the Commission: Within a time limit of 3 months, the Commission examines the admissibility of the initiative. Within these 3 months, the committee will also have the opportunity to present the initiative at a public hearing to the European Parliament. At the end of the 3 months, the Commission is required to set out its political conclusions on the initiative, the actions it intends to take, and its reasoning in a public communication. The communication will be made available to the organiser as well as to the European Parliament and Council and would be made public. The proposed initiative is not legally binding for the Commission. The Commission may support the legislative act, change laws or may object to the initiative entirely (see figure on p. 3).



PROCESS & DOCUMENTS:

- December 17, 2007
Lisbon Treaty, Art. 11 (4): „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. The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union.“
- May 09, 2008
Treaty on the Functioning of the European Union (AEUV, 2008), Art. 24 (1): „The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required

for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States from which such citizens must come."

- November 11, 2009
The Commission releases a Green Paper on the European Citizens' Initiative and starts a public consultation (11 November 2009 to 31 January 2010) in order to start a public debate and to seek the views and suggestions of the various interested parties and the authorities on how the citizens' initiative should be implemented in practice.
- March 31, 2010
The Commission passes a proposal on the regulation on the citizens' initiative.
- November 06, 2010
The General Affairs Council releases a general statement on the proposal of the Commission.
- December 15, 2010
The European Parliament approves the regulation on the citizens' initiative proposed by the European Parliament and the Council.
- February 14, 2011
The Council of the European Union adopts the Regulation on the Citizens' Initiative: Within a time limit of 1 year, member states are required to harmonise their national legislation and to align it with the regulation. To do so, member states have to adjust their national provisions accordingly, that is, determine the responsible verification authorities and define the kind of data to be provided by signatories when signing up an ECI. The European Commission is allowed a time period of 1 year to take the necessary measures to implement the initiative.

Next Steps:

- April 1, 2012
ECIs can be registered with the Commission (one year after publication of the decision in the Official Journal of the European Union).

KEY ISSUES:

Following the introduction of the ECI with the Treaty of Lisbon, the conditions and procedures for implementing an ECI were defined by the European Parliament and the Council. During this stage, and especially during the consultation phase, a number of different key issues emerged. The pivotal question was if the ECI can be an effective tool for ensuring direct democracy in Europe or if it is just a „toothless tiger“.

No significant change in policy through ECIs

ECIs will not result in a significant policy change. In order to meet admission requirements, ECIs must remain within a certain legal framework and may thus not lead to marked changes and innovations. According to the Commission, existing EU treaties with constitutional character cannot be changed by an ECI. From a legal point of view, this is a highly controversial issue. Yet, this issue is not even considered in the Commission's Green Paper. From a politics and legal perspective, however, the possibility for constitutional/treaty changes should be offered. Otherwise, European citizens would be excluded from critical political areas, particularly since the EU treaties have priority over national constitutions.

ECI not legally binding

The EU Commission is not legally bound to admit and implement the ECI. Many of the interested parties therefore support the idea that a registered ECI should be legally binding for the Commission. Thus, the ECI would become a more powerful instrument for greater citizens' participation and also increase the ECIs prospects of success.

It is also criticized that the Commission is not bound to implement the ECI within a certain time limit once the ECI has been accepted.

Opinions of Minorities

Another aspect that is being criticised is that it is not clear as to whether an ECI represents the opinion of a significant majority or only the interests of a relevant minority of EU citizens.

Generally, however, people have a positive attitude with regard to the introduction of the ECI, which is seen as an important step towards more democracy in Europe.

Criteria for collecting statements of support

The conditions for collecting statements have widely been criticised. Concerning the minimum age it was stated that also citizens at the age of 16 and 17 should have the right to sign up a statement. Also, it was criticised that non-EU citizens are excluded from an ECI (this follows from the EU treaty), that a period of 12 months for collecting statements is too short and that effort required on the national level is too high. Critics also complain about the lack of transparency of the ECI due to the fact that it is up to each EU member to decide which kind of data are required to verify the validity of the statements collected. Some critics therefore demand a central procedure that is conducted by the Commission. In some EU member states, citizens have to provide their identification number when signing up. This might lead to practical problems as not every citizen wants to disclose his/her ID number to private organisations or has his/her ID available at all times.

