



Reform Proposals for the Revision of the ECI Regulation

ACCESSIBLE - Accessibility to organisers and signatories

(1) Amplify the interpretation of the scope of the ECI to allow ECIs to include topics that may entail an invitation to the Commission to use its right to initiate proposals to amend the treaties

The Commission has rejected many ECI proposals because they entail treaty changes. The regulation states that ECIs shall invite the Commission to “submit a proposal for a legal act of the Union for the purpose of implementing the Treaties” (Preamble 1 and Article 2(1)), however there is no explicit indication that “legal acts” exclude primary law. As it is within the framework of the Commission’s powers to initiate proposals for treaty change (Article 48, Lisbon Treaty), ECIs should have the possibility to invite the Commission to use this right. Furthermore, the political effect of the ECI is to give citizens more influence in EU policy making; limiting citizens’ participation rights to secondary law contravenes the very spirit of the ECI. Given a treaty which is highly complex and regulates extensive policy areas, it is important to allow ECIs to also propose treaty changes.

Should the Commission affirm its narrow interpretation of the scope of the ECI, it ought to clarify this in the regulation (Preamble 1 and Article 2(1)) and the Treaty (Article 11) by explicitly excluding primary law and treaty amendments.

(2) Pressure member states to each introduce simpler and uniform data requirements to facilitate EU citizens wishing to sign an ECI, irrespective of their country of residence

To facilitate EU citizens wishing to sign an ECI, the Commission should once again propose simpler and uniform personal data requirements across all member states. Furthermore, the Commission must ensure that all member states accept to check signatures of all their citizens regardless of their country of residence, as hereby currently some 11 million citizens are disenfranchised from their right to participate in an ECI. Notably, the Commission must forcefully call on the governments of the United Kingdom and Ireland to amend their data requirement rules in order to accept to check signatures of all their citizens regardless of whether they reside outside of their home country, and Annex III must be amended accordingly. A future endeavour could be the introduction of a voluntary online EU registry, involving only name, nationality and address.

(3) Provide rejected ECI proposals with robust, comprehensible and transparent reasons for their rejection, provide citizen committees with advice on the redrafting of their ECI and possibility to resubmit modified proposals up to three times in total

An ECI proposal rejected as inadmissible by the Commission should in written form be given robust, comprehensible and transparent reasons for such refusal, so as to enable organisers to modify and resubmit the proposal. The point of contact of the Commission should, upon request and within its administrative powers, provide citizens with as much advice as possible on the redrafting of their ECI. Proposals for an ECI can be submitted up to three times; a thrice rejected proposal shall be deemed as definitively rejected. The applicable article of the ECI Regulation is Article 4(3), which should state: “Where it refuses to register a proposed citizens’ initiative, the Commission shall inform the organisers **with robust, comprehensible and transparent reasons** for such refusal. **Organisers shall be able to redraft and newly submit the proposal up to further two times. Upon a third rejection, the Commission shall inform organisers** of all possible judicial and extrajudicial remedies available to them.”



DYNAMIC - Dynamic and user-friendly process

(4) Redesign Online Collection Software and statement of support forms to enable signatories to share their email address with ECI organisers through an opt-in

Technical improvements in the Online Collection Software (OCS) provided by the Commission must urgently be addressed. A link to sign ECIs should be placed directly on the Commission's official register of ongoing initiatives (<http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>).

Moreover, after submitting the statement of support form, signatories should be given the option of agreeing to an opt-in: ***“Authorised representatives of the ECI can contact me further by email regarding this ECI”***, followed by a field to gather the signatory's email address. This requires an amendment of Annex III (note: the initial Commission proposal COM(2010) 119 final had included the collection of email addresses in its single statement of support form), clarifying that this is a voluntary field, and must be incorporated in the Regulation in Article 5(3).

An amendment in Article 4(1) of the Regulation should make note that the EECS offers its services to provide translations for each registered ECI into all official EU languages.

