European Citizens’ Initiative


(2017/C 355/03)

A. whereas the European Citizens’ Initiative (ECI) is a new political right for citizens as well as a unique and innovative agenda-setting tool for participatory democracy in the European Union, allowing citizens to play an active part in projects and processes that affect them, and the potential of which must unquestionably be exploited to the full and significantly enhanced in order to achieve the best results and to encourage as many EU citizens as possible to participate in the further development of the European integration process; whereas it must be one of the EU’s priority objectives to strengthen the democratic legitimacy of its institutions;

B. whereas, three years on from the entry into application of Regulation (EU) No 211/2011 on 1 April 2012, it is necessary to evaluate its implementation thoroughly in order to identify any shortcomings and to propose viable solutions for its prompt revision;

C. whereas experience has shown that the majority of organisers of ECIs have encountered a number of difficulties in setting up an ECI, in relation to both practical and legal aspects, and whereas the organisers of several rejected ECIs have consequently submitted complaints to the Court of Justice and the European Ombudsman against the Commission’s decision not to register their ECIs; whereas the rules must therefore be designed in such a way as to make ECIs as accessible as possible to citizens and organisers;

D. whereas Parliament is the only directly elected body of the European Union, and as such represents, by definition, EU citizens;
E. whereas a number of institutions, NGOs, think tanks and civil society groups have considered the various deficiencies in the implementation of the Regulation (EU) No 211/2011 on the citizens’ initiative and in the organisation of ECIs, have proposed numerous improvements and have indicated on many occasions which aspects of the regulation it is necessary to reform as a matter of urgency;

F. whereas the practicalities set out in Article 6 of the regulation, in particular the setting-up of an online collection system and its certification by a competent authority in a Member State, in most cases leave the organisers less than 12 months to collect the required signatures;

G. whereas the submission of a successful initiative to the Commission once the signature collection period is over is not subject to a specific time limit and is thus a source of confusion and uncertainty for both the institutions and the public;

1. Welcomes the European Citizens’ Initiative (ECI) — as defined in Article 11(4) of the Treaty on European Union (TEU) and Article 24(1) of the Treaty on the Functioning of the European Union (TFEU) — as the first instrument for transnational participatory democracy enabling citizens to engage directly with the EU institutions and to become actively involved in the framing of European policies and legislation, complementing their right to submit petitions to Parliament and to appeal to the European Ombudsman;

2. Underlines the fact that the ECI is the first tool for participatory democracy that confers on EU citizens the right, on the basis of at least one million statements of support from at least one quarter of the Member States, to take the initiative — thereby underpinning their new political prerogative — and ask the Commission to submit, within the framework of its powers, an appropriate proposal on matters on which citizens consider that a legislative act is necessary to implement the treaties;

3. Stresses that the ECI is an exceptional opportunity for citizens to identify and articulate their aspirations and to ask for EU action, and that it must be encouraged and supported by all available means; recognises, however, that there are significant deficits which need to be tackled and solved in order to make the ECI more effective; stresses that all further assessment of the instrument should be aimed at attaining maximum user-friendliness, given that it is a primary means of linking the citizens of Europe to the EU; further stresses that the use of one’s mother tongue is a civic right, and calls on the Commission and the Member States, therefore, to explore alternatives in order to offer the option of doing so in all activities connected with an ECI, as this encourages citizen participation; points out the importance of public awareness of the ECI, while regretting the limited knowledge of this tool among EU citizens; calls for the EU, to this end, to organise publicity and promotion campaigns with a view to giving the ECI a higher profile in the media and among the public;

4. Stresses, further, that civic engagement among young people is fundamental for the future of all democracies, and calls on the Commission to draw lessons from national experiences of genuinely successful ECIs;

5. Considers it essential that citizens be able to contribute to the exercise of the legislative prerogatives of the Union and to be involved directly in the initiation of legislative proposals;

6. Points out the importance of public awareness of the ECI in order for it to be an effective tool for democratic participation; urges the Commission and the Member States, in this connection, to maximise their communication efforts in respect of the instrument in order to bring its existence to the attention of as many citizens as possible and encourage active participation in it;

