



EUROPEAN CITIZENS' INITIATIVE

The European Citizens' Initiative (ECI) is an important instrument of participatory democracy in the European Union, allowing one million EU citizens residing in at least one quarter of the Member States to invite the Commission to submit a proposal for a legal act to implement the EU Treaties. Since the application of Regulation (EU) No 211/2011 establishing detailed procedures and conditions for the ECI, four initiatives have been successfully submitted to the Commission.

LEGAL BASIS

- Article 11(4) of the Treaty on European Union (TEU);
- Article 24(1) of the Treaty on the Functioning of the European Union (TFEU);
- Regulation (EU) No 211/2011;
- Rules 211 and 218 of Parliament's Rules of Procedure.

BACKGROUND

Citizens' initiatives are instruments available to citizens in a majority of the Member States, be it at national, regional or local level, although they differ considerably in scope and procedure. The concept of EU citizenship, from which the European Citizens' Initiative (ECI) was derived, was first introduced in the Maastricht Treaty ([1.3.1](#)). Back in 1996, in the run-up to the Amsterdam Intergovernmental Conference, the Austrian and Italian foreign ministers proposed that a right to submit such initiatives be introduced alongside the right to petition the European Parliament, but the proposal was not retained by the Conference. Provisions for a citizens' initiative very similar to the current regime were originally included in the draft Constitutional Treaty (Article 47(4)). Although the Convention Praesidium rejected the inclusion of these provisions in the final text, concerted efforts on the part of civil society organisations allowed them to be maintained. Following the failure of the ratification process for the Constitutional Treaty, similar provisions were reinserted during the drafting of the Lisbon Treaty.

Today, the right to submit a citizens' initiative is enshrined under Title II TEU (provisions on democratic principles). Article 11(4) TEU establishes the basic framework for that right, and Article 24(1) TFEU sets out the general principles for a regulation defining concrete procedures and detailed conditions. The proposal for a regulation was the result of an extensive consultation^[1]. Negotiation and settlement of the final text took several months — a draft proposal was submitted to Parliament and the Council on 31 March 2010, and a political agreement was reached on 15 December 2010, enabling formal adoption of the text by Parliament and the Council on 16 February 2011. As [Regulation \(EU\) No 211/2011](#), it entered into force on 1 April 2011. Owing to a number of technical adaptations needed at Member State

[1]Commission Green Paper ([COM\(2009\)0622](#)).

level to establish a streamlined verification process, the ECI Regulation only became applicable a year later. By 1 April 2015, and by the same date every three years thereafter, the Commission is required to present a report on the application of the ECI Regulation with a view to its possible revision. The Commission adopted such report on 31 March 2015 as [COM\(2015\) 0145](#). This communication provided a state of play and assessment of the implementation of the ECI and spelled out a list of challenges identified after the first three years of implementation of this new legislative and institutional framework. It highlighted a number of shortcomings and also took into account some of the substantive research carried out for the European Parliament^[2].

The right to submit an ECI should be clearly separated from the right to submit a petition, a procedure from which it differs in many substantial respects. Petitions can be submitted by EU citizens or by natural or legal persons having their residence in the EU (4.1.4), and must address matters that fall within a field of activity of the EU and affect the petitioner directly. Petitions are addressed to Parliament in its capacity as the direct representative of the citizens at EU level. An ECI is a direct call for a specific EU legal instrument, must abide by specific rules in order to qualify, and is ultimately addressed to the Commission, which alone among the institutions has the right to submit legislative proposals. In this respect, the ECI is similar in nature to the right of initiative conferred on Parliament (Article 225 TFEU) and on the Council (Article 241 TFEU).

PROCEDURE

A. Citizens' committee

As a minimum organisational structure is needed for an initiative of such magnitude, the first step in the creation of an ECI is the establishment of an organising committee, called a 'citizens' committee'. This committee must be formed by at least seven people who are residents of at least seven different Member States (but not necessarily of different nationalities) and who are of age to vote in the European elections. The committee must name a representative and a substitute to act as contact people for the specific ECI.

B. Registration

Before it can start collecting statements of support from citizens, the committee must register the initiative with the Commission. This involves submitting a document giving the title and subject matter and a short description of the initiative, outlining the legal basis proposed for legal action and providing information on the committee members and on all sources of support and funding for the proposed initiative. The organisers may provide more detailed information and other material, such as a draft of the proposed legislative document, in an annex.

The Commission has two months to decide whether to register the proposed initiative. It will not be registered if the procedural requirements have not been met or if it falls outside the framework of the Commission's powers to submit a proposal for a legal act for the purpose of implementing the Treaties. Registration will also be refused if the initiative is manifestly frivolous, abusive or vexatious, or is contrary to the values of the EU as set out in Article 2 TEU. The Commission's decision is open to judicial or extrajudicial redress. Registered initiatives are published on the Commission's web portal.

C. Collection of statements of support

Once the initiative is registered, the organisers can start collecting statements of support. This must be done within 12 months. Statements of support can be collected on paper or

[2]'European Citizens' Initiative — First lessons of implementation', Policy Department on Citizens' Rights and Constitutional Affairs (2014), which can be accessed at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509982/IPOL_STU\(2014\)509982_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509982/IPOL_STU(2014)509982_EN.pdf)

electronically. If they are collected electronically, the online collection system must first be certified by the relevant national authorities. Detailed rules for the technical specifications of online collection systems are laid down in a Commission implementing regulation ([Regulation \(EU\) No 1179/2011](#)).

