

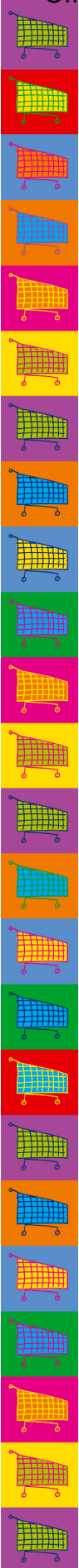


BEUC'S RESPONSE TO THE
COMMISSION'S CONSULTATION ON A
EUROPEAN CITIZENS' INITIATIVE

EC transparency register: identification number 9505781573-45

Contact: Ursula Pahl – horizontalpolicy@beuc.eu
Ref.: X/006/2010 - 29/01/2010

BEUC, the European Consumers' Organisation
80 rue d'Arlon, 1040 Bruxelles - +32 2 743 15 90 - www.beuc.eu



Summary

- BEUC very much welcomes the present consultation and the intention of the Commission to propose a regulation on the citizen's initiative which should be adopted before the end of 2010.
- **The European citizens' initiative should be an instrument that is easily accessible, truly inclusive and fully transparent.** These criteria should be the yardstick for any implementing measure. Future direct involvement of European consumers/citizens in the EU decision making process and the entire effectiveness of this instrument will depend on the degree to which the implementing measures will reflect these principles. Consequently, administrative and financial hurdles should be limited to the unavoidable minimum. The Commission should ensure that potential initiatives are facilitated with pro-active and supportive measures and establish an internal infrastructure, which is able to cope effectively, democratically and fairly with all potential initiatives.

GENERAL COMMENTS

BEUC represents 43 independent consumer organisations from 31 European countries. The primary task of BEUC is to promote the interests of the consumer at all levels of the EU, to act as a strong consumer voice in Brussels and to try to ensure that the interests of consumer are given their proper weight in the development of all Community policies.

BEUC welcomes the fact that the European Commission is taking early steps to implement this provision and that these steps begin with a public consultation on the modalities for implementation.

EU consumer policy is one of the Community policies, which is very close to the EU citizens and which has a tangible impact on the every day live of consumers /citizens in each Member State of the EU. In this context we expect and hope that the citizens' initiative will be a valuable tool to help decision makers identify and understand the concrete concerns of consumers/citizens and to set up Community policies which are clearly based on the needs and expectations of European consumers.

To ensure that this important initiative delivers, it will be important that the Commission proactively communicates with EU citizens making them aware of this new opportunity to directly influence the EU agenda.

Above all, the European citizens' initiative should be an instrument that is easily accessible, truly inclusive and fully transparent. These criteria should be the yardstick for any implementing measure. Future direct involvement of European consumers/citizens in the EU decision making process and the entire effectiveness of this instrument will depend on the degree to which the implementing measures will reflect these principles. Consequently, administrative and financial hurdles should be limited to the unavoidable minimum. The Commission should ensure that potential initiatives are facilitated with pro-active and supportive measures and establish an internal infrastructure, which is able to cope effectively, democratically and fairly with all potential initiatives.

DETAILED COMMENTS

1. Minimum number of Member States from which citizens must come

Questions:

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?

The Treaty indicates that the signatories of a citizens' initiative must come from "a significant number of Member States" and provides that the Regulation shall establish "the minimum number of Member States from which such citizens must come".

In the light of our general comments set out above, the threshold on the number of Member States should be low. We do not agree with the Commission's opinion that one third of the Member States is the appropriate number to qualify for being "significant".

Even one quarter of Member States as proposed by the European Parliament) would be too high a threshold. Given the political objective, which is to establish an accessible modern tool to promote direct democracy in the EU, 5 Member States could be enough.

It might be worth including a provision for reviewing this threshold in light of experience after 2 or 3 years to evaluate whether it leads to too many, or to few proposals, and adapt the threshold accordingly.

2. Minimum number of signatures per Member State

Questions:

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?

The Commission's proposal to opt for 0.2 % of the Member States population is in line with the logic of Article 11 paragraph 4 of the TEU, which for the eligibility of a citizens' initiative requires the participation of a minimum of 1/500 of all EU citizens.

However, in comparison to the required percentages of the electorate in national citizens' initiatives (e.g. lower thresholds in Italy, Romania, Austria etc...) and in the light of the objective to promote easy access, a lower threshold should be envisaged, which should be set below 0.1 %.

