

European Citizens' Initiative (ECI)

I. General Q&A on the European Citizens' Initiative

1. What does the Treaty of Lisbon say on the European citizens' initiative?

The Treaty of Lisbon introduces the European Citizens' Initiative. It provides that "not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the 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." (Article 11(4) of the Treaty on European Union)

It also provides that the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which citizens must come, shall be determined in a Regulation to be adopted by the European Parliament and the Council on a proposal from the European Commission (Article 11(4) Treaty on European Union and Article 24 Treaty on the Functioning of the European Union). The Commission adopted its proposal on 31 March 2010. Negotiations will take place with the European Parliament and the Council with a view to adopting the Regulation as soon as possible.

2. Is it already possible to present a citizens' initiative? When will it be possible to launch the first citizens' initiatives?

It is only after the adoption of the Regulation by the European Parliament and the Council that it will be possible to present a European Citizens' Initiative in accordance with the rules determined in this Regulation.

3. What is the position of the European Parliament on the future Regulation on the citizens' initiative?

The European Parliament (EP) adopted a resolution the 7th May 2009 setting out a number of recommendations as regards the European citizens' initiative.

The EP report is available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0389+0+DOC+XML+V0//EN>

4. What is the added value of the ECI?

Under the Lisbon Treaty, the functioning of the European Union shall continue to be founded on "representative democracy" and European citizens will continue to be directly represented at Union level in the European Parliament. The Lisbon Treaty duly recalls these fundamental principles.

However, with the ECI, the new Treaty is widening up the sphere of public debate, allowing citizens to participate more intensively in the democratic life of the Union, through this new "participatory democracy" tool.

Whilst the Commission retains its right of initiative and will therefore not be bound to make a proposal following a citizens' initiative, it is committed to carefully examine all initiatives that fall within the framework of its powers in order to consider whether a new policy proposal would be appropriate.

The Commission therefore believes that this new instrument will make a very positive contribution not only to European democracy but also to EU policy making.

5. What is the difference between an ECI and a petition?

The right to petition the European Parliament, which has already existed under the previous Treaties, differs substantially from the new citizens' initiative introduced by the Lisbon Treaty. Petitions can be submitted by citizens of the Union as well by natural or legal persons residing or having their registered office in a Member State, either individually or in association with other citizens or persons and must concern matters which come within the Union's fields of activity and which affects him, her or it directly (e.g. a complaint). and

Therefore they do not necessarily concern new policy proposals. Petitions are addressed to the European Parliament in its role as the direct representative of citizens at Union level.

The citizens' initiative, on the other hand, enables at least one million citizens to call directly on the Commission to bring forward new policy initiatives.

6. Are there citizens' initiatives within the Member States?

Citizens' initiatives already exist in a 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. 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...). These initiatives differ considerably in as regards their scope and generally operate according to different procedures.

7. Can an ECI deal with the seat of the European Parliament in Strasbourg?

No, making a proposal on this matter does not fall within the framework of the Commission's powers. The seat of the institutions is determined by common accord of the governments of the Member States.

8. Will citizens be able to launch a revision of the Treaties with an ECI?

No. According with the Treaty, citizens' initiatives can only concern proposals on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

9. Can third country nationals residing in the EU sign-up to an ECI?

No. In accordance with the Treaty, third country nationals cannot sign-up to an ECI. Indeed, the Treaty clearly states that only citizens who are nationals of the Member States can sign-up to an initiative.

II. Q&A on the Commission's proposal: how would the ECI work?

1. Why say that an initiative has to come from a third of Member States? Why not just from one?

It is necessary to establish the minimum number of Member States from which citizens must come in order to ensure that a citizens' initiative is representative of a Union interest and given that the Treaty says that citizens must come from "a significant number of Member States".

