

# EU Civil Society Contact Group

**To: the Spanish Presidency  
The Heads of Member States  
The Ambassadors of permanent representations  
The Members of the European Parliament**

Brussels, June 11, 2010

**RE: the EC Regulation proposal on the Citizens' Initiative should be more ambitious, more accessible and more user-friendly**

Dear Madam, dear Sir,

The EU Civil Society Contact Group has called for and supports the European Citizens' Initiative (ECI) which is now enshrined in the Lisbon Treaty. In our view, this is an important new step to increase public participation in EU decision-making. We welcome the fact that the Commission is acting quickly in order to make the article 11 a reality as regard the ECI and we participated in the consultation process, but we regret that the current Regulation proposal is not good enough for the ECI to be a genuine tool of participatory democracy for the European citizens.

We consider that further improvements to the draft are needed, both in terms of definition and of practical implementation, to ensure:

- **a user-friendly and accessible tool for European citizens:** this is key for the success and ownership of the instrument by civil society; there is room for a more ambitious instrument and further simplification of procedures without undermining efficiency and security concerns.
- **a high level of transparency** to avoid any abusive use of the instrument and ensure citizen's trust in it: the draft regulation is not precise enough on this aspect
- **a proper follow-up of successful initiatives:** the EC proposal is extremely short and vague on the follow-up to be given to successful initiatives, while this is when everything starts! The quality of the follow-up will be crucial to ensure credibility of the instrument from the citizens' point of view.

We therefore call the Member States, in particular the Spanish Presidency, and the European Parliament to propose the following amendments which are necessary for an ambitious, accessible and user-friendly Citizens' Initiative.

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\*The Civil Society Contact Group brings together eight large European NGO platforms in the following fields: culture (culture action europe), development (CONCORD), environment (Green 10), human rights (HRDN), lifelong learning (EUCIS-LLL), public health (EPHA), social (Social Platform) and women (EWL).

Together we work to develop the dialogue between civil society organisations and the EU institutions as an essential part of strengthening participatory democracy.

➤ **A user-friendly and accessible tool:**

Definition:

- *minimum number of Member States should be one fifth (20%)*

The ECI is a first step in creating opportunities for debate about possible legislative proposals: any comparison with legally binding tools such as enhanced cooperation is therefore not valid and the ECI should be as accessible as possible, especially in light of the possibility of further EU enlargements. After discussions with grass-root organizations and provided that article 11 does not impose any representative threshold, we consider today that a threshold of 20% is sufficient to be "significant", although in our first contribution we were proposing one quarter.

- *minimum age to support a citizen's initiative should be 16 years*

For the same reasons and in order to encourage an interest in European matters on the part of younger people, the minimum age for eligibility to support an ECI should be 16. The ECI is a European instrument, and it makes no sense to link it to national conditions. Support for an initiative under the ECI is not a formal vote, and we therefore do not consider it relevant to link it to the legal voting age.

- *long-term resident of non-EU nationality should be entitled to participate in citizen's initiative*

Despite the fact that the article 11 explicitly refers to nationals of a member state, we still consider that the EC should find ways to enable long-term residents of non-EU nationality to participate in citizens' initiatives.

- *time limit for the collection of signatures should be 18 months as a minimum*

We call for a longer period for the collection of signatures. Collecting signatures in 9 different countries is not an easy task especially for grass-root organizations and citizens. The 12 months time limit is likely to limit the use of the instrument to larger structures with sufficient resources.

- *scope of ECI should be the widest possible, including treaty modifications*

We call for an ambitious and open interpretation of art.11 of the Lisbon Treaty that would allow Initiatives on the widest possible range of issues. The limits of EC competencies are not easy to understand for many citizens. A wider scope would allow the EU to hear citizens' concerns on a broad range of issues and therefore encourage engagement.

Practical implementation:

- *data protection: requesting ID number or other official documents references is excessive*

The current proposal is requesting too much personal data to signatories; in particular requesting ID or other official numbers may discourage people from participating. In our view, no more than 2 or 3 elements such as name, residence and e-mail should be requested and constitute sufficient information for the verification of signatures. Examples of national petition systems should be used as reference.