7. Calls on the Commission to use all public communication channels to raise awareness, and to take the necessary measures to ensure the transparency of the ECI and facilitate communication relating to current ECIs, for example by creating applications that provide information, send notifications and allow online signing; emphasises that active public participation in ECIs also crucially depends on their being publicised in the Member States, and therefore suggests that Member States’ national parliaments should mention the ECI on their official websites;
8. Notes that more than six million EU citizens have participated in an ECI, that there were 51 requests to launch an initiative, of which only three — the ‘Right2Water’, ‘One of Us’ and ‘Stop Vivisection’ initiatives — were deemed admissible, and that six ECI organisers, corresponding to 30% of all rejections, have challenged the Commission’s refusal before the Court of Justice, which shows that much still needs to be done to make sure that the ECI lives up to its full potential; points to the various practical difficulties which organisers have encountered since the entry into force of the regulation in April 2012, and to the fact that the number of initiatives is declining;

9. Calls on the Commission to provide appropriate and comprehensive guidance — especially of a legal nature — as early as possible to the organisers of ECIs through the Europe Direct Contact Centre, so that organisers are aware of the possibilities open to them and will not fail by proposing an ECI that is manifestly outside the Commission’s powers and does not comply with the legal admissibility criteria; calls for consideration to be given to the possibility of establishing another independent body tasked with giving advice; notes, however, that under the Treaty of Lisbon the issues raised by ECIs may not correspond entirely to the Commission’s jurisdiction; takes the view, furthermore, that the Commission should consider setting up a dedicated ECI office at its representations in each Member State to provide all the necessary information, advice and support for ECIs;

10. Stresses, furthermore, that a dedicated ECI office could also contribute to raising public and media awareness about the ECI; invites the Commission, therefore, to promote the ECI as an official EU instrument in order to achieve this goal; emphasises that this measure may also help to overcome citizens’ distrust of sharing the personal data required to support a ECI;

11. Calls for the provision of more detailed guidelines on the interpretation of legal bases and of more information on data protection requirements in each Member State in which the organisers run their campaigns, so as to give them legal security, and also on the possibility for organisers to take out affordable insurance policies;

12. Regrets the lack of clear information on the ECI instrument in the early stages, which led to a general misconception about its nature and generated frustration when the first ECIs were rejected by the Commission; recalls that the instrument should be simple, clear, user-friendly and widely publicised; stresses that the Commission should encourage and support national and local elected representatives in spearheading this increased exposure of ECIs;

13. Supports, further, the active participation of EU citizens in using this instrument appropriately for agenda-setting purposes; expresses its concerns about a potential conflict of interest, given that the Commission itself has the exclusive responsibility to carry out the admissibility check, and asks that this situation be properly addressed in the future; notes, at the same time, that transparency and accountability should be an objective for all stakeholders in order to preserve the clarity of citizens’ activities;

14. Calls on the Commission, in this connection, to consider Parliament also as a decision-maker, particularly because it is the only institution the members of which are directly elected by EU citizens;

15. Stresses that under the terms of Article 4 of Regulation (EU) No 211/2011, in the event of a refusal by the Commission to register an ECI, ‘the Commission shall inform the organisers of the reasons for such refusal and of all possible judicial and extrajudicial remedies available to them’; acknowledges, in this connection, the many complaints from organisers about not having received detailed and exhaustive reasons for the rejection of their ECIs; invites the Commission to explain in detail the reasons for rejecting an ECI if in its view an ECI which has been submitted is ‘manifestly outside the Commission’s powers’; and at the same time to inform the organisers, in writing and in such a manner as to facilitate their work, of the relevant legal considerations — which should be made fully public in the name of transparency — in order that the validity and complete objectivity of those elements can be subjected to legal scrutiny, that the Commission’s power of discretion as judge and party in the assessment of an initiative’s admissibility can be reduced as far as possible, and that the organisers can decide whether to revise their ECI and resubmit it in a modified form;
16. Invites the Commission to consider the possibility of registering only part of an initiative in the event that the entire ECI does not fall within the Commission's powers; invites the Commission to give the organisers, at the time of registration, an indication as to which part they could register, recognising that dialogue and engagement with ECI organisers is essential throughout the process, and to inform Parliament of its decision concerning the registration of the ECI; invites the Commission also to explore ways of referring initiatives, or those parts of initiatives, that do not fall within the scope of the Commission's powers to the competent authority, be it at national or regional level;