Regardless of whether the statements of support are collected on paper or electronically, the same data requirements apply for the purpose of verification. These requirements, defined at Member State level, are spelled out in Annex III to Regulation (EU) No 211/2011. Nine Member States^[3] do not require signatories of statements of support to provide personal identification documents or numbers. All other Member States do require such identification. The annex specifies, for each Member State in which they are required, the types of personal identification document that may be used.

In order to be considered by the Commission, the ECI must gather one million statements of support within 12 months. Also, in order for it to qualify in a given Member State, the number of signatories in that Member State must be at least 750 multiplied by the number of MEPs elected from that Member State. In this way, the minimum number of signed statements of support is determined according to the same system of degressive proportionality used to determine the distribution of seats in the European Parliament among the Member States.

D. Verification and certification

Having collected the necessary number of statements of support from a sufficient number of Member States, the organisers must submit them to the competent national authorities^[4], which are tasked with certifying the statements of support compiled by the Commission on the basis of information communicated by the Member States. The authorities given this task are typically interior ministries, electoral commissions or population registries. The national authorities have three months to certify the statements of support, but are not required to authenticate the signatures.

E. Submission and examination

At this stage, the organisers are asked to submit relevant certificates from the national authorities concerning the number of statements of support, and must provide information about funding received from any source, abiding by the thresholds set out in [Regulation \(EC\) No 2004/2003](#) on the regulations governing political parties at European level and the rules regarding their funding. In principle, contributions above EUR 500 must be declared.

Having received the submission, the Commission is required to publish it without delay in a register, and to receive the organisers at the appropriate level to allow them to explain the details of their request. After an exchange of views with the Commission, the organisers are given an opportunity to present the initiative at a public hearing held at the European Parliament. The hearing is organised by the committee responsible for the subject matter of the ECI (Rule 211 of Parliament's Rules of Procedure).

CURRENT INITIATIVES

Several organisations had attempted to launch initiatives similar to the ECI before this instrument was adopted in law and detailed procedures were established. In 2007, the European Disability Forum launched one of the first such pilot initiatives, in which it claimed to have collected 1.2 million signatures. After the ECI Regulation was adopted in 2010, but before it

[3]Belgium, Denmark, Germany, Estonia, Finland, Ireland, the Netherlands, Slovakia and the United Kingdom.

[4]A list of the competent national authorities may be found at: <http://ec.europa.eu/citizens-initiative/public/authorities-verification>

had entered into force, Greenpeace claimed to have received 1 million signatures calling for a moratorium on GMO crops. However, neither of these initiatives can be counted as an ECI.

Since 1 April 2012, over 68 ECIs have been launched. Of these, 21 were refused registration in principle on the grounds that they fall outside the scope of the Commission's competence to propose an act, and 14 were withdrawn by their organisers. There are currently eight initiatives registered, which are now at the collection phase. To date, only four initiatives have reached the requisite number of signatures (Right2Water, One of Us, Stop Vivisection and Ban Glyphosate) and have been submitted to the Commission, whereof only one, Ban Glyphosate, has been submitted since 2014. Parliament organised hearings with the representatives of each initiative, which were held on 17 February 2014, 10 April 2014, 24 April 2015 and 20 November 2017, respectively. The Commission provided a reply setting out its legal and political conclusions with regard to all four of them. Six ECIs have been subject to legal action before the General Court of the EU, which found in its most recent judgment, T-646/13 'Minority SafePack v Commission', that the Commission failed to comply with its obligation to explain in detail and justify its reasons to refuse to register an ECI, and in judgment T-754/14 'Michael Efler and others v Commission', on the 'Stop TTIP' initiative, the Court clarified that acts that can be subject to an ECI can extend to other acts such as decision to open trade negotiations.

ROLE OF THE EUROPEAN PARLIAMENT

The ECI instrument has been of major interest to Parliament. Before the entry into force of the Lisbon Treaty, Parliament adopted a resolution^[5] containing a detailed proposal for the implementation of the ECI. After the entry into force of the Treaty, Parliament was actively involved in the negotiation of the ECI Regulation. Parliament contributed successfully to making the ECI a more accessible and citizen-friendly instrument of participatory democracy. It obtained, inter alia, a reduction in the minimum number of Member States from which the statements of support have to come to one quarter; it insisted that the verification of admissibility must be carried out at the pre-registration stage; and it pressed for the provisions allowing all EU citizens and residents, regardless of nationality, to be granted the right to sign an ECI.

Parliament made a number of political calls to simplify and streamline the procedures for running an ECI, as well as to enhance its impact. Parliament adopted a resolution on the ECI review process on 28 October 2015^[6], calling inter alia for the revision of the regulation with a view to simplifying the personal data requirements and providing funding to support the organisation of ECIs. In 2017, the Committee on Constitutional Affairs launched an own-initiative legislative report aiming at such genuine revision of the ECI Regulation. In September 2017, based on Parliament's requests and a public consultation, the Commission eventually made a proposal for a new regulation on ECI^[7] that would, inter alia, lower the voting age for signatories to 16 years, simplify the forms to collect support, allow all EU citizens to support an ECI regardless of their residence, and extend the time for the examination of an ECI. This proposal is currently under consideration in the Parliament.

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[5] OJ C 212 E, 5.8.2010, p. 99.

[6] OJ C 355, 20.10.2017, p. 17.

[7] http://ec.europa.eu/citizens-initiative/files/ECI_2017_Proposal_Annexes_en.pdf