



*European Economic and Social Committee*

**SCO/001**  
**Citizens' initiative**

Brussels, 14 July 2010

**OPINION**

of the

European Economic and Social Committee

on the

**Proposal for a Regulation of the European Parliament and of the Council on the  
Citizens' Initiative**

COM(2010) 119 final - 2010/0074 (COD)

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Rapporteur-general: **Anne-Marie Sigmund**  
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On 27 April and 19 May 2010 respectively, the Council and the European Parliament decided to consult the European Economic and Social Committee, under Article 304(1) of the Treaty on the Functioning of the European Union, on the:

*Proposal for a Regulation of the European Parliament and of the Council on the Citizens' initiative*

COM(2010) 119 final - 2010/0074 (COD)

Given the urgent nature of the work, the European Economic and Social Committee appointed Ms Anne-Marie Sigmund as rapporteur-general at its 464th plenary session, held on 14 and 15 July 2010 (meeting of 14 July 2010), and adopted the following opinion by 155 votes to four.

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## 1. **Conclusions and recommendations**

- 1.1 The Committee welcomes basic principles of the Commission's proposal, especially the three-stage approach of formal registration, an admissibility check of the subject-matter, and political evaluation.
- 1.2 The Committee sees its role in two phases: firstly, as a *facilitator* of embryonic citizens' initiatives, enabling those involved to network and possibly to meet, etc.; secondly, as an *institutional mentor*, issuing an opinion to assist the Commission in evaluating a successful initiative, holding hearings, and so on. The Committee will also take part in publicity campaigns.
- 1.3 However, the Committee does have a number of improvements to propose, including:
  - a clearer reference to the values of the Union as grounds for turning down registrations;
  - scrapping the requirement for various identity numbers when an initiative is signed;
  - using the residence principle to classify signatories;
  - extension of the time-limit to eighteen months;
  - development of open-source software for online collection of signatures;
  - lowering the minimum number of Member States to 1/4;
  - lowering the threshold for an admissibility check to 50 000 signatories;
  - a review of the regulation after three years;
  - instigating inter-institutional cooperation.

## 2. Introduction

2.1 The Committee welcomes the basic principles of the Commission's proposal for a regulation on the European citizens' initiative. This opinion complements that on "The implementation of the Lisbon Treaty: participatory democracy and the citizens' initiative (Article 11)"<sup>1</sup>, adopted on 17 March 2010, and only addresses issues where the Committee sees further room for improvement.

2.2 The Committee draws particular attention to the intentions of the European Convention, which explicitly sought – as part of the "democratic life of the Union" – to create an agenda-setting instrument for the public which would be on an equal footing with the Parliament and the Council.

## 3. Suggested amendments to the proposal for a regulation

### 3.1 Registration of proposed initiatives (Article 4)

#### 3.1.1 A three-step approach

The Committee expressly welcomes the Commission's proposed three-step approach, which comprises:

- formal registration of an initiative,
- a legal admissibility check once a quorum has been reached, and
- a political evaluation of a successful initiative.

The admissibility check at the time of registration, as proposed by various parties, seems questionable, since it will delay or hinder the start of many initiatives. It would also lay the Commission open to charges of making assessments prematurely, or even of censorship.

On this point, the Committee stresses that the citizens' initiative is not only an innovative, transeuropean element of direct democracy, but also an extremely important communications instrument with which to liven up the European political debate. It is the only way of feeding into the European discourse a broad range of suggestions and ideas which would otherwise never reach the stage of signatures being collected – and this in itself is worthwhile.

#### 3.1.2 Required information

The Committee supports the Commission's proposal regarding the information required (Annex II). This is in the interests of the greatest possible transparency and hence the

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<sup>1</sup> Not yet published in the Official Journal.

acknowledged legitimacy of the proposed initiative. Whether the specific legal basis is mentioned should be a matter for the organisers and not compulsory.

### 3.1.3 **Formal registration**

In the Committee's view, the criteria set out in the proposal as grounds for rejecting a registration ("improper", "abusive", "devoid of seriousness") are unenforceable. These terms are also too open to interpretation.

For this reason, the Committee proposes that the only matters to be checked administratively at the formal registration are whether:

- there is a unity to the initiative proposal; in other words, whether it does not seek to cram several disparate issues into a single initiative;
- it includes any phrases that are defamatory of individuals or groups;
- it does not infringe the Charter of Fundamental Rights and the Union's values (Article 2 TEU).