17. Points out the importance of technology as a tool for encouraging citizen participation; calls on the Commission to make its software for the online collection of signatures more user-friendly, to make it accessible to people with disabilities, to offer its own servers for the storage of online signatures for free on a permanent basis, using existing EU budgets, and to simplify and revise the technical specifications for the online collection of signatures so that e-mail addresses can be collected on a non-mandatory basis on the same screen as the support form but stored in a separate database;

18. Believes that, if revised, the instrument has the potential to engage the public and to promote dialogue among citizens and between citizens and the EU institutions; stresses the need to link the online collection of signatures to the relevant new social and digital media campaigning tools, following the example of other successful online campaigning platforms;

19. Invites the Commission to reconsider the automatic link between the registration of an ECI and the beginning of the 12-month period within which expressions of support can be collected, so that the organisers of an ECI themselves can decide when they wish to start to collect expressions of support;

20. Calls on the Commission to urge the Member States to use the ECI Validation Tool for Statements of Support, developed under the Interoperability Solutions for European Public Administrations programme;

21. Stresses that, within the scope of the instruments available to enhance participatory democracy across the Union, IT tools should be made available also to regions, thus allowing greater involvement of citizens in public affairs;

22. Welcomes warmly the European Economic and Social Committee's offer of free translation of ECI texts so as to reduce the cost of organising an ECI;

23. Calls for enhanced interinstitutional cooperation at EU level, as well as at the national and local levels, in providing information and support to ECI organisers when dealing with ECIs; calls for the improvement of the multilingual ECI website run by the Commission and for a single set of guidelines in all the EU’s official languages on the rights and obligations of ECI organisers and on the administrative procedures applicable throughout the ECI process;

24. Calls for the future establishment of a physical and online ‘one-stop shop’ providing, on a permanent basis, information, translation services and technical, legal and political support for ECIs, and considers that it could use the existing resources of the point of contact based in the Europe Direct Contact Centre, and of the Commission representations and Parliament information offices in the Member States; considers that such a set-up would bring the ECI project closer to citizens;

25. Deems it too complicated for organisers to provide different personal data in support of ECIs in the 28 Member States, as laid down in Regulation (EU) No 211/2011 on the basis of the various national provisions, and calls for the introduction of a uniform procedure for making statements of support by amending Annex III to Regulation (EU) No 211/2011 to standardise the nature of the data collected in the Member States; encourages the Commission to negotiate further with Member States with a view to reducing the number of data requirements, removing — accordingly — the requirement for personal identification numbers and making them more user-friendly, and recalls that an ECI is about participation and agenda-setting rather than binding proposals; suggests that consideration be given to establishing an EU digital citizenship, and recommends providing an interim solution until this EU digital citizenship is established, with a view to resolving the current problems caused by multiple registration; calls on the Commission, therefore, to explore this issue in its digital agenda as a matter of urgency;
26. Calls on the Commission to amend Article 3 of Regulation (EU) No 211/2011 and to recommend to the Member States that they lower the age for supporting and participating in an ECI from 18 to 16 and that it not to be tied to the right to vote in elections to the European Parliament, thus giving young people, in particular, the possibility of becoming actively involved in taking the European project forward;

27. Acknowledges the delicate problem of organisers’ personal liability with regard to data protection when collecting signatories’ personal data, and proposes that the range of data required be reduced and that the wording of Article 13 of Regulation (EU) No 211/2011, on liability, be changed to make it clear that personal liability is not unlimited; proposes, to this end, that citizens’ committees be able to acquire legal personality and that inspiration be drawn from Article 3 of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, with a view to establishing that organisers are responsible only for acts which are ‘unlawful and committed intentionally or with at least serious negligence’;

