

EN



EUROPEAN COMMISSION

Brussels, 31.3.2010
SEC(2010) 370

COMMISSION STAFF WORKING DOCUMENT

***Outcome of the public consultation on the Green Paper on a European
Citizens' Initiative***

Accompanying document to the

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the citizens' initiative

{COM(2010) 119 final}

I. INTRODUCTION

One of the major innovations of the Treaty on European Union as amended by the Lisbon Treaty, is to introduce the citizens' initiative. The Treaty 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"¹.

The procedures and conditions for such a citizens' initiative need to be set out in a Regulation of the European Parliament and of the Council to be adopted through the ordinary legislative procedure on a proposal from the Commission².

Given the importance of this new provision of the Treaty for citizens, civil society and stakeholders across the EU, and considering the complexity of some of the issues to be addressed, the Commission launched a broad public consultation with the adoption of a Green Paper on 11 November 2009³. The consultation ended on 31 January 2010. A public hearing was also organised for all respondents to the Green Paper on 22 February 2010.

The consultation was structured around 10 key issues for which the Green Paper outlined the possible options and possible advantages and disadvantages of these options. On that basis respondents were invited to indicate whether they agreed with the Commission's initial assessment and whether they had alternative proposals and suggestions.

The consultation elicited 329 replies from a broad range of stakeholders, including 160 individual citizens, 133 organisations and 36 public authorities. Many interesting and innovative ideas and suggestions were put forward by stakeholders.

The responses broadly underlined the need for the procedures and conditions for the citizens' initiative to be simple, user-friendly and accessible to all EU citizens and that they should be proportionate to the nature of the citizens' initiative.

The responses also confirmed that a number of requirements are needed in order to ensure that the instrument remains credible and is not abused and that these requirements should ensure uniform conditions for supporting a citizens' initiative across the EU.

II. GENERAL COMMENTS

Most of the contributions highlight the fact that the citizens' initiative is an important step for European democracy and the construction of a European public space. They consider that this new instrument of participatory democracy could potentially be a good opportunity to bridge the gap between the European Commission and EU citizens, encouraging a dialogue between them and stimulating the feeling of a European identity.

¹ Article 11, paragraph 4, of the Treaty on European Union.

² Article 24 of the Treaty on the Functioning of the European Union.

³ Green Paper on a European Citizens' Initiative - COM(2009) 622.

Nevertheless, to fully take advantage of the opportunity offered by the citizens' initiative as the first transnational instrument of participatory democracy, many respondents believe that there should not be unnecessary obstacles which could make the use of the instrument too difficult or even impossible. That is why, generally, the contributors call for simple procedures accessible to all EU citizens; it should be easy to present and support an initiative.

Considering the difficulty in fixing thresholds and other requirements without any concrete experience, several contributors, in particular among the organisations, are in favour of a revision clause within the Regulation, which would give the possibility to make some changes after a certain period of time (2 to 5 years).

III. OVERVIEW OF THE RESULTS OF THE CONSULTATION FOR THE 10 KEY ISSUES RAISED BY THE GREEN PAPER

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

Concerning the "significant number of Member States" required by the Treaty, many options are proposed by the contributors, from 1 to 27 Member States. Among them, the proposal of one third of the Member States enjoys considerable support among contributors. A number of respondents, mainly amongst organisations, also support a lower threshold, primarily one quarter of Member States.

2. Minimum number of signatures per Member State

Respondents, including individual citizens, organisations or public authorities, generally favour a minimum number of citizens per Member State to ensure that a citizens' initiative is genuinely representative of a Union interest. A number of respondents agree that a threshold of 0.2% of the total population of each Member State could be a good approach although many support a lower threshold (0.1% in particular). Nevertheless, several respondents argue that there should not be this kind of threshold as it is not explicitly required by the Treaty.

A system of sliding scale is also proposed by some contributors, with different modalities. In this kind of flexible system, if the minimum percentage is not reached in the minimum number of States, it can be compensated by a higher number of participating Member States.

Finally, a number of respondents, notably amongst the smallest and largest Member States, advocate a different approach to setting the threshold altogether, arguing that a set percentage for all Member States is not equitable, since 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.

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

Respondents broadly support fixing a minimum age for supporting a citizens' initiative. Many consider that it should be linked to the age to vote in the European Parliament elections. Some respondents, however, consider that the minimum age should be the same in all the Member States, either 16 or 18. A minimum age of 16 is proposed by a number of contributors, principally citizens and organisations, in order to encourage the civic participation of the younger generation and foster greater interest and debate among young people in European issues. They argue that the citizens' initiative is not an election but only an agenda-setting

initiative, and that it could be a good way for young people to learn about citizenship and take part in the political debate and the decision-making process.

4. Form and wording of a citizens' initiative

Respondents tend to agree that the promoters of an initiative should state the subject matter and the objectives of their proposal in an unambiguous way. Thus, many respondents invite the Commission to provide a template to be filled in by the organisers and requiring the necessary information. A significant number of contributors suggest that organisers should be required to provide the legal basis of the proposal. Many also think that there should be the possibility to add a draft legal act but that it should not be mandatory as this kind of requirement would prevent ordinary citizens from participating in the debate.