(5) Rather than beginning the collection period on the day that the Commission declares an ECI as admissible and registered, give ECI organisers a choice in the date for the launch of their ECI, within three months of its registration by the Commission

Rather than beginning the one-year collection period on the precise day that the Commission declares an ECI as admissible and registered, ECI organisers should have sovereignty in selecting the start date of their signature collection, laying it within three months following its registration. This would give them time for certifying the OCS, organising a launch event and arranging all necessary preparations. The applicable article is Article 5(5) of the Regulation, which should state: ***“All statements of support shall be collected within a period not exceeding 12 months. Organisers shall be permitted to chose the date for the start of the collection of statements of support within a period of three months from the date of registration of the proposed citizens' initiative”***.

(6) Use all public communication channels to raise awareness of the tool and facilitate communication of running ECIs, i.e. create a mobile app with information, notifications and possibility of mobile signing

The majority of EU citizens still do not know that the ECI exists, therefore the Commission and Parliament must proactively promote the ECI as a right of all EU citizens. Before all, the tool should be linked more prominently on the Commission's homepage – the ECI should for instance be included on the Commission's page “Your EU rights” (see http://ec.europa.eu/your-rights/help/individuals/index_en.htm). To realise its aspirations of being a leading force in the digital age, the Commission could create an application downloadable onto mobile devices (smartphone and tablets) to raise public awareness and ECI success rates. The app should share all relevant information regarding the ECI, inform users of running initiatives and provide the possibility for mobile signing. A similar function for android devices has been developed by the ECI Support Centre.



POWERFUL - Powerful impact of successful ECIs

(7) If the Commission agrees to a successful ECI, it must come forward with a legislative proposal within one year, as it does with parliamentary initiatives. In the case of a rejection, the Commission must explain its political choices in a detailed and transparent manner

Successful ECIs must be given greater attention by the Commission; hitherto it only needs to indicate in a written communication the action it intends to take, if any, and its reasons for taking or not taking that action. Instead, the Commission should be obliged to react to citizens' initiatives in exactly the same way as it must react to parliamentary initiatives. In the event of an agreement, the Commission must include a concrete follow-up in its communication and come forward with a legislative proposal at the latest within one year, as is equally prescribed by the 2010 EP-EC Framework Agreement for initiatives originating in the European Parliament. The applicable article in the Regulation is Article 10(1)(c), which must add: ***"In the event of agreement, the Commission must report on the concrete follow-up given to the legislative initiative request. The Commission shall come forward with a legislative proposal after one year at the latest. If the Commission does not submit a proposal, it shall give the organisers detailed explanations of the reasons why"***.

(8) A first public hearing in the EU Parliament should be held if an ECI reaches 200,000 signatures within the first six months

EU Parliament hearings should be held not only after submission of successful ECIs, but additionally if an ECI reaches 200,000 signatures within the first half of its collection period. This would give running ECIs a political platform and recognition, and facilitate public debate on the issue. Of the 28 ECIs that were accepted and closed in the past three years, six initiatives reached 200,000 signatures or more.

(9) Parliament must write a report on the subject of the ECI, with a co-rapporteur nominated by the ECI citizens' committee. The subject must be debated and voted on in full plenum

The Parliament, as co-legislator, should additionally take the initiative to call upon the Commission to act on successful ECIs. An addition in the Parliament's Rules of Procedure Rule 197a and Rule 52 should oblige the relevant Parliament Committee(s) to draw up an own-initiative report on the subject of the ECI and to submit to Parliament a motion for a resolution on the subject of each successful ECI. A co-rapporteur to the report should be nominated by the ECI citizens' committee, who will maintain close communication with the citizens' committee while drafting the opinion report. The report should then be debated in the plenary followed by a vote. This would be what Dougan calls "combining the pressure of participatory with that of representative democracy".¹

¹ Dougan, M., 'What are we to make of the Citizens' Initiative', In *Common market law review* 48, 2011. p. 1844