28. Encourages the Commission and the Member States to achieve more user-friendly and more harmonised data collection requirements; calls on the competent national authorities to inform the European affairs committees of their national parliaments on a periodic basis about ECIs in progress which have already gathered a significant number of signatures; urges the Commission to propose a revision of Regulation (EU) No 211/2011 with the aim of guaranteeing citizens the possibility of signing an ECI in their country of residence;

29. Expresses its concern that, since 2012, only 3 out of 31 registered ECIs have reached the final phase; points out that the dramatic decrease in the number of new initiatives is one of the consequences of disproportionate requirements and of an unnecessarily complex system; regrets the lack of legislative impact and the discouraging follow-up by the Commission of successful initiatives; expresses differences of opinion with the Commission regarding the successful implementation of the regulation in order to realise the full potential of ECIs: stresses that the EU institutions and the Member States must take all necessary steps to promote the ECI and to foster citizens’ confidence in this tool;

30. Calls on the Commission to revise the wording of Article 10(c) of Regulation (EU) No 211/2011 to allow proper follow-up to a successful ECI; urges the Commission to start preparing a legal act on successful ECIs within 12 months after issuing a positive opinion;

31. Takes the view that, in order to emphasise the political dimension of ECIs, a public hearing under the terms of Article 11 of Regulation (EU) No 211/2011 should be structured in such a way as to allow organisers to engage in a dialogue with Members of the European Parliament and relevant Commission officials; stresses that hearings on ECIs should be organised under the auspices of a ‘neutral’ committee that does not have the main responsibility for their subject-matter in terms of content, and furthermore that external experts should be involved at all times;

32. Urges, where necessary, Parliament and its committees, should the Commission fail to put forward a legislative proposal within this 12-month period, to exercise their right, under the terms of Article 225 TFEU, to ask the Commission to submit an appropriate proposal; considers that, when exercising this right, Parliament's competent committee should take into account the content of any successful ECI and consult the ECI organisers in another hearing; calls for its Rules of Procedure to be amended accordingly;

33. Invites the Commission to explore the possibility of providing financial support for ECIs from existing EU budgets via European programmes such as 'Europe for Citizens' and 'Rights, Equality and Citizenship', including the possibility of financing promotional radio and television programmes, bearing in mind that equality between citizens must be guaranteed, that there is a real need for financial support for the organisation of ECIs and that numerous amendments to the EU budget have been submitted to this end;

34. Calls on the Commission to counter, by taking every possible precaution, the theft — including through internet tools — of sensitive information relating to signatories, especially when it is managed in the form of aggregate data;
35. Welcomes the Commission’s report of 31 March 2015 on the ECI, and the European Ombudsman’s Decision OI/9/2013/TN, and calls on the Commission to ensure, in its revision of this instrument, that all the appropriate legal measures are implemented in order to provide proper follow-up when an ECI is deemed to have been completed successfully; calls on the Commission, therefore, in view of the various shortcomings which have arisen, to submit as soon as possible a proposal to revise Regulation (EU) No 211/2011 and Commission Implementing Regulation (EU) No 1179/2011;

36. Calls on the EU institutions to carry out essential communication work through an information campaign on the ECI;

37. Invites the Commission to report regularly to Parliament on the state of play of ongoing ECIs, so that Parliament — as part of its commitment to EU citizens — can scrutinise whether the tool is working as effectively as possible; stresses that the ECI process should be continuously improved on the basis of the practical experience gained and, furthermore, should comply with the judgments to be delivered by the Court of Justice;

38. Recommends using every available communication channel, in particular the social and digital media platforms of all the relevant EU institutions, to conduct ongoing awareness-raising campaigns, with the involvement of EU offices and representations as well as national authorities; calls on the Commission to support the development of an open-source dedicated ECI software program for mobile devices; welcomes the fact that some ECIs have managed to have an impact at local level;

39. Considers it crucial, in order to ensure proper use of this participative democracy tool by citizens and to prevent its possible abuse by private interests, to increase the transparency and quality of checks of the funding and sponsorship of ECIs;

40. Notes the important role of the European Ombudsman in investigating the handling of ECI requests by the Commission, and especially cases of refusal to register an ECI;

41. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.