

**European Commission
Secretariat General
Directorate E "Better Regulation and Institutional Issues"
Unit E.1 "Institutional Issues"
European Commission
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Green Paper on a European Citizens' Initiative

Recommendations in response to European Commission's Green Paper on a European Citizens' Initiative - by PASOS (Policy Association for an Open Society)

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1. Do you consider that one-third of the total number of Member States would constitute a "significant number of Member States" as required by the Treaty? If not, what threshold would you consider appropriate, and why?

We support the proposal to set the threshold at a minimum of one-third of the total number of Member States, or 9 out of the current 27 Member States.

2. Do you consider that 0.2% of the total population of each Member State is an appropriate threshold? If not, do you have other proposals in this regard in order to achieve the aim of ensuring that a citizens' initiative is genuinely representative of a Union interest?

PASOS promotes and protects open society values, including democracy, the rule of law, good governance, respect for and protection of human rights, and economic and social development, by supporting entities that individually and jointly foster public participation in public policy issues at the European Union level, in other European structures, and in the wider neighbourhood of Europe and Central Asia.

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We support setting the threshold at 0.2% of the total population of each Member State on the condition that the procedures for the verification and authentication of signatures are harmonised and less cumbersome than the current rules in some Member States (see point 5).

3. Should the minimum age requirement to support a European citizens' initiative be linked to the voting age for the European Parliament elections in each Member State? If not, what other option would you consider appropriate, and why?

We support the proposal to set the minimum age requirement according to Member States' requirements for European Parliament elections.

4. Would it be sufficient and appropriate to require that an initiative clearly state the subject-matter and objectives of the proposal on which the Commission is invited to act? What other requirements, if any, should be set out as to the form and wording of a citizens' initiative?

We consider it inappropriate to set only vague requirements for the content of the initiative, as it could lead to general requests such as increasing employment, pensions, environmental protection, or the quality of education (these are the top issues where citizens would want to launch an European Citizens' Initiative, according to Eurobarometer data of 2005). Therefore we support the idea to request the organiser to clearly state the subject-matter and the objective of the proposal, e.g. a legislative proposal. At the same time, the submission of a draft legislative proposal – as an attachment to the description of the initiative - should not be mandatory.

5. Do you think that there should be a common set of procedural requirements for the collection, verification and authentication of signatures by Member States' authorities at EU level? To what extent should Member States be able to put in place specific provisions at national level? Are specific procedures needed in order to ensure that EU citizens can support a citizens' initiative regardless of their country of residence? Should citizens be able to support a citizens' initiative online? If so, what security and authentication features should be foreseen?

We support the full harmonisation of procedural requirements at EU level since different procedures in different Member States could dramatically decrease the likelihood of gathering the necessary popular support in countries with strict norms, for example, the requirement for a notary to authenticate all signatures at the time of collection, as in the case of Latvia. Promotion of online tools should lie at the centre of the process. Harmonisation of the procedural requirements should serve to provide less cumbersome and less costly ways for citizens to engage in EU policymaking. Therefore we strongly support the creation of both online and offline tools to secure opportunities to support European Citizens' Initiatives for people with different skills and access to technology.

Online tools should provide the opportunity to support an initiative for a wide range of EU citizens, not only those who possess an electronic signature:

- a) For those citizens who have the electronic signature tool issued by a Member State authority, this signature should be considered adequate for verification and authentication purposes in line with the national legislation.

- b) Those citizens who do not possess the electronic signature tool should be allowed to sign an initiative online providing a set of minimum personal data required for verification by national election authorities in the respective Member State, taking into account data security and privacy issues.

The inclusion of the less restrictive option (b) would also serve well in the case of European Citizens' Initiatives for more regional issues, when gathering the necessary number of citizens from EU Member States living outside the particular region might be difficult.

As for offline tools, organisers of an initiative should be allowed to collect signatures in public places. We also propose considering the use of space in town and city halls and other municipal offices, but also Europe Direct points and European Commission Representation offices (or European houses where they exist) as spaces where organisers of an initiative can collect signatures (we are not proposing the involvement of EU officials in the signature-collection process as that would be illogical for a citizens' initiative). After the lists of signatures with personal data (name, surname, country, personal identification number) have been collected, the election authority in each Member State should provide the verification that these citizens meet the requirement of the minimum age.