The proposal fixes the minimum number of Member States at one third (currently nine). This draws on other provisions of the Treaty, according to which nine or one third of Member States is sufficient to ensure the representation of a Union interest. It is the threshold used in the provisions on "enhanced cooperation" which provide that "at least nine Member States" must participate. It is also used as the threshold needed to trigger the subsidiarity procedure provided for in Article 7(2) of the Protocol on the application of the principles of subsidiarity and proportionality, annexed to the Treaties.

This threshold also reflects the outcome of the public consultation.

2. Why use a multiple of the number of Members of the European Parliament as the threshold for the minimum number of signatures per Member State?

The Green Paper had suggested setting that threshold as 0.2% of the population of each Member State. However many respondents to the Green Paper considered that 0.2% of the population was an unnecessarily high threshold in order to achieve the objective of ensuring representation of a European interest. Others considered that such a percentage would not be equitable, as it is much easier, for instance, to collect statements of support from 1 000

citizens (representing 0.2% of the population) in Luxembourg than 160 000 in Germany, and therefore easier to count small Member States than large ones.

The approach chosen therefore reflects these two concerns. The proposal provides for a fixed threshold for each Member State, which is digressively proportional to the population of each State with a minimum threshold and a ceiling.

In order to ensure that these thresholds are based on objective criteria, the Commission has based them on a multiple of the number of Members of the European Parliament for each Member State. The multiple chosen is 750 in order to reflect the demands of many stakeholders to set a threshold below 0.2% of the population, on the one hand, and to take account of concerns that the threshold in small Member States should not be too low, on the other.

This system will thus allow a proportionately lower number of signatories for large countries and a proportionately higher number for small countries.

The minimum number of signatories per Member State is listed in Annex 1 of the Commission's proposal.

3. What about the statements of support collected in the Member States where they do not reach the minimum threshold?

These statements of support would of course be added to the total number of signatures but the Member States concerned would not be counted in the third of Member States required.

4. How old would citizens have to be to sign-up to an initiative?

All citizens of the Union who are of voting age in the European elections would be able to give their support to an initiative. This means a minimum age of 18 in all Member States except Austria (16).

5. Would citizens need to be registered to vote to sign-up to an initiative?

No. Citizens of the Union would only have to be of voting age in the European elections.

6. Would it be possible for citizens of the Union residing outside the EU to sign-up to an ECI?

Yes. Citizens would be able to sign-up to an ECI regardless of their country of residence, by indicating in their statements of support, a personal identity number/document issued by their Member State of nationality.

7. If a citizen is a national of one Member State living in another Member State or outside the EU, in which Member State would her/his statement of support be counted?

Her/his statement of support would be counted in the Member State which issued the personal identification document/number mentioned by the citizen in her/his statement of support. Therefore, for nationals of one Member State living in another Member State, they could be counted either in their Member State of nationality or in their Member State of residence. For citizens of the Union living outside the EU, they would be counted in their Member State of nationality.

However, citizens would only be allowed to sign-up to an initiative once.

8. Would it be possible to sign-up to an ECI on-line? Would it be possible to sign-up on the Commission's website?

The Citizens would have the possibility to sign-up on-line. However, the Commission does not intend to propose an on-line collection system on its own website. It would be the responsibility of the organiser to set up an on-line collection system complying with the requirements set out in the Regulation in terms of security and authentication.

9. How would citizens be sure that signing up to an initiative on-line is secure?

The organisers of an initiative would have to ask for the certification of their on-line collection system with to the competent national authority where the data is stored. The national authorities would check that the security and technical features of their on-line collection system comply with the minimum requirements fixed in the Regulation. This would ensure that signing up is secure.

10. How could citizens who give their support to an initiative be sure that their personal data will not be used for any other purpose?

The proposal seeks to ensure that data protection is fully assured, in the organisation and follow-up of a citizens' initiative, by all the relevant actors - organiser, Member States and the Commission. Legislation in force on personal data protection would apply to the processing of personal data carried out for the purpose of a citizens' initiative. The organiser of a citizens' initiative, as the data controller, would be liable in accordance with the civil or criminal law of the Member States for infringements of the legislation.

