

Position Paper for the Revision of the Regulation of the European Citizens' Initiative (ECI)

Submitted in the context of the Consultation
of the European Commission

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I. Introduction

With a population of over 500 million people in the European Union, the European Citizens' Initiative (ECI) has the potential to become the most powerful democratic instrument in the world. As the only tool of its kind, the ECI serves as an example of democracy to governments around the world.

Given the heightened disconnect with citizens and the rise in anti-EU rhetoric and separatist movements, seizing the opportunity to revive the role of citizens in EU decision-making processes would foster citizen trust and approval of government. Democracy International believes that in a world of political unrest, Europe can be the beacon of democratic faith in the world, where real participatory democracy flourishes.

Democracy International and other civil society supporters of the ECI have vigorously and regularly called for a reform to improve the ECIs functions and increase its user-friendliness. Democracy International was founded on the fundamental idea of citizen participation of the ECI and has since its existence been an active member in supporting direct democracy in Europe and around the world. We have taken a leading role in encouraging citizens to take an active part in the ECI revision process, from promoting the Commission's Public Consultation to raising awareness of the issues under consideration for revision. A revision of the ECI can be considered a first step towards the democratization of the EU. We urge the European Commission to take advantage of the opportunity to boost its democratic legitimacy via the ECI and once again restore its democratic stand in the world.

In the context of the consultation on the European Citizens' Initiative, Democracy International is proposing the following reforms:

II. Recommendations

- 1. Make burdensome administrative procedures less restrictive and simplify requirements for signatories across the EU member states.**
- 2. Provide rejected ECI proposals with a detailed explanation for their rejection. Provide ECI organizers with thorough advice on the redrafting of their ECI. Allow the possibility to resubmit modified proposals up to three times.**
- 3. Allow ECI organizers to choose the start date for the signature collection of their ECI. Extend the time limit for collecting signatures to be extended to 18 months.**
- 4. Redesign Online Collection Software so that it is more user-friendly. Give signatories the choice to share their email address with ECI organizers. Allow contact information of signatories to be stored on the Commission's server with the possibility for organizers to communicate with their supporters without accessing the information.**

5. Limit the liability of the organizers with regard to data protection.
6. The Commission should translate each registered ECI in all EU languages.
7. If an ECI reaches 200,000 signatures within the first six months, a first public hearing in the EU Parliament should be held.
8. If the Commission agrees to a successful ECI, it must come forward with a legislative proposal within one year as it does with parliamentary initiatives. In the case of a rejection, the Commission must explain its political choices in a detailed and transparent matter.
9. Parliament must write a report on each successful ECI, with a co-rapporteur nominated by the ECI citizens' committee. The subject must be debated and voted on in full plenum.
10. Allow ECIs that require amendments to EU treaties.
11. Draw attention to the ECI instrument and to ongoing initiatives through all public communication channels.

III. Positions

1. Make burdensome administrative procedures less restrictive, and simplify requirements for signatories across the EU member states.

To facilitate EU citizens wishing to sign an ECI and increase the tool's user-friendliness, the Commission should consider simpler and uniform personal data requirements across all member states. Signing an initiative should be simple and transparent, but also secure.

Simplifying requirements for signatories not only facilitates citizen participation in an ECI, but it also supports citizens' committees in efficiently organizing and campaigning across the EU. Much of the required data make it considerably more difficult for organizers to reach the signature quorum. Surname, address, nationality and date of birth would be sufficient.

Furthermore, the Commission must ensure that all EU citizens have the opportunity to support an ECI, regardless of their country of residence. Millions of citizens of the UK and Ireland living in other member states are excluded from the right to sign an ECI. The

Commission should call on the governments that restrict participation in an ECI to amend their data requirements to accept all citizens' signatures, regardless of whether they reside outside of their home country.

- 2. Provide rejected ECI proposals with a detailed explanation for their rejection. Provide ECI organizers with thorough advice on the redrafting of their ECI. Allow the possibility to resubmit modified proposals up to three times.**

The Commission should strengthen the organizers' right to information and assistance. For ECI proposals rejected as inadmissible by the Commission, a detailed, clear and transparent explanation should be provided in writing. The organizers should then have the possibility to accordingly modify and resubmit their proposal up to three times.

The Commission should, upon request and within its administrative powers, provide citizens with appropriate and comprehensive advice as early as possible on redrafting their ECI.

- 3. Allow ECI organizers to choose the start date for the signature collection of their ECI. Extend the time limit for collecting signatures to be extended to 18 months.**

Rather than beginning the collection period on the day that the Commission declares an ECI as admissible and registered, the organizers of an ECI themselves should be able to decide on the start of the collection. When organizers are given the opportunity to choose their own start date, they will be more well-equipped and prepared for their campaign. A period of up to three months maximum from the day the Commission registers an ECI should be given to the organizers to choose a start date of their signature collection.

In addition, the time limit for collecting signatures should be extended from one year to 18 months. This will allow the organizers to have the online collection software certified, to organize a plan of action and to make further preparations for the collection of signatures in an extended period of time, likely resulting in more successful ECIs.

- 4. Redesign Online Collection Software so that it is more user-friendly. Give signatories the choice to share their email address with ECI organizers. Allow contact information of signatories to be stored on the Commission's server with the possibility for organizers to communicate with their supporters without accessing the information.**

Technical improvements in the Online Collection Software (OCS) offered by the Commission must be addressed. Not only does the software need to be improved and made more user-friendly, but the option to sign open, registered ECIs needs to be more prominent on the Commission's official register. A link to sign ECIs should be placed directly on the website of the Commission of ongoing initiatives (<http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>).

