

THE EUROPEAN CITIZENS' INITIATIVE



The Greens | European Free Alliance
in the European Parliament

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Design: www.admk.de
Picture credit Photo European Parliament S. 17
Update: 03/2011

Printing: ulenspiegel druck gmbh, Andechs

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WHAT IS THE EUROPEAN CITIZENS' INITIATIVE?

The European Citizens' Initiative (ECI) is the world's first transnational instrument of participatory democracy. As of April 2012, it gives citizens of the European Union the opportunity to get involved directly in EU politics.

If at least one million signatures are collected in support of an ECI, the European Commission must examine the issue presented in the initiative and may draft a legislative proposal on it. This means that citizens have the chance to play an active part in shaping the EU's political agenda for the first time ever. Although citizens have no direct decision-making powers at present, they can directly alert decision-makers in Brussels to their problems and oblige the European Commission to deal with their requests properly.

The Treaty of Lisbon has now set out the legal basis for the ECI in Article 11.

Article 11, paragraph 4 of the Treaty on European Union (TEU)

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 European Parliament and the Council have set out the specific rules and procedures for launching an ECI in a regulation. The following pages provide a basic introduction to the European Citizens' Initiative.

HOW DOES THE ECI WORK?

A FIVE-POINT EXPLANATION

1. WHO CAN SUBMIT A CITIZENS' INITIATIVE?

A European Citizens' Initiative can only be submitted by citizens' committees, not by individuals. A citizens' committee is a group of at least seven EU citizens from seven different Member States.

Signatures (known as 'statements of support') must then be collected in the same number of EU Member States. The aim of citizens' committees, which exist in a similar form in Switzerland, for instance, is to prevent overly hasty actions and to ensure that the initiatives submitted are well-prepared. For that reason, the organisers must also look at the EU Treaties and state which of the Treaty articles their initiative refers to, although the initiative is still eligible if they make a mistake.

2. WHAT TYPES OF INITIATIVES ARE ELIGIBLE?

The European Commission examines the initiative and then registers it on its website. It can **only** reject initiatives if they:

- Manifestly fall outside the competences of the European Commission to propose legislation;
- Are manifestly contrary to the EU's fundamental democratic values; or
- Are manifestly abusive, frivolous or vexatious.

All other initiatives are eligible. If the Commission rejects an initiative, the organisers can appeal to the European Court of Justice.

LEGAL COMPETENCE

Citizens' initiatives that **manifestly** fall outside the competences of the European Commission to propose legislation, or of the European Union generally, are ineligible. From the Commission's perspective, this primarily includes

- initiatives aimed at a Treaty amendment, and
- initiatives in EU policy areas in which the Commission has no competences.

However, the Commission must allow initiatives for which the Treaty basis is not clear or the legal competence is disputed.

Examples: Which initiatives are eligible?

✓ ELIGIBLE

Environmental protection and consumer protection (with a few exceptions)

Minimum income

EU policy on world trade

Data protection

✗ NOT ELIGIBLE

The school system

Social security systems

A ban on abortion

European Security and Defence Policy

FUNDAMENTAL DEMOCRATIC VALUES

The Commission does not accept initiatives which are manifestly contrary to the EU's fundamental democratic values. This is to ensure that extremists have no opportunity to disseminate their views via the Commission's website. This bars initiatives which are clearly contrary to respect for human dignity or the other fundamental values enshrined in Article 2 of the Treaty on European Union.

