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## 16. My Voice against Nuclear Power

Daphne Rieder

*Editor's summary: This ECI to eliminate EU subsidies for nuclear power was carefully planned by an experienced environmental campaigning organisation and begun with an online pre-campaign. However, the Commission refused to register it, claiming that nuclear power was governed solely by the EURATOM treaty, not the Treaty on European Union, and so outside the scope of the ECI. The organisers chose not to resubmit their ECI after observing registered ECI campaigns struggle against significant obstacles. This is a chilling example of how flaws in the implementation of the ECI have limited its potential as both a tool for public debate and enhancing democracy in the EU.*

### Using the ECI to start a debate on nuclear power at EU level

The entry into force of the ECI was a most welcome event for *GLOBAL 2000*, an independent environmental organisation based in Austria and affiliated with *Friends of the Earth*. Like many civil society organisations, we considered the idea of the ECI to be a significant step towards more direct democracy and increased public involvement in EU legislation.

Since the ECI was envisioned as a democratic tool to allow EU citizens to bring topics of European importance to the EU agenda, we decided to address an issue which has always been a transborder threat to the fundamental rights and personal integrity of EU citizens: *nuclear power*.

### Campaign confident of legal basis for ECI, yet rejected by Commission

*GLOBAL 2000* launched the ECI *My Voice Against Nuclear Power* with the confidence that acting against such a dangerous form of energy generation is an issue of great democratic importance. EU citizens should be given the opportunity to openly ask the European Commission to address this topic.

We had commissioned several legal studies and consulted with national and international legal experts who concluded that the *EURATOM* treaty does *not* exclusively determine EU nuclear energy policy. There are various possibilities to exert influence on this topic through an ECI with proposals based on EU competences contained in the *Treaty on European Union* (Lisbon Treaty).

The European Commission's legal service nevertheless rejected our ECI for registration. It judged that *any* matter linked to nuclear power was regulated by the *EURATOM* treaty and not the *Treaty on European Union* and was therefore considered ineligible for an ECI.

The rejection of our proposed ECI was an unexpected disappointment. *GLOBAL 2000* had invested extensively in a carefully prepared ECI campaign. We had begun a pre-campaign on a dedicated website to mobilise citizens and collect e-mail-addresses of potential supporters. It is impossible to ask citizens for their contact information on the ECI support form, yet it is absolutely key for any issue campaign to stay in touch with its supporters. We had planned to re-contact potential supporters once our ECI was officially launched.

## **Experiences of first ECI campaigns convince us not to resubmit ECI**

While deciding whether or not to resubmit our ECI to the Commission with a slightly altered text or legal basis, we closely observed the proceedings of registered ECIs and the practical implementation of the ECI tool. Unfortunately, we concluded that the ECI, in its current form, is not “fit for its stated purpose”: enhancing direct democracy and bringing the voices of EU citizens to their policy-makers.

The requirements imposed on the organisers of an ECI require significant legal expertise and an extensive budget. Legal advice is needed starting from the phrasing of the ECI text to requirements for gathering signatures, such as personal data protection. The fact that the ECI regulation lets member states themselves set some of the requirements has made the collection of signatures very confusing and difficult. In addition, online signature collection, the only feasible way to gather one million signatures across Europe, has been technically designed in such a complex and flawed manner that it imposes serious constraints on campaigners.

The European Commission has not attempted, in any significant way, to financially or technically support ECI organisers to deal with constraints. This has discouraged many potential ECI initiators from using this tool to reach policy makers. If civil society organisations experienced in campaigning struggle to set up an ECI, how could “ordinary” citizens ever make use of this democratic tool? It must be concluded that the ECI is failing to reach its intended target audience: EU citizens.

Nevertheless, GLOBAL 2000 remains hopeful that EU decision-makers will take into account the struggles and constraints of ECI organisers and amend the ECI implementing regulation accordingly in 2015.

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**Learning from the first two years of the European Citizens' Initiative**

**Edited by** Carsten Berg and Janice Thomson

**Prefaces by** Maroš Šefčovič, Martin Schulz and Dimitris Kourkoulas

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14 analytic and prospective contributions, and two interviews.

You may order the book by email: [contact@citizens-initiative.eu](mailto:contact@citizens-initiative.eu)

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