Moreover, after submitting the statement of support form, signatories should be given

the choice to opt-in and subscribe to be contacted by organizers regarding the ECI: *"I agree that authorized representatives of the ECI can contact me of their progress by email."* To this end, amendments are needed to Article 5 (3) of Regulation (EU) 211/2011 and Annex III of Regulation (EU) 211/2011. There should be an easy opt-out/unsubscribe option for signatories.

In addition, the email addresses should be stored on the Commission's server, giving ECI organizers the possibility to communicate with their supporters without accessing the supporters' contact information. Independent collection systems should also be able to store their data on the Commission's server. This should be included in Article 6 of Regulation (EU) No 211/2011.

5. Limit the liability of the organizers with regard to data protection.

The liability of organizers regarding data protection in the collection of personal information of the signatories needs to be limited. The committee of the seven organizers of an ECI should within the regulation be defined as a legal body of EU-lawmaking. In addition, the Commission should better inform the organizers about the existing data protection rules. This would create more legal certainty for the organizers. Article 13 of Regulation (EU) No 211/2011 should be adapted accordingly.

6. The Commission should translate each registered ECI in all EU languages.

An ECI can be registered in any of the 24 official languages of the EU, but it is the responsibility of the organizers to provide texts of the ECI into the other EU languages (Article 4 (1) of Regulation (EU) No 211/2011). The European Economic and Social Committee (EESC) has offered a translation service to organizers, however, an official translation into all EU languages of each registered ECI should be undertaken by the Commission. These translations should be free of charge to the organizers.

7. If an ECI reaches 200,000 signatures within the first six months, a first public hearing in the EU Parliament should be held.

Not only should EU Parliament hearings should be held after submission of ECIs that successfully reach one million signatures, but hearings should also be held if an ECI reaches a success threshold of 200,000 signatures within the first six months of its collection period. This would give running ECIs a political platform and facilitate public debate on the issue. It would also raise awareness for fast-growing ECIs while recognizing the efforts of organizers for their accomplishments. This also makes it more likely that citizens will start an ECI and keep committees motivated throughout the campaign process.

8. If the Commission agrees to a successful ECI, it must come forward with a legislative proposal within one year as it does with parliamentary initiatives. In the case of a rejection, the Commission must explain its political choices in a detailed and transparent matter.

The Commission should deal seriously with every successful ECI and strive to enhance the binding character of a successful ECI. In the event of an ECI successfully submitting the required signatures in agreement by the Commission, it should be obliged within one year to propose legislation corresponding to the procedures of an initiative of the European Parliament (2010 EP-EC Framework Agreement for the European Parliament). Every successful ECI should be followed by a debate in the plenary of the European Parliament with members of the European Parliament, members of the Commission and external experts participating. The process should be followed by a plenary vote on the ECI. A successful ECI should have the same effectiveness as an invitation from the Parliament within the meaning of Article 22 TFEU.

9. Parliament must write a report on each successful ECI, with a co-rapporteur nominated by the ECI citizens' committee. The subject must be debated and voted on in full plenum.

The Parliament, as co-legislator, should additionally take the initiative to call upon the Commission to act on successful ECIs. Following the public hearing by the Parliament, the relevant Parliament committee should draw up a legislative-initiative report on the ECI and submit to Parliament a motion for a resolution on the subject. This will require an addition in the Parliament's Rules of Procedure Rule 197a and Rule 52. A co-rapporteur to the report should be nominated by the ECI citizens' committee, who will maintain close communication with the citizens' committee while drafting the opinion report. The report should then be debated in the plenary followed by a vote.

10. Allow ECIs that require amendments to EU treaties.

The Commission has rejected many ECI proposals because they entailed treaty changes. The regulation states that ECIs shall invite the Commission to "submit a proposal for a legal act of the Union for the purpose of implementing the Treaties" (Preamble 1 and Article 2(1)), however there is no explicit indication that "legal acts" exclude primary law. As it is within the framework of the Commission's powers to initiate proposals for treaty change (Article 48, Lisbon Treaty), ECIs should have the possibility to invite the Commission to use this right. The purpose of the ECI is to provide citizens with more political influence at the European level; if the possibility of influence is limited only to the secondary law, it does not recognize the meaning and purpose of the ECI. True participation should be allowed in decision-making for the whole of the European Union. In the long term, direct democracy on the European level should become possible through citizens' referenda and citizens' legislation.

11. Draw attention to the ECI instrument and to ongoing initiatives through all public communication channels.

The majority of EU citizens still do not know that the ECI exists, therefore the Commission and Parliament must proactively promote the ECI as a right of all EU citizens. The ECI should be

more prominent on the Commission's homepage. The ECI should be included on "Your EU rights" (see http://ec.europa.eu/your-rights/help/individuals/index_en.htm) of the Commission's page.

The Commission could also create an informational mobile application. The app should share all relevant information regarding the ECI, inform users of running initiatives and provide the possibility for mobile signing. This would improve ECI success rates. A similar function for android devices has been developed by the ECI Support Centre.

Another way to raise public awareness of the ECI is for a regularly ECI newsletter published by the Commission, for which signatories can opt-in (Recommendation 4). The ECI newsletter could be for signatories, organizers or simply interested citizens to receive general information about ECIs in a particular field, milestones that ECIs reach, and other developments taking place within registered ECIs. For instance, ECI newsletter could feature ECIs that have 100,000 more signatures to reach one million, which could boost the likelihood of an ECIs success. There should be an easy opt out/unsubscribe option for the newsletter.