

Mr Alexander Italiener  
Secretary General  
European Commission  
Rue de la Loi / Wetstraat 200  
B-1040 Bruxelles/Brussel

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## CONSULTATION EUROPEAN CITIZENS' INITIATIVE

Dear Mr Italiener,

On behalf of the Federal Union of European Nationalities (FUEN), I would like to raise some issues related to the European Citizens' Initiative that were not or only superficially covered in the questions raised in the public consultation, which we answered as well.

### 1. Legal nature of the citizens' committee

The citizens' committee consists, according to the current Regulation, of at least seven persons from at least seven EU Member States. In practice, only seven persons can be registered on the ECI-homepage, although more persons could be members – it would be good if these other persons could also be officially registered somewhere.

There are currently no rules on the nature of the citizens' committee, how it takes decisions internally, who can represent the citizens' committee and how the committee can adopt new members or how members can leave the citizens' committee. In our case, the citizens' committee has been existing in the same composition for more than 4 years already, and counting. It would be good to establish some sort of legal personality for the citizens' committee (an association-alike structure) that solves the above-mentioned issues.

The issue of representation came up in our court case, where the question was raised whether the citizens' committee or the seven individual members were party to the case. The Court accepted that the committee was the party. The authorisation of Representative and Substitute based on internal decision-making was not sufficient; the Registry demanded the authorisation of all the members.

The problems with liability were addressed in many reports and contributions by others already and will not be elaborated here.

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**FUEN Flensburg / Flensburg**

Secretariat-General Schiffbrücke 41  
+49 461 12855 D-24939 Flensburg

**FUEN Berlin**

AGDM Coordination Bundesallee 216 – 218  
+49 30 186814613 D-10719 Berlin

**FUEN Brussel / Bruxelles**

Europe-Office Avenue Palmerston 20  
+32 485 284315 B-1000 Brussel

## **2. Issues related to appeals at the European Court of Justice**

There have been several cases where the organisers started an action for annulment at the General Court, because they did not agree with the rejection decision by the European Commission. Our Minority SafePack Initiative and the initiative “Stop TTIP” won their cases. In terms of procedure this caused significant delay and also the risk of high costs for the organisers. We would welcome a fund to support citizens with their legal case, if there are genuine legal questions that are so far unsolved (such as with the Minority SafePack Initiative and “Stop TTIP”).

The way around, i.e. an admission decision challenged by an other EU institution or Member State, is also possible. We have seen the (later withdrawn) “Wake up Europe” initiative been challenged at court. There is a problem here with the citizens’ right to be heard: once a decision by the Commission is challenged by e.g. a Member State, the organisers of a citizens’ initiative have no possibility to intervene (Article 40 Statute), although the case directly affects their initiative. It would merit consideration to involve the citizens’ committee in the defence by the Commission in cases like this.

This last situation creates also some practical questions. What will happen if the decision is annulled for technical reasons (e.g. insufficient of reasoning of the Commission) while hundreds of thousands of statements of support were already collected? Can the court order an interim stop to an initiative, to be relived a few years later, when the Court renders its final judgment? Or does this effectively kill the initiative, because organisers will not have the resources to do two campaigns? If the chosen start-date is implemented in the revised Regulation, it may be wise for organisers to start after they know that the admission decision is final.

## **3. Paper forms and Online Collection System**

Additional to what we wrote in the questionnaire, there are some specific issues related to the forms. We have had the situation that we would like to use a bilingual form for a part of a Member State where a minority is living, which was accepted by that Member State. We think the Regulation should make this explicitly possible.

We think it should be possible too to adapt the paper form to a more user-friendly format, as long as all the required content is provided. Currently some countries accept this, while others do not allow changes compared to the standard format that can be downloaded from the ECI-site.

For the online-system we would prefer an easier captcha, similar to the one used for this evaluation.

We would very much welcome the possibility of using all the official languages in the Member States.

Sincerely yours,

Frank de Boer  
Minority SafePack Coordinator