

The European Citizens' Initiative: A Proper Response from the Commission

Piotr Maciej Kaczyński

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One of the first institutional innovations provided for in the Lisbon Treaty is the European Citizens' Initiative (ECI), the aim of which is to engage European citizens with the European project, help mobilise civil society and strengthen pan-European debate on European policies.

In November 2009, the European Commission published a Green Paper on the subject.¹ In the consultation process that followed, feedback was sought on ten potentially controversial but technical issues: how to collect signatures; how many member states should be involved and in what proportions, as well as the form and timing of the proposals, etc.

The missing element

The process initiated by the Green Paper will result in a new law stipulating not only *how* citizens' initiatives should be received and assessed, but also *what* citizens' initiatives are, in the political sense. From this perspective, there is a major element missing in the Commission's Green Paper consultation process. It might also be missing in the implementing legislation. It concerns the Commission's response to ECIs. There is one question in the Green Paper that refers in part to this issue: "Should a time limit be foreseen for the Commission to examine a citizens' initiative?"

The answer to the above question cannot result in a full and appropriate response to the ECIs, because the point is not about timing alone. The Green Paper foresees that the Commission would first assess the admissibility of an initiative and whether the substance of the initiative merits further action from its side. Here, the most important factor is whether the given initiative falls within the framework of the Commission's powers. If admissible, in the second stage, the Commission would publish a Communication on what it thinks should be done about the issue. Both the Parliament and the Council are to be kept informed of this process. Following this, a law proposal might be drafted; that is, provided the initial ECI is admissible in the first place.

¹ Green Paper on a European Citizens' Initiative, COM(2009) 622, November 2009.

Piotr Maciej Kaczyński is a Research Fellow at the Centre for European Policy Studies (CEPS) based in Brussels.

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The outline procedure looks to be well-designed for the admissible ECIs, but what happens if the proposal is considered inadmissible? In this case, the citizens' initiatives should not end up in the waste-bin. By doing so without due explanation, the Commission would actually risk the further alienation of millions of citizens from the European project. Every single ECI means that there is a societal problem considered by citizens as worthy of action by a public institution. Therefore, the mere reply: "this is beyond EU competences" is far from adequate. If the European Commission refuses to address the proposed issue and has no legal power to initiate the corresponding legislation, then it should do two things: first, it should say *who* does have the power to address the particular problem; and second, it should also commit itself to monitoring how the process develops and then report on it.

There should also be a role for the European Parliament in this process. The Chamber should be 'the guardian' of the citizens' initiatives and follow up on them with the European Commission. After all, the EP is the only EU institution with a direct mandate from European citizens. Should the Parliament feel that the Commission did not do everything in its power to address the specific issue, it should reserve the right to call on a responsible Commissioner to give an explanation to the Parliament on the matter.

Political right of initiative

In political terms, the European Citizens' Initiative should be received by the European Commission in a similar way to a Parliament request to "submit any appropriate proposal[s]"² and the European Council's invitations to address issues it considers important. In this way, the EU's decision-making process would distinguish between the formal exclusive competence of the Commission to initiate a legislative process and a *political* right of initiative. This *political* right of initiative would then belong on an equal basis to the European Commission, the European Council, the European Parliament *and* organised civil society, through the European Citizens' Initiative.

² Article 225, Treaty on the Functioning of the European Union.