Article 2 of the Treaty on European Union

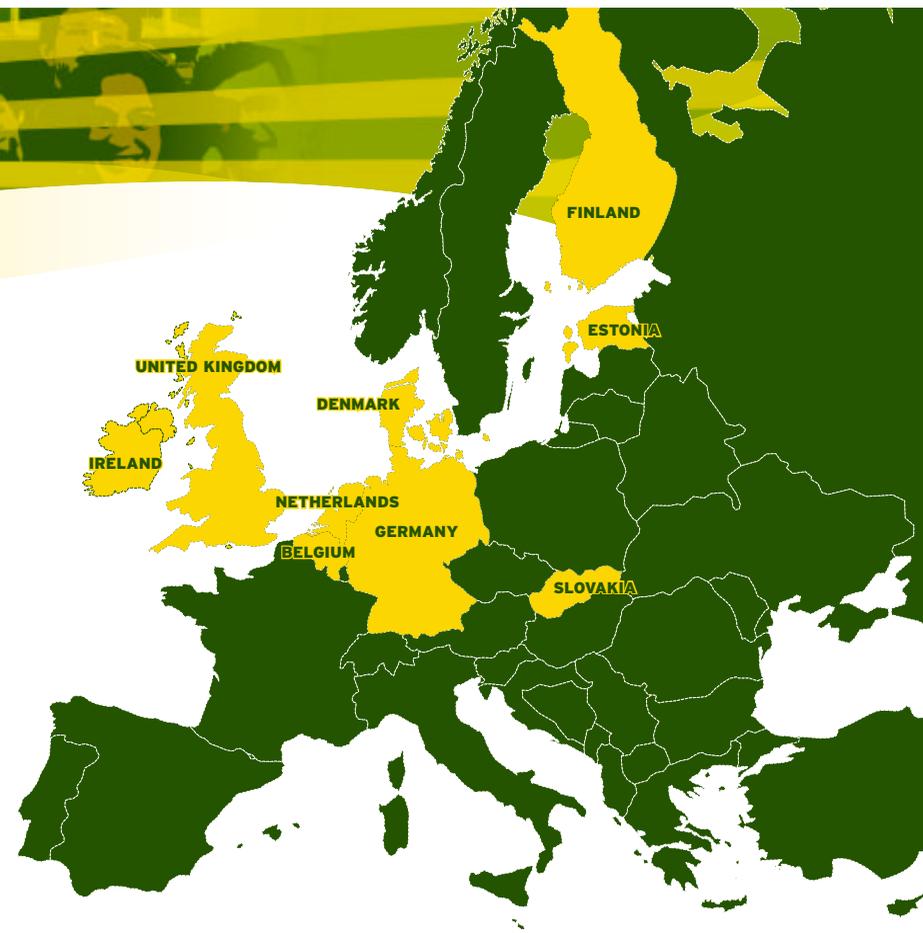
The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Examples of ineligible initiatives:

- An initiative which seeks to deny 'Islamists' or ethnic groups the right to legal representation in criminal proceedings EU-wide (this violates the rule-of-law principle and the prohibition of discrimination)
- An initiative which seeks to ensure that the EU provides no further funding for films addressing the topics of abortion, homosexuality or pre-marital sex (violates freedom of expression).

3. WHAT RULES APPLY TO THE COLLECTION OF SIGNATURES?

- In principle, organisers can collect signatures in support of their initiative on a paper or online. The Commission is providing a free Open Source software for online collection of signatures.
- The statements of support may only be made in one of the languages included in the Commission's register for that proposed citizens' initiative. Translation of the statements is the responsibility of the organisers.
- In order to be eligible to support a proposed citizens' initiative, signatories must be citizens of the Union and be of voting age.
- In order for signatures to be verified at the end, the signatories must generally state their name, address and birth date.
- Some countries also require signatories to state their identity card number or an other personal identification number. However, the organisers must then comply with stringent data protection rules.



Countries that do not require a personal identification number

4. WHEN IS AN INITIATIVE CONSIDERED SUCCESSFUL?

The European Citizens' Initiative is not intended to address personal issues but matters of Europe-wide significance affecting citizens from several Member States. An initiative must therefore overcome two obstacles to be successful:

- It must be supported by at least one million EU citizens;
- In addition, it must be supported by a minimum number of signatories in at least one quarter of the Member States (currently seven). The minimum number of supporters per country ranges from 3 750 in Malta, the smallest EU state, to 74 250 in Germany, the most populated.

The organisers have a period of 12 months to collect the signatures. These are then submitted for verification and certification to the relevant national authorities in each country, who will then check them to ensure that they do not contain false names or duplications.

Minimum number of signatures per country

Belgium	16 500	Luxembourg	4 500
Bulgaria	12 750	Hungary	16 500
Czech Republic	16 500	Malta	3 750
Denmark	9 750	Netherlands	18 750
Germany	74 250	Austria	12 750
Estonia	4 500	Poland	37 500
Ireland	9 000	Portugal	16 500
Greece	16 500	Romania	24 750
Spain	37 500	Slovenia	5 250
France	54 000	Slovakia	9 750
Italy	54 000	Finland	9 750
Cyprus	4 500	Sweden	13 500
Latvia	6 000	United Kingdom	54 000
Lithuania	9 000		

The minimum number of signatures per country is based on the number of Members of the European Parliament elected in each Member State.

THE ECI AT A GLANCE

5. WHAT HAPPENS TO SUCCESSFUL INITIATIVES?

While the Commission does not have to table a legislative proposal for every initiative that has more than one million supporters, successful initiatives do have consequences for the EU's political agenda. Initiative organisers gain the right to a public hearing in the European Parliament, during which they can discuss their issues and demands directly with the Commission and the MEPs. The Commission then decides whether to take up the initiative.

