



## **TEPSA BRIEF**

# **'The European Citizenship Initiative (ECI): a new democratic tool?'**

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According to Article 11 of the 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".

After a consultation procedure, and the release of the Green Paper last November, the European Commission put forward on 31 March 2010 a proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative. A Working Document on the proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative has been released on 22 June 2010.

### **Structure and procedure of the ECI**

The European Citizens' Initiative is an important step towards more democracy in Europe. It aims at narrowing the gap between the EU and its citizens by giving European citizens a greater say in EU affairs and by making European Institutions more responsive to their concerns: European citizens can raise issues directly at the European level for the first time.

The European Citizens' Initiative, introduced by the Lisbon Treaty, allows citizens to request new EU legislation once a million signatures are reached. This, however, does require that the signatures come from a "significant number" of Member States: 1/3 Member States according to the European Commission's proposal. Moreover regarding the number of citizens participating, the European Commission suggested to keep in mind 0,2% of the population per Member States in order to balance between small and large states.

The EU institutions are currently engaged in negotiations designed to reach agreement on how the ECI will work in practice. There are still some gaps between these institutions regarding the procedure notably on admissibility, data protection, collection and verification.

### **Difference with national initiatives**

In the political definition, a national initiative (also known as popular or citizen's initiative) provides a mean by which a petition is signed by a certain minimum number of registered voters. The initiative can force a public vote (plebiscite) on a proposed statute, constitutional

amendment, charter amendment or ordinance, or, in its minimal form, to simply oblige the executive or legislative bodies to consider the subject. It is a form of direct democracy.

It is important to distinguish the European initiative to those at national or regional level. Indeed the ECI is not a direct initiative such as those provided for in a number of Member States, which give rise to a binding referendum, but rather an “agenda initiative” requesting the Commission to draw up legislation. It is a minority instrument that simply creates an opportunity to influence the political agenda. The right of legislative initiative remains with the Commission, and any legislative process that may follow will do so in accordance with appropriate procedures. The Treaty makes it clear that right of initiative should not be confused with the right to petition, particularly since a petition is directed to Parliament while a citizens' initiative is directed to the Commission.

There are citizens' initiatives in the majority of Member States, either at national, regional or local level. The following Member States have citizens' initiatives at national level: Austria, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and the Netherlands. Regional citizens' initiatives exist in Austria, Germany, Spain, Sweden and the Netherlands. Moreover local citizens' initiatives can be found in Belgium, Germany, Hungary, Italy, Luxembourg, Slovenia, Spain and Sweden. Citizens' initiatives are also present outside the EU (Switzerland, USA). Here are some examples:

**Spain:** The Citizens' Initiatives (CI) are provided for by the constitution, which states that 500 000 citizens' signatures are required in order that the CI is proposed as a law.

**Bavaria:** Among the German Federal States, Bavaria is one of only two which have CIs as part of their legislative process. Once a petition has been approved, it must gather signatories equal in number to 10% of the electorate, within a period of 14 days. Once this has happened, a referendum must be held. If passed by a simple majority, the CI then becomes law.

**United States:** The initiative and referendum is a process that allows citizens of many U.S. states to place new legislation on a popular ballot, or place laws recently passed by the legislature on the ballot, and vote on it. In the United States, the initiative is in use at the level of state government (not at national level), in 24 states out of 51, and is also in common use at the local and city government level.

The limited success of the CIs at national or regional level has demonstrated the importance of finding the right balance in the technical rules of the ECI, the main aim of the ECI being to increase the public participation of citizens in EU decision-making process. This initiative aims at bringing citizens closer to Europe. Therefore, the Commission highlighted in its proposal the need of the citizens' initiative to be simple, user-friendly and accessible to all EU citizens.

### **ECI, a new way to cope with the ‘democratic deficit’?**

At every stage of the European integration process, the question of democratic legitimacy has become a major issue. This can be explained because the legitimacy of the European Union and its institutions is questioned and seem inaccessible to the ordinary citizen because their method of functioning is complex. The EU being more and more aware of this intends through the Treaties to bring improvement to enable citizens to get more involved and informed on EU affairs.

Citizenship was already a major concern in 2001, the Laeken Declaration document mentioned 16 times the word “citizens” in the paper. This declaration notably convened a “Convention on the Future of Europe” aiming at increasing transparency and participation. A forum created in



the context of this convention targeted to involve all citizens whose contributions would feed in the debate.

With the addition of ECI, this new initiative is a major instrument since it will raise the awareness of the EU to its citizens. Thanks to this tool, citizens will be able to provide their ideas, suggestions on a subject that will then be translated by the Commission into an initiative.

The challenge directly linked to this initiative is that it is important that citizens do not get frustrated. Indeed if this initiative appears to be a failure, the consequence for the citizens' view of Europe could bring more doubts and euroscepticism. Looking at the EC proposal, it seems that there are still some improvements that could be done in order to solve the "democratic deficit" of the EU and increase the participation. Here is a sample of recommendations raised by TEPSA in order for the ECI to be more democratic:

-In order to involve as many citizens as possible to participate in this initiative, the EC should simplify some administrative requirements: the current proposal requests too much on personal data which could be seen as a burden and discourage citizens to participate. Therefore the regulation should ask for only little information such as the name, the country of residence and the email.

-The current challenge is that citizens are not enough involved in EU affairs. Therefore the ECI should be more a mean to allow citizens to put forward various ranges of issues that concern them directly which would increase their participation. Indeed this would improve the image they have of the EU as a concrete support to raise their concerns.

-The examination and especially the follow up of the suggested initiatives are major especially in order to make citizens aware that their participation is worth it. However, the EC proposal remains quite vague on these issues. The citizens participating would expect a clear response from the European Institutions that will reflect their expectations. For this particular reason, the Regulation should state clearly how these concerns would be applied in the legislation.

### **Next steps of the ECI**

The working document prepared by the AFCO rapporteurs for the Citizens' Initiative, Zita GURMAI (S&D, HU) and Alain LAMASSOURE (PPE, FR) was discussed in the AFCO meeting on 12 July. On 30 September this item will be discussed with representatives of national parliaments. A draft report is expected in the beginning of November.

The Belgian Presidency hopes to secure agreement on the ECI before the first anniversary of the Lisbon Treaty, which entered into force on 1 December 2009. TEPSA will continue to monitor the future developments of this issue.

### **Further information**

Green Paper of the Commission from 11 November 2009

[http://ec.europa.eu/dgs/secretariat\\_general/citizens\\_initiative/docs/com\\_2009\\_622\\_en.pdf](http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/com_2009_622_en.pdf)

Proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative from 31 March 2010

[http://ec.europa.eu/dgs/secretariat\\_general/citizens\\_initiative/docs/com\\_2010\\_119\\_en.pdf](http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/com_2010_119_en.pdf)



**Working Document on the proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative, Committee on Constitutional Affairs, 22 June 2010**  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-443.095+01+DOC+PDF+V0//EN&language=EN>



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