### 3.1.4 **Appeals**

As a general principle, of course, the right of citizens to good administration (Article 41 of the Charter of Fundamental Rights) must be respected. If registration is denied, the organisers could appeal on this basis to the European Ombudsman or, of course, if all else fails, take legal proceedings themselves.

The Committee thinks that the regulation should make this clear – at least in the explanatory memorandum – for the sake of transparency.

### 3.1.5 **Subsidiarity monitoring**

The linkage with the subsidiarity principle called for by various parties appears to the Committee unnecessary. The Commission will in any event check for compliance if it decides to propose legislation as the result of a citizens' initiative.

## 3.2 **Collection of statements of support (Article 5)**

### 3.2.1 **Identity numbers**

In the Committee's view, the proposed form (Annex III) asks for a disproportionate amount of personal data, which will undoubtedly discourage people from signing. For this reason, it is against these numbers being required. It is unlikely that people who are passing by on the street and are persuaded by some issue will get out their identity cards or will have an identity

number memorised. The Committee also draws attention to the negative opinion of the European Data Protection Supervisor<sup>2</sup> on this issue.

Since not all Member States require or know these numbers, and each Member State requires very different documents<sup>3</sup>, this would lead to a patchwork of required information. The same conditions for the collection of signatures everywhere would thus cease to apply and the principle that all European citizens be treated equally would be infringed, thus frustrating the goal of having a uniform procedure.

The Committee therefore takes the view that the data required to establish identity – name, address, date of birth and nationality – must suffice. To this should be added a declaration of honour that the person concerned has signed the initiative only once.

### 3.2.2 **Residence principle**

Generally speaking, the residence principle should be used to determine to which country EU citizens are considered to belong, regardless of their nationality.

EU citizens who have their place of residence in a third country would be assigned according to the nationality they give.

### 3.2.3 **Time-limit**

In the Committee's view, the twelve-month time-limit proposed by the Commission is too short to enable the successful completion of a Europe-wide initiative. It therefore continues to advocate a period of eighteen months.

### 3.3 **Online collection systems (Article 6)**

The EESC expressly welcomes the envisaged possibility of online collection and endorses the Commission's view that the utmost care will be needed in setting this up. Given the fact that there is as yet no comparable system anywhere in the world for collecting signatures in an initiative process (in contrast to legally much less binding public petitions), the Committee thinks the following aspects should be explored:

- The Commission must encourage the development of open-source software for online initiatives and make it generally accessible.
- Initiators would have to have this software certified in the Member State in which the data gathered using the online system is stored.

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<sup>2</sup> Opinion of 21 April 2010 on the proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative (<http://www.edps.europa.eu/EDPSWEB/>).

<sup>3</sup> Regulation of the European Parliament and of the Council on the citizens' initiative - General approach (10626/2/10 rev. 2).

- Additional electronic identification procedures, such as using a verification email, should make it possible to ensure that checking is reliable.
- The signatory would tick a box to confirm that he has only signed once.

### 3.4 **Minimum number of signatories per Member State (Article 7)**

#### 3.4.1 **Number of Member States**

The EESC stands by its proposal of ¼ of Member States. This will reflect the equal standing of parliament and the public by using the same principle as that followed in establishing European political parties<sup>4</sup>. The hurdles to be surmounted by a European citizens' initiative cannot be higher than those for registering a European political party.

#### 3.4.2 **Number of signatories per Member States**

The Committee expressly welcomes the proposed minimum number system (Annex I) and its degressively proportional approach.

According to the residence principle (see point 3.2.2), those with dual nationality or EU citizens living in another EU country should also be counted in their declared country of residence. Cases of people signing twice should in practice be very limited and this should not cast doubt upon the instrument as a whole.

### 3.5 **Decision on the admissibility of a proposed citizens' initiative (Article 8)**

#### 3.5.1 **Number of required signatures**

The Committee supports the Commission's three-stage approach. However, the Commission's figure of 300 000 signatures before an examination for admissibility is conducted is far too high. It places a very high hurdle in the way of the organisers – and just as high would be the level of frustration experienced by signatories if they were to be told that the initiative was not even admissible.

Instead, the check should take place once 50 000 signatures have been collected (without verification) from three Member States and be completed within two months at the latest. During this time, the organisers can continue collecting signatures.

### 3.6 **Verification and certification of statements of support by the Member States (Article 9)**

The Committee agrees that random checks are reliable in the evaluation process.