- *Certification of online collection systems should be done at EU level*

Requesting that the certification of online collection systems is done by national authorities brings unnecessary administrative complexity. As the EC will be defining the technical specifications for online collection systems, it would be more relevant that the EC also provides the certification, in order to avoid different interpretations and implementation from one Member State to another.

- *Registration refusal should be based on legally defined criteria, in particular the EU charter of Fundamental rights*

The Regulation should only refuse registration of Initiatives that go against the EU Charter of Fundamental Rights, or other international human rights law, and any rejection should be motivated in writing. The grounds for refusal as defined in art.4 of the proposed regulation are not clear enough and leave too much room to interpretation and subjectivity, as the terms "abusive", "devoid of seriousness" or "values of the Union" have no legal definition. Merging the registration step and the admissibility check would also avoid abusive use of the instrument.

- *The admissibility check should be done much earlier in the process, or possibly merged with the registration step*

Having an admissibility check after 300,000 signatures is far too late: a lot of resources will already have been invested and the rejection of an Initiative at this stage would cause significant frustration and discourage citizens to use the tool; this is not, in our view, outweighed by the opportunity for debate created by an abortive attempt at an Initiative. The admissibility check should be done at a much earlier stage, preferably at the point of registration of the Initiative or at the point when 10 000 signatures have been collected.

- *The verification of signatures should respond to detailed European rules*

If for practical reasons it makes sense to ask Member States to carry out the verification of signatures, the Commission should provide detailed norms and requirements for **random only** verifications, so that the rules are similar in all Member States for the sake of simplicity and accessibility.

#### ➤ **A more transparent tool**

- *more information about the organizers should be provided especially for organisations*

The draft regulation should be more detailed regarding the information provided by the organizers of an Initiative, in particular in the case of legal entities: in addition to the name and address, information such as website, legal status or relevant registration number if any should be required. This information should be publicly available at least on the register.

- *organizers should provide detailed information on funding*

From the point of view of transparency it is even more important that organizers provide information about amounts and sources of funding in detail; in particular, external financial supports over a certain threshold amount, i.e. € 5000, should be listed. This info should be publicly available on the register and regularly updated. Support forms should include a reference to the website where information about the funding of the Initiative can be found. In this respect the draft regulation does not go far enough.

- *prohibition of reward should be clearly stated*

Last but not least, the Regulation should clearly prohibit any form of reward (in money or in kind) to citizens signing up to the initiative. In case of reward being promised, the Initiative should be rejected by the Commission.

#### ➤ **A clear follow-up**

- *the Regulation should include detailed steps for the follow-up of successful Initiatives*

The draft regulation is clearly not going far enough regarding the last step, which is in fact the most important one, the follow-up of successful Initiatives:

The European Commission should conduct a public debate about the substance of the proposal

made in any successful Initiative; for example this could take the form of one or more public hearings with the organizers of the Initiative.

If the EC decides not to act, it should provide detailed reasons for this decision.

If the EC does intend to act, it should adopt its proposal within 12 months of having given its initial response. To ensure that the Commission has properly understood the intentions of the Initiative, it should meet with the initiators as representatives of the 1 million citizens, and give them the opportunity to comment on the Commission's proposal.

- *possibility of appeal to Ombudsman and ECJ should be clearly stated in the Regulation*

Lastly, the possibility to appeal to the Ombudsman or the European Court of Justice against the Commission decisions should be clearly spelled out in the regulation, as this possibility is not always well known or understood by citizens.

We do hope our concerns will be taken into account in the legislative debate to come and we remain at your disposal for further discussions.

Sincerely yours,



Olivier Consolo, Director  
European NGO confederation  
for relief and development




Ilona Kish, Secretary General




Brigitte Triems, President




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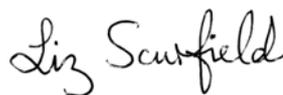



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