Efforts and Costs

Since a high financial, organisational and time effort is required, an ECI may become an instrument only for large lobby groups or powerful interest groups. Considering the time periods to observe, campaigns to perform and the necessity of transnational cooperation, it is to be doubted whether an ECI can be realised by small groups or even individuals. Examples for this situation are the planned ECI against an EU tax initiated by the European conservatives and reformists, or the proposal of the European social democrats for introducing a financial transaction tax

THE ECI IN GERMANY:

Number of Required Statements of Support

The number of required statements in German is currently 74.250 (99 German Members in the European Parliament, multiplied by 750). The Treaty of Lisbon determines that the maximum number of seats in the European Parliament is 96 per country. This regulation will probably become effective after the European elections in 2014. The number of required statements will then be 72.000 (96 German members in the European Parliament x 750).

Conditions for Collecting Statements of Support

In order to sign up an ECI, supporters must provide a document of identification to prove German citizenship (residency in Germany is not sufficient). The minimum age is 18 years. In Germany, no identification number is required.

Verification of Statements

National authorities examine the validity of the signatures according to the mentioned criteria. They also check the number of the signatures collected and if there are any manipulations. The precise procedures are regulated by national law upon admittance of the ECI. The national provisions have to be adjusted accordingly, that is, the authorities responsible for the verification check have to be determined and the kind of data to be provided by the signatories has to be defined. The responsible national authorities including their addresses have to be determined by March 1, 2012 at the latest and have then to be provided on the website of the European Commission. The validation has to be realised within a time period of 3 months. The data provided are subject to the strict data protection regulations. The citizens' committee has to ensure that possible misuse of data is prevented.

Sanctions and liability

Member states have to ensure appropriate sanctions for infringements (misuse of data, false statements) done by the citizens committee. The citizens' committee is liable under the respective national laws for damage caused during organization of an ECI.

Registration:

An online form for registration of an ECI is not yet available. For more information, refer to the following link:

[EU-Take Part](#).

TIPS & HINTS:

Research:

Answering the following questions will help you to assess the prospects of success of an ECI in advance:

- Has there been a similar initiative before (by an ECI, petition, the EU Parliament)? If yes, what arguments were presented against it? How can the argumentation be questioned? Finally, taking all this into account: will a new initiative be worth the effort?
- Which organisations in the EU support the initiative? From how many member states are these organisations?
- Is the most effective way for campaigning for the ECI? What means are at your disposal to carry out the campaign?
- What financial means are available?

Contacts:

The EU Commission has committed itself to establish a point of contact and to provide a guideline for using the ECI.

Information office [Europe Direct](#): EU-wide phone number: 00800-67891011, [online form](#).

INFORMATION:

Documents

Official Journal of the European Union (2011):

[Regulation \(EU\) No 211/2011 on the Citizens' Initiative](#).

EU (2007): [Treaty of the European Union](#).

EU (2008): [Consolidated Version of the Treaty on the Functioning of the European Union](#).

European Commission (2009): [Green Paper on a European Citizens' Initiative](#).

European Commission (2010):

[Outcome of the public consultation on the Green Paper on a European](#).

Council of the European Union (2010):

[General approach for a regulation of the European Parliament and of the Council on the ECI](#).

Press Releases

European Commission (2010):

[Presse Release: Commission welcomes agreement on European Citizens' Initiative](#).

European Parliament (2010): [Citizens' initiative: agreement reached Monday evening](#).

Council of the European Union (2011): [Go-ahead given to the European citizens' initiative](#).

Academic Resources

Studie der Stiftung Wissenschaft und Politik (2009):

[Die Europäische Bürgerinitiative. Chancen, Grenzen und Umsetzungsempfehlungen](#). [German]

Efler, Michael (2006): [European Citizens' Initiative](#).

Further Links

European Commission (2010): [Public Consultation on the European Citizens' Initiative](#).

European Commission (2010): [Questions and Answers on the European Citizens' Initiative](#).

Green European Foundation (2010): [The European Citizens' Initiative Handbook](#).

Mehr Demokratie e.V. (2007): [Übersicht über das Europäische Bürgerbegehren](#). [german]

Mehr Demokratie! (2011): [Europäische Bürgerinitiative ohne ID-Nr.](#) [german]

Greenpeace (2010): [Informationen zur Bürgerinitiative von Avaaz und Greenpeace](#).

European Polis (2010): [The European Citizens' Initiative: A Democratic Innovation or a Fig Leaf?](#)

ECI (2011): [European Citizens' Initiative](#)