Moreover, many contributors think that the organisers should be offered neutral support and guidance, including legal advice, in the preparation of initiatives. In addition some consider that the translations of the initiative in all official languages of the Union should also be provided. The respondents suggest different authorities to provide this support: the European Commission, the European Parliament, the European Ombudsman, the Commission representations in the Member States, the Europe Direct centres, and others.

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

Respondents broadly support the idea of a common set of procedural requirements for the collection, verification and authentication of signatures so as to ensure a uniform process and the same conditions across the EU and to preserve the European-wide nature of the citizens' initiative. However, others think that priority should be given to national systems already existing.

For many respondents, there should not be different procedures in the 27 Member States in relation to the collection process, since it would make it too complicated for the organisers to comply with the different requirements. Furthermore, many contributors insist on the fact that the Member States should not be allowed to impose restrictions or requirements which would make the collection process more difficult. They consider that there should not be any specific restrictions placed on how statements of support are collected and they would like citizens of the Union to be able to sign up to an initiative anywhere – for example in the street - regardless of where they live or come from.

The possibility of online signatures is called for almost unanimously, being in line with the development of an e-society and since it would greatly facilitate the collection of signatures. Only a few contributors would prefer paper-based signatures, considering that online signatures are not secure enough.

Those in favour of online collection of signatures propose different systems to ensure the verification and authentication of the signatures and to avoid multiple signatures from one person (CAPTCHA⁴, e-mail confirmation, IP address, password received by email after an online registration which would allow the authentication of the person by means of the personal data provided, etc.; identification by use of Passport Number, EU Driving License Number, Voting Roll Number, ID Card number, etc.). The idea of a European citizen's smartcard allowing e-signatures is proposed several times to solve this problem.

⁴ Challenge-response test used in computing to ensure that the response is not generated by a computer.

6. Time limit for the collection of signatures

Almost all contributors among individual citizens, organisations and public authorities think that a time limit should be fixed for the collection of signatures. Most respondents agree that one year would be a suitable time limit although there are also many respondents who favour either a longer period (18 months) or a shorter one (6 months). Those in favour of a short time-limit (less than one year) think that given the possibilities offered by Internet and the media, it should be possible to mobilize people and collect one million signatures very quickly. In contrast, those in favour of longer time-limits argue that a campaign in 27 countries requires a lot of time and resources.

7. Registration of proposed initiatives

Contributors generally favour a mandatory system of registration of proposed initiatives on a specific website provided by the European Commission. This website should work as a tool for communication and transparency, which would also help to bring the European Commission closer to the citizens.

Others suggest that the site could be hosted by other authorities such as the European Ombudsman, the European Parliament or the Court of Justice of the European Union.

8. Requirements for organisers - Transparency and funding

Respondents generally consider that organisers of an initiative should provide information on the funding and support they have received to ensure that the citizens are fully aware of what and who is involved. Some contributors think that only financial support exceeding a certain amount should be declared to avoid overburdening the organisers.

Moreover, the provision of information on funding and support is often seen as a means to ensure that initiatives are of a citizen-driven nature.

On the question of funding, some contributors, mainly among the organisations, are of the opinion that the European Union should provide financial support to the organisers to keep this instrument in the hands of citizens and to prevent it from being dependent on private financing. For some of them, this could take the form of legal advice and / or assistance with the translation of the initiative.

9. Examination of citizens' initiatives by the Commission

Contributors broadly favour a time limit for the examination of the initiative by the Commission once the required number of signatures has been collected. Many agree that a 6-month time limit would be appropriate although some also suggest a shorter period.

However, the consultation generated different views as regards the issue of assessing the admissibility of proposed initiatives.

On the one hand, there is a tendency amongst respondents, in particular among organisations and public authorities, to consider that the admissibility of a citizens' initiative should be checked before signatures are collected, preferably at the moment of the registration and within a fixed time limit. They believe that this would avoid a considerable waste of resources as well as frustration among citizens having signed up to successful but ultimately inadmissible initiatives. Some also favour this option in order to prevent the launching of

initiatives that would be contrary to the values of the Union or the Charter of Fundamental Rights. There is also concern about public authorities having to make use of public resources in order to carry out checks for initiatives that ultimately would not be admissible. Some have pointed out that this would be particularly problematic for initiatives that would go against the values of the Union and of the constitution of their Member State.

However, amongst those who support such an early admissibility check, there are different views as to who should be responsible for carrying out such a check, some considering that it should be the Commission and others favouring an independent body.

On the other hand, others are against an ex-ante admissibility check altogether in the name of freedom of expression and considering that the debate created across Europe by an initiative is more important than the immediate result. They do not think it would be appropriate for the Commission to be able to prevent, from the outset, a public debate and campaign from taking place on a citizens' initiative, even if it is not within the framework of its powers.

10. Initiatives on the same issue

As for the successive presentation of citizens' initiatives on the same issue, respondents generally do not think it is necessary to regulate this issue.