The Council and the Parliament ultimately decide on the framing of legislation. At this point, the organisers no longer have any formal right of participation, but they can attempt to exert influence informally.



Seven persons from seven different EU Member States submit an initiative to the European Commission.



The Commission checks whether the initiative does not manifestly fall outside the scope of the Commission's powers and whether it does not violate EU values. If so, it registers the initiative on its website.



Within 12 months, the organisers of an initiative collect one million signatures in at least one fourth of the Member States (currently 7).



After the Member States have verified the signatures, the organisers can discuss their initiative with the Commission in a public hearing. Subsequently, the Commission decides whether it will propose legislation on that matter.



Finally, the European Parliament and the Council negotiate the proposal and ultimately approve (or veto) it.

WHAT CAN THE ECI ACHIEVE? WHY MAKE ALL THE EFFORT?

With the Citizens' Initiative, Brussels has opened its doors to citizens' issues and demands. For the first time, not only the Parliament and the Council but citizens too have the opportunity to initiate proposals for regulations and directives – in other words, EU legislation. Although citizens have no direct decision-making powers at present, they have a genuine right to have a say, and can influence the EU's political agenda.

The public hearing for initiatives which have collected one million signatures in at least seven Member States will give the organisers an opportunity to address their issues and demands directly with decision-makers in Brussels. In the best-case scenario, the initiative becomes a draft law. In the worst-case scenario, it at least attracts public attention. The EU will therefore have to pay more attention to its citizens in future.

THE CITIZENS' INITIATIVE FROM A GREEN PERSPECTIVE

INTERVIEW WITH GREENS/EFA MEP GERALD HÄFNER



Green/EFA MEP Gerald Häfner was one of the European Parliament's negotiators on the Citizens' Initiative:

How user-friendly is the ECI for citizens?

'In its original draft on the ECI, the Commission built in such daunting hurdles that there was a danger that only Brussels lobbyists would be able to use the instrument successfully. However, we managed to dismantle many of the hurdles. Now, organised citizens from the Member States have the chance to gain a hearing regarding their issue in Brussels.'



How did Parliament manage to make the ECI a simpler instrument to use?

'In the negotiations with the Council and the Commission, Parliament managed to ensure that the threshold of Member States from which signatories must be collected was reduced. It is equally important that the eligibility of initiatives is assessed right from the start, not once 300 000 signatures have been collected, as originally proposed by the Commission.

Instead, there is now the citizens' committee whose aim is to ensure that only well-prepared initiatives are submitted and that the instrument is not devalued with overly hasty actions.

What were the most important outcomes of the negotiations from a Green perspective?

We not only removed bureaucratic stumbling blocks; we also ensured that successful initiatives have a right to a public hearing, so that the effort of collecting one million signatures in seven countries pays off.

Originally, the Commission wanted to fob off successful initiatives with nothing more than a letter. Now they have to directly engage with the initiative organisers in a public debate.

Are there any areas where the Greens would have liked to achieve more?

By the very nature of these negotiations, we were not able to achieve all our demands. We had to make some concessions on the issue of ID numbers for the verification of signatures and the age limit for supporters, which we wanted to reduce to 16 on an EU-wide basis. Nonetheless, we can rightfully claim that we have made a substantial contribution towards making the ECI a citizen-friendly and practical instrument that is free from red tape.

So from a Green perspective, is the ECI a success?

Definitely! Despite considerable opposition at the start, we managed to bring the other parliamentary groups, as well as the Council and the Commission, round to our way of thinking on a number of points. Without our efforts, there would be no

right to a hearing in Parliament, and the Commission would not be obliged to set up a point of contact to provide citizens with information and advice about the ECI. The fact that there is now more justice on the minimum number of signatories required per country is also an outcome of our initiative

So what happens now?

The first initiatives will be launched in April 2012, once all the legal frameworks for the ECI have been established in the Member States. Then we will have to see how well it works in practice. In three years' time, the ECI rules will be evaluated and if necessary improved.'

	WHAT THE COMMISSION WANTED	WHAT WE GREENS ACHIEVED WITH THE EUROPEAN PARLIAMENT
Citizens' committee	Initiatives can be submitted by individuals BUT:	Initiatives can only be submitted by a citizens' committee (7 persons from 7 Member States) FOR:
Eligibility check:	Examination of eligibility once 300 000 signatures have been collected	Eligibility check before collection of signatures begins
Number of Member States from which signatures must be collected	1/3 (currently 9 countries)	1/4 (currently 7 countries)
Open Source software for online collection	Not envisaged	Developed by the Commission
Public hearing	Not envisaged	Hearing in the European Parliament together with the Commission
Information and assistance	Not envisaged	Commission to set up a point of contact for information and enquiries

WHICH OTHER RIGHTS OF PARTICIPATION DO EU CITIZENS HAVE?