11. How would citizens find out about on-going initiatives?

All on-going initiatives would be registered and made publicly available on the Commission's website. This would allow for the follow up of on-going initiatives and provide a tool for communication and transparency.

12. Who could organise an initiative?

Any citizen of the Union of voting age in the European elections (18 in all Member States except Austria, 16 in Austria);

Any legal person or organisation established in a Member State.

13. How would the Commission verify that the groups/people launching initiatives are serious?

The proposal foresees that proposed initiatives which are obviously not serious (e.g. those that are frivolous or abusive) should not be registered.

14. How would the Commission stop extremists using this tool as a platform for their views?

The Commission intends to reject the registration of proposed citizens' initiatives which would be manifestly against the values of the Union so as to avoid giving making publicity to extremist views on the Commission's website.

15. What would the requirements be in order to present an initiative be?

The organisers of an initiative would have to register the initiative with the Commission. They would have to provide the following information in one of the official languages of the Union, in an on-line register made available by the Commission:

- the title of the proposed citizens' initiative;
- the subject-matter;
- the description of the objectives of the proposal on which the Commission is invited to act;
- the legal base of the Treaties which would allow the Commission to act;
- the full name, postal address and email address of the organiser, or, in the case of a legal entity or organisation, its legal representative;
- all sources of funding and support for the proposed initiative at the time of registration.

The organiser would also have the possibility to provide more detailed information in an annex, including a draft legislative text.

16. Which language would the organisers have to use to register a proposed initiative?

The organisers can ask for the registration of an initiative in any official language of the Union.

17. How could organisers be sure that their initiative is within the Commission's competences?

The Commission would provide information on its competences on the website of the citizens' initiative. This information would allow the organisers to find out if there is a legal base in the Treaties allowing the Commission to act in the field concerned.

18. Would the Commission translate the proposed initiatives?

No. It would be the responsibility of the organisers to translate their proposed initiative into the languages they want.

19. How would the Commission decide which initiatives are admissible (fall within its competences)? When would it make that decision?

Once an initiative has gathered the support of at least 300,000 citizens, the organiser would be required to submit a request to the Commission for a decision on the admissibility. The Commission would then have two months to assess whether the proposed initiative falls within the framework of its powers and concerns an area where legislation is possible for the purpose of implementing the Treaties.

20. How would statements of support be checked?

In their statements of support, citizens would have to fill in the information required, namely their first name, family name, address, date and place of birth, nationality as well as a personal identification number (national identity card, passport or social security number).

The organisers would have to send the statements of support collected, either on paper or electronically, to the national authority of the Member State which issued the personal identification document/number indicated in the statements of support. The national authorities would then carry out appropriate checks in order to certify the number of valid statements of support collected.

21. How would the Commission answer to successful initiatives?

The proposal provides that the Commission would have a time-limit of 4 months to examine a citizens' initiative which has gathered the necessary statements of support as required in the Regulation. The Commission would then be required to set out its conclusions on the initiative and the action it intends to take in a communication, which would be notified to the organiser as well as to the European Parliament and Council and would be made public.

22. Would it be possible to present an initiative which is contrary to another on-going initiative? Would it be possible to present the same initiative several times?

The Commission would not impose any rules as regards the successive presentation of the same or similar citizens' initiatives. Likewise, it would not prevent opposing initiatives from being launched.

23. Would any form of EU funding be provided to the organisers of an ECI?

No EU funding is foreseen for this purpose.

24. Would there be provisions on transparency of funding?

In the interests of transparency and democratic accountability, the organisers of initiatives would be required to provide certain basic information in particular in relation to the organisations that support an initiative and how the initiatives are or will be funded. This would be in the interest of the citizens considering signing up to an initiative; this would also be in line with the Commission's European Transparency Initiative.