

**Statement on the
Green Book on a European Citizens' Initiative
[COM (2009) 622 final]**

Content and object of the consultation

The introduction of a European citizens' initiative is a democratic innovation following from the entry into force of the Treaty of Lisbon. Article 11 paragraph 4 of the Treaty on the European Union states:

“Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.”

The procedures and conditions for a citizens' initiative are to be determined by a Regulation adopted by the Council and the European Parliament on a proposal from the European Commission.

In preparation for the submission of its legislative proposal, the Commission presented its Green Book on a European Citizens' Initiative with a view to sounding out the various opinions in the course of a consultation process lasting until 31 January 2010.

The document presented by the European Commission deals in particular with the following ten issues:

- **Minimum number of Member States from which citizens must come**
- **Minimum number of signatures per Member State**
- **Eligibility to support a citizens' initiative – minimum age**
- **Form and wording of a citizens' initiative**
- **Requirements for the collection, verification and authentication of signatures**
- **Time limit for the collection of signatures**
- **Registration of proposed initiatives**
- **Requirements for organisers – transparency and funding**
- **Examination of citizens' initiatives by the Commission**
- **Initiatives on the same issue**

Replies to the questions by the European Commission

<p>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?</p>
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A threshold of six Member States would reasonably satisfy the criterion “*significant number of member States*” specified in the Treaty and would also ensure that the use of this important democratic instrument is not made unnecessarily difficult.

It should be mentioned that the subject of a citizens' initiative need not be one that covers interests applying to the entire EU. If that were the case, the question of heavy goods vehicle transit traffic in the Alps that is of high relevance for Austria could never be the subject of a European citizens' initiative, which for Austria would probably be seen as politically unacceptable.

Because of the administrative load and financial impact, however, the threshold of six Member States should be regarded as a minimum requirement.

**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?**

In view of the fact that 1 million signatures are in any case required, the threshold of 0.2% of the total population of each Member State would appear to be acceptable. In practical terms a smaller threshold would entail excessive costs and administrative load.

It is also proposed in the interests of legal security that another reference figure be chosen that can be determined easily, unambiguously and without particular administrative effort. The number of eligible voters in each Member States at the last elections to the European Parliament before the citizens' initiative should therefore be established as a reference value.

**3. Should the minimum age required 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?**

It would be useful to link the minimum age required to support a European citizens' initiative to the voting age for the European Parliament elections in each Member State. Those eligible to vote for the European Parliament should also be eligible in principle to support an initiative. Any other solution would have a negative impact on the popularity of the European Union among persons eligible to vote in European elections but not in European citizens' initiatives.

It should be ensured that every EU citizen can support an initiative in his or her (EU) country of residence under the same conditions as those applicable to 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?**

The initiative should clearly state the subject-matter and objectives of the proposal on which the Commission is invited to act. This is essential in any case as it is only in this way that the European Commission can examine the initiative and make proposals if necessary for its implementation. The obligation to word a European initiative in the form of a law would represent an insurmountable hurdle in many cases. Advice to the initiators on the wording of a citizens' initiative might conceivably be offered by the European Ombudsman or the European Commission itself.

It is also pointed out that the Austrian legal situation with regard to the wording of a citizens' initiative is not correctly stated in the Green Paper. It has been possible for several years in

Austria to base a citizens' initiative not only on a draft legal act but also on an issue that needs to be settled by way of a federal law.

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?

Minimum requirements for verification of persons wishing to support an initiative are indispensable. A common EU framework should be confined to minimum standards for questions such as the prevention of duplicate statements of support by one person. These should be based on the provisions of Council Directive 93/109/EC of 6 December 1993, which describes in detail the arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

In principle, however, the requirements for the collection, verification and authentication of signatures by the authorities should be based on the laws of the Member State concerned, with common principles being set forth in EU law.

EU citizens should be able to support a citizens' initiative regardless of their country of residence (see also question 3).

The reference to the possibility of online support appears worthwhile. Account should be taken without fail, however, of the possibilities and the infrastructural capacity in the Member States. To ensure that the identity of the person supporting the initiative can be checked reliably, verification should be on the basis exclusively of a digital signature (citizen card).

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?

A time limit is highly recommended. The period of one year proposed by the Commission in the Green Book appears practicable and a longer period is not recommended.

It should be borne in mind that the intentions of the persons supporting the initiative should refer to a specific issue under defined political conditions. This could not be guaranteed if the time limit for collection of signatures were too long.

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?

The central registration of a proposed initiative is essential. The establishment of an IT platform by the European Commission is a feasible solution. Efforts must be made, however, to avoid "spam initiatives".

It must be ensured that the Member States concerned are informed without delay of planned initiatives.

From the point of view of transparency, it would be appropriate for the European Commission to provide a brief appraisal on registration as to whether the initiative is within the competence of the EU or not. This need not involve a comprehensive legal assessment by the Commission. It would, however, be a suitable instrument for identifying initiatives from the outset that, for example, question the EU community of shared values (article 2 in conjunction with article 6 of the Treaty on European Union). This assessment could be posted on the website (with indication if necessary of legal recourse to the European Court of Justice in the event of dispute). In the early stages in particular, it would be counterproductive if citizens were to place their hopes in the collection and submission of signatures only to discover subsequently that the Commission cannot respond to the petition for legal reasons – for example because it is not competent to do so. It might also be useful to provide links to information on previous European citizens' initiatives on related issues and their outcome.

It is also important to ensure that the citizens' initiative has the same content in all Member States in which support is sought. This can be guaranteed only if the organisers of the initiative indicate the authentic version, which could then be translated by the Commission into all the official languages.

**8. What specific requirements 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?**

To ensure transparency and democratic accountability it would be useful if basic information were provided on the funding of the initiative and the groups supporting it.

An effective supervisory body would be required, however, to verify the correctness of the data and to ensure that a group organising the initiative complies with standardised requirements. Suitable sanctions should be considered in the event of incorrect information (for example through publication of the sanctions). Excessive administrative effort should be avoided, however.

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

A time limit for examination of a citizens' initiative should be provided as follows:

A maximum of two months for examination of the (formal) validity of the citizens' initiative.

A further period of around four months during which the Commission should examine the substance of the citizens' initiative without restricting the possibilities for consultation on the initiative (e.g. consultations by Member States or social partners in the form of Green Books).

In the event that an initiative is rejected by the Commission, detailed and comprehensible reasons should be provided for the organisers, the European Parliament and the Council along with effective legal recourse.

Three months after positive examination of an initiative by the Commission for the presentation of a legal act.

In total, no more than nine months should therefore elapse from the submission of an initiative to the Commission and the presentation of a legal act.

**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?**

A restriction of this nature would be difficult and would not explain why an (unsuccessful) initiative should not be repeated. Resubmission would not in any case be likely to take place until some time has elapsed, within which public opinion on specific proposals in the Member States might well have changed. By contrast, information on previous initiatives on related issues would be useful.

For the purpose of clarity and administrative simplicity, it should be possible to set a common period for the collection of signatures in the case of citizens' initiatives registered at the same time or within a short period, regardless of their content.