It needs to be taken into consideration that in some Member States there is no tradition of having such initiatives, and that citizens have not been educated to do so. This could have an impact at least in the first years on the number of citizens that such an initiative can gather in some countries.

The threshold should in any case be seen in context with the number of requested Member States in order to achieve a satisfactory result.

3. Eligibility to support a citizens' initiative - minimum age

Questions:

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?

We agree with the Commission's proposal.

4. Form and wording of a citizens' initiative

Questions:

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 text of the Treaty does not specify what form a citizens' initiative should take but merely that it should invite *"the European 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 Commission considers whether it should be required that a citizens' initiative takes the form of a draft legal act with clearly recognizable legal provisions or if a clear statement on the subject matter and objectives of the proposed initiative should be sufficient.

Given the need to provide for an inclusive instrument, a clear indication of the subject matter and the objectives of the measure should be sufficient. It would most probably not be easy for every potential organiser of a citizens' initiative (e.g. smaller NGOs etc) to provide a fully fledged legal act. Furthermore, an ill-drafted legal provision could raise all sorts of unnecessary problems in relation to the requirement that the initiative must be in accordance with EU legislation.

Both options could be available for citizens, in connection with an obligation of the Commission to provide legal advice as pointed out below in point 9.

5. Requirements for the collection, verification and authentication of signatures

Questions:

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 agree that in order to guarantee the legitimacy and credibility of citizens' initiatives, provisions are needed to ensure adequate verification and authentication of signatures, in line with the relevant national, European and international legislation on fundamental rights, human rights and the protection of personal data.

On the other hand and very importantly, it seems necessary to allow for as much freedom as possible to collect the signatures, including the collection of signatures through on-line tools.

8. Requirements for organisers - Transparency and funding

Questions:

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?

We consider that transparency and accountability are of crucial importance for the credibility of this tool and that citizens should receive clear information about the organisers of any citizens' initiative, in relation to their motivation as well as their financial and personal resources.

Hence, we strongly agree that the principles that inspired the Commission's European Transparency Initiative should apply.

Disclosure of information about the organiser of a citizen's initiative should as a minimum be mandatory on the financial and human resources of an initiating organisation and the names of its representatives. It should also be indicated if an organiser is registered in the Commission's lobby register.

9. Examination of citizens' initiatives by the Commission

Questions:

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

Once the required number of signatures for a citizens' initiative have been collected and validated by the relevant Member States' authorities, the organiser of an initiative can formally submit the initiative to the Commission.

Clear procedures and timelines for the Commission's verification of the formal requirements of an initiative are essential. To this end, the Commission should build up the necessary internal infrastructure.

In order to be able to meet the formal requirements for an initiative, the Commission should be obliged to provide advice in an informal and quick manner on all elements of eligibility. A specific unit with a "helpdesk" should be made available to this end.

Two month time should be the maximum for a response of the Commission in relation to the eligibility of a citizens' initiative.

10. Initiatives on the same issue

Questions:

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?

We consider that if a registration system is put in place, the transparency provided about pending initiatives suffices to ensure that duplication is avoided.

As indicated under question 9, the Commission could even provide initiators of a similar initiative with each others contact details to facilitate a common initiative.

MISSING ISSUES

1) Procedure after successful submission

What we miss in the present consultation is the question of **the procedural follow up to a successful citizen's initiative?**

What happens if the initiative was successful and the requested number of signatures has been presented? How much time does the Commission have to react and what form must this commission's response take?

A clear procedure in this respect, including a complaint procedure is essential to ensure that the new institutional tool is efficient. The Commission's response should be well reasoned and if the Commission does decide to act, the response should set out what it intends to do, the process, next steps and timeline.

2) Funding

The Commission should re-consider the matter of **funding** of citizen's initiative. We are worried that without financial support, in particular smaller and non-professional groups of citizen's will not be able to cope with the task of organising a multinational and multilingual project involving at least one million persons.

3) Consultation on Art 11 paragraph 3 – Commission's consultation

Finally, the Commission should also consult on other elements of Article 11 TEU and in particular we refer to Article 11 paragraph 3 which obliges the Commission carry out "broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent".

The current consultation standards of the Commission are sometimes not met by the Commission; the very recent consultation on the strategy for EU 2020 is an important example in this respect. The Commission should revise its standards after having consulted stakeholders on them.

END