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Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding (OJ L 297, 15.11.2003).

### **3.7 Submission of a citizens' initiative to the Commission (Article 10)**

In the interest of the greatest possible transparency, each signatory should be able to find out who is organising and funding the initiative. The Committee therefore reiterates its call for the organiser to provide information about the funding and support behind a citizens' initiative when signatures are being collected.

### **3.8 Examination of a citizens' initiative by the Commission (Article 11)**

#### **3.8.1 Equal standing with initiative procedures of the Parliament and Council**

The Committee asks that citizens' initiatives be treated by the Commission in the same way as initiatives proposed by the Parliament or the Council under Article 225 TEU and Article 241 TEU respectively. They should acquire the same standing.

#### **3.8.2 Right to a public hearing**

Since the EU citizens' initiative is also a communications tool intended to improve the dialogue between the public and the European Commission, a public hearing should be held following the submission of a successful initiative. The EESC is ready to be of help in this or, for example, to organise such a hearing itself. In this way, the Committee would be fulfilling its role as a bridge between the EU and the public.

#### **3.8.3 Informing the consultative bodies**

The Commission's communication on how it will proceed further should also be addressed to the European Economic and Social Committee, as well as to the Committee of the Regions.

### **3.9 Review clause (Article 21)**

Given the lack of experience with this new, transnational instrument, the Committee recommends that the regulation be reviewed after only three years. The Commission should also consult the Committee on that occasion.

### **3.10 Entry into force of the regulation (Article 22)**

The Committee endorses the date proposed by the Commission for the entry into force of the regulation, even if, for example, not all the details regarding online collection have been finalised. The public's expectations of this new instrument are so high that it should enter into force as swiftly as possible.

### 3.11 **Other questions to be resolved**

#### 3.11.1 **Financial support**

The Committee reiterates its call for the Commission to give some measure of financial support to a citizens' initiative that passes the admissibility examination once 50 000 signatures have been collected.

#### 3.11.2 **Translation**

The Committee thinks that, once a citizens' initiative is registered, the Commission's services should translate a brief summary of its subject-matter (no more than 800 characters, in line with Annex II) into all official EU languages.

After the first 50 000 signatures have been collected and the initiative formally admitted, the Commission should undertake to have the whole text of the registered initiative translated into the official languages of the Union.

## 4. **Specific EESC proposals**

The Committee draws attention to the offer made in its opinion of 17 March 2010 (referred to above) and sets this out in detail below.

### 4.1 **Communication and information**

The Committee stresses the need to conduct a thorough publicity campaign as soon as the regulation comes into force. The EU institutions should work together on this and coordinate their approach. The Committee is already at work on an information brochure designed to explain to the public and civil society organisations not only what the citizens' initiative has to offer, but also the nature of consultation and civil dialogue. It is also planning a conference of relevant stakeholders as soon as the regulation is adopted. There could also be further initiatives – aimed at schools, for example, to raise the awareness of the younger generation.

### 4.2 **Inter-institutional cooperation**

It is important that the staff of the EU institutions and consultative bodies dealing with the citizens' initiative coordinate their work closely to make sure that people's need for information is efficiently met. The synergy effect this seeks to achieve – while respecting the different competences of all – is really needed if we want the citizens' initiative to become an effective tool in the service of a European model of modern democracy.



### 4.3 **The Committee's involvement**

The Committee sees its role in two phases:

#### 4.3.1 **Phase 1: The Committee as facilitator**

While an initiative is being planned or is in progress, the Committee is prepared to act – in its role as a platform for dialogue and information – as a facilitator enabling citizens' initiatives to network, perhaps meet, and so on, without this binding the Committee in advance to endorse the substance of the initiative.

#### 4.3.2 **Phase 2: The Committee as institutional mentor**

In keeping with its core function – advising the Commission, Parliament and Council –, the Committee can operate in this phase as an institutional mentor for a citizens' initiative. In this spirit it offers to support the Commission with an opinion while it is conducting its internal discussions and forming its views on a successful initiative. It is also prepared to offer its infrastructure for holding hearings on a successful initiative.

#### 4.3.3 **Strengthening of existing bodies**

This offer – together with that made in the opinion of 17 March 2010 – may entail a reinforcement of existing Committee bodies and could also require extra resources in order to ensure an appropriate response.

Brussels, 14 July 2010

The President  
of the  
European Economic and Social Committee

Mario Sepi

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