Consultation

Anyone considering initiating an **ECI** should start by looking at the European Commission's website. Whatever the issue – from aerospace to VAT or the protection of birds – everyone has the opportunity here to take part in shaping European policy at an early stage. Before the Commission proposes new EU legislation, such as a directive, it offers associations, NGOs, businesses and non-organised citizens the opportunity to comment. On particularly important legislative initiatives, it also organises a public hearing. The opinions are then combined and channelled into the draft legislation.

 ec.europa.eu/yourvoice/consultations/index_en.htm

Petitions

EU citizens and third-country nationals may submit a petition directly to the European Parliament. Most petitions relate to the application of EU law by national or local authorities. For example, if someone thinks that a factory just beyond the border in a neighbouring country is violating EU environmental law, they can write directly to the European Parliament's Committee on Petitions. The subject of the petition must be concerned with issues of European Union interest or responsibility, and the petitioner must be personally affected. Mass petitions may also be submitted.

The European Parliament can then request the Commission to provide a remedy and, if necessary, it can push for an amendment to EU law. However, anyone who wishes to put an issue on the EU agenda which is currently not the subject of a Brussels directive should opt for the new **ECI** instead.

 www.europarl.europa.eu/parliament/public/staticDisplay.do?language=EN&tid=49

COMPETENT INSTITUTIONS	EUROPEAN COMMISSION	EUROPEAN PARLIAMENT AND COUNCIL	MEMBER STATES	
LEGISLATIVE PROCESS	PREPARATION OF A LEGISLATIVE INITIATIVE	LEGISLATIVE PROPOSAL	CONSULTATION AND ADOPTION OF THE LAW (DIRECTIVE RREGULATION. ETC.)	TRANSPOSITION OF THE DIRECTIVE
OPPORTUNITIES FOR PARTICIPATION BY CITIZENS	CONSULTATION	CITIZENS' INITIATIVE	(CURRENTLY NO DECISION-MAKING BY CITIZENS)	PETITION

Elections and MEPs

Since 1979 the most common way of exerting direct influence over Brussels politics is to vote in the European elections. Every five years, citizens in the 27 EU Member States are called upon to elect Members to the 751 (although currently still 736) seats in the European Parliament. However, between elections too, Members are attentive to their voters' concerns. Anyone wishing to initiate an **ECI** would therefore be well-advised to contact their representatives in the European Parliament – ideally targeting Members who work on the relevant issue. They can provide sound advice and thus help to improve the prospects of the **ECI** being successful.

Click here for a list of Green MEPs and their areas of work:

www.greens-efa.eu/members/42-all-members.html



WHERE DO I GET MORE INFORMATION?

The Ombudsman

Excessive secrecy, abuse of power, or letters which go unanswered for months – every EU citizen can now complain about these typical manifestations of a citizen-unfriendly administration by contacting the European Ombudsman. Since 1995, the Ombudsman, who is elected by the European Parliament, has ensured that the EU institutions conduct themselves correctly in their dealings with citizens. Although the Ombudsman has no legally binding instruments at his disposal, public censure by the Ombudsman is often enough to make the authority concerned see reason. Obviously, the Ombudsman is not an alternative to an **ECI**, for the Ombudsman only deals with specific problems relating to the EU administration. He cannot deal with proposals that are aimed at policy improvement.

 www.ombudsman.europa.eu

- The EU Commission provides detailed information on the **ECI** including a comprehensive FAQ:  ec.europa.eu/dgs/secretariat_general/citizens_initiative/index_en.htm
The website for registering initiatives online will be available at the latest by April 2012.
- The Greens/EFA keep you informed on the **ECI** at:
 www.eci-greens-efa.net
- Read more about the origin and the development of the **ECI** in the „Handbook on the European Citizens' Initiative" by the Green European Foundations, which can be ordered here:  www.gef.eu
- Here you learn more about the **ECI** and citizens' participation in general:
 - Initiative and Referendum Institute Europe:  www.iri-europe.org
 - Democracy International:  www.democracy-international.org
- Keep on searching the internet: several organisations intend to publish detailed guides on the **ECI**; they were just not yet ready at the time of going to press with this brochure.



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