We do not believe that there is a need to impose stricter requirements for verification and authentication of signatures as there may be situations when the popular support leads to no action, for example, in cases when the European Citizens' Initiative is on a topic outside of the Commission's scope of action (like the Strasbourg seat of the European Parliament, or halting of accession negotiations with Turkey).

6. Should a time limit for the collection of signatures be fixed? If so, would you consider that one year would be an appropriate time-limit?

We consider one year to be an appropriate time-limit to gather popular support for a European Citizens' Initiative, as we believe that this should provide enough time to mobilise EU citizens for an issue that is truly pertinent to EU citizens. Setting shorter deadlines might be overly restrictive, especially for weaker, more geographically or socio-economically or linguistically dispersed communities, as well as for interests that require more time to gather forces. At the same time, the setting of longer time-limits might stretch the limits of citizens' interest and engagement in the issue (which might itself become outdated as ongoing developments might have changed the issues at stake). Similarly, it is necessary to take into account not only the time required for the collection of signatures, but also time for verification of signatures (via national election authorities), and for the examination of the proposal by the Commission before it takes a decision to act on it. We believe that there is a need for a fast-track approach for European Citizens' Initiatives' initial stages, as citizens' interest and engagement in the issue might be sorely tested during the lengthy ordinary legislative procedure once the initiative takes the form of a legislative proposal.

It will be necessary likewise to define when exactly the countdown starts. We propose the countdown to start as of the day when a European Citizens' Initiative is registered and published on a dedicated website provided by the European Commission (see point 7).

7. Do you think that a mandatory system of registration of proposed initiatives is necessary? If so, do you agree that this could be done through a specific website provided by the European Commission?

We welcome the creation of a mandatory system to register all proposed initiatives to provide an overview for EU citizens, for current or potential initiative organisers, EU institutions, and all other interested parties. This should be best done via a specific website provided by the European Commission. It should be stressed, however, that at the registration stage the European Commission should not start verifying the initiative. The Commission should start verifying the European Citizens' Initiative only after it has gathered the necessary support.

There should also be a possibility for individuals or organisations to join one or other European Citizens' Initiative, declaring their support for it via a link from the Commission's dedicated website for registration (specific website).

8. What specific requirement should be imposed upon the organisers of an initiative in order to ensure transparency and democratic accountability? Do you agree that organisers should be required to provide information on the support and funding that they have received for an initiative?

We would like to draw the Commission's attention to the fact that there may be initiatives that are organised by individuals on a voluntary basis, not investing other resources beyond their own time and energy in a European Citizens' Initiative. There might be cases when individuals gather the necessary support via extensive use of social networks such as Facebook or Twitter. Therefore we believe that all organisers should be required to describe who they are (organisation, individuals) and – in case the campaign involves buying media time or publishing of pamphlets – declare the source of this funding.

9. Should a time limit be foreseen for the Commission to examine a citizens' initiative?

As we believe that European Citizens' Initiative requires a fast-track approach in the initial stages of the process, we consider six months to be an adequate time limit for the Commission to examine the initiative. The Commission should reply to the organisers of the initiative as to whether the Commission will proceed with drafting a legislative proposal or not, and setting out the reasons for the decision. The Commission should also publish this reply on the specific website announcing the next steps in the process. We also propose considering whether there should not be a deadline set for the Commission when – if the initiative is in line with Lisbon Treaty rules – it should submit a draft legislative proposal to the Council and the European Parliament (according to the ordinary legislative or co-decision procedure).

10. Is it appropriate to introduce rules to prevent the successive presentation of citizens' initiatives on the same issue? If so, would this best be done by introducing some sort of disincentives – or time limits?

There is no need to introduce artificial disincentives to prevent repeated initiatives on the same issue for several reasons. Firstly, who would be to judge whether the initiative is really on the same issue? If it would be the Commission or any other institutional body assessing whether any initiative resembles a previously proposed initiative, it may weaken citizens' engagement due to this strong institutional control in the initial stage of the initiative. Secondly, on what criteria could one judge whether the initiative is really on the same issue? If the assessment would be based on whether the Commission acted in the previous instance or whether the Commission has the right to act on this proposal, the

situation might have changed in the meantime. For example, the EU might be given new powers to act in areas where it did not have powers to draft legislative acts earlier. We believe that these issues will be resolved if the organisers of the initiative are allowed to take the responsibility for proposing a repeated initiative, taking the risk that they might not gather enough support for it. It might be reasonable to expect that the organizers of an initiative will identify similar proposals already registered and will explain to the Commission and EU citizens why the new proposal is being submitted.

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