
Perspectives from inside EU institutions and national authorities:

1. Revising the ECI Regulation

Alain Lamassoure

French MEP Alain Lamassoure was one of the ECI's earliest supporters. He then became co-rapporteur for the European Parliament's Constitutional Affairs Committee for the ECI implementing regulation. In this article he recounts issues considered during the development of the original ECI regulation and priorities for its revision in 2015.

As one of the co-rapporteurs of the European Parliament on the European Citizens' Initiative (ECI) and as the one who initially put forward the idea, together with Jürgen Meyer, at the Convention on the Future of Europe, I strongly believe in the added value of the ECI, both for the citizens and for the EU institutions.

When we were working on the draft regulation, together with the Council and the Commission, our goal, on the Parliament's side, was to make the regulation as citizen-friendly as possible. This first meant making sure that the language used in it would be clear and easy to understand. Then, more importantly, the constraints for the organisers needed to be as low as possible while guaranteeing the reliability and the efficiency of the instrument.

This was no easy task since it was the first time that such an instrument was launched on a transnational scale, which raised a lot of questions, and since there were significant differences among the member states regarding the handling of several issues dealt with in the regulation.

The result that we achieved was not perfect but it was far better than the initial proposal of the Commission. Even if there is room for improvement during the revision to come, the basis of the ECI is solid and its relevance for strengthening EU democracy cannot be put into question.

1. Possible improvements to the ECI regulation

The revision of the ECI regulation is foreseen to take place three years after the entry into force of the regulation. This timescale is quite short and is due to the European Parliament. The Commission suggested it to take place after five years in its initial proposal. We knew that there were some loopholes in the regulation and that some of them could only be solved after a few years of use.

The main source of difficulty for the organisers so far has been of a technical nature. Indeed, the open source software provided by the Commission, at the request of the European Parliament, had some weaknesses and, as a result, the setting-up of the systems for the collection of signatures as well as their recognition by the member states has been problematic. Hence, I believe that the revision of the regulation should deal with these issues in priority in order to make it easier for organisers to set up a website and to start collecting signatures – while also ensuring that these websites remain secure and that there is no risk for the personal data of the signatories. The temporary solution found by the Commission allowing the organisers to use its servers in Luxembourg could be adopted and become permanent.

Secondly, it would also make the organisers' work easier if *Annex III* (the forms to be completed with the personal data of the signatories from each member state) were simplified and harmonised as much as possible. The European Parliament asked for this throughout the negotiations on the ECI regulation, but many member states were reluctant to ask for only a little information and many simply could not do it for technical reasons. Their constraints had to naturally be taken into account, since any fraud regarding the handling of personal data would provoke a great loss of reliability and thus of credibility for the ECI. There was a risk of citizens not wanting to support any more ECIs for fear of having their personal data misused or disclosed. However, nine member states said from the start that they did not need an identification number from their citizens and they have been joined by Luxembourg since then. I hope that others will follow.

In addition, experience so far has shown that some flexibility would be welcome when it comes to the beginning of the signature collection period. Several times the Commission gave a green light to an ECI, thus launching this twelve-month period, but the organisers were not ready to actually start collecting the signatures. As a result, they ended up losing some precious time. Hence, during the revision, it would be useful to introduce new specifications in the regulation stating that, once the Commission decides that an ECI is admissible, the organisers can decide on the date when they will start collecting signatures within a short period, two or three months for instance.

Another challenge ahead of us does not depend on the revision of the regulation, but it is also of great importance and it should be dealt with rapidly. The EU institutions and their offices in the member states must communicate more and better on the ECI. Polls show that most EU citizens are still not aware of this new right. This is a pity even more so that it is always striking for me to see that, every time I mention the ECI and its recent existence during a public debate, it raises a lot of interest from the audience and citizens immediately start asking questions on it, on its functioning and on possible ideas that they could launch through this new channel. There is an undeniable appetite for such a tool and it should be known better throughout the EU, especially in member states which do not have such an instrument at national level and where the citizens are not familiar with the concept of participative democracy.

2. The role and involvement of the European Parliament since the entry into force of the ECI regulation

When drafting the regulation, we made sure that the Parliament would have the possibility to support the ECIs of its choice, be it at MEP level by joining a citizens' committee or at Parliament level through the organisation of hearings or the adoption of resolutions. But we were also keen on keeping the ECI in the hands of ordinary citizens by specifying that MEPs joining a citizens' committee could not count as founding members of this committee. This means that seven MEPs cannot launch an ECI. They can only support it, by giving advice, by raising awareness or even by providing material support – as long as this support is made public, in a transparent manner.

Several of my colleagues have already been indirectly and also directly involved in some ECIs. In general, they have understood the importance of such an instrument for the good functioning of the EU decision-making process and they widely support it. This was evident during the numerous debates which took place in the Committee on Constitutional Affairs, during the hearings which were organised by several political groups and when a very wide majority of MEPs supported our report in plenary in December 2010.

Personally, I have met with all the organisers of ECIs that have asked to meet me. I have joined the support committees of several of them, notably *Fraternité 2020* and *One Single Tariff*. I have also conveyed their difficulties to the Commission, through Vice-President Šefčovič, to urge it to solve the practical problems that they have faced as rapidly and as pragmatically as possible.

In parallel, at the Parliament, I was the shadow rapporteur for the EPP Group on the report of my colleague Zita Gurmai, former co-rapporteur on the ECI, on the changes to be made to the Parliament's rules of procedure in order to specify how the public hearings of the organisers of ECIs that have reached one million signatures should be organised. On this issue, together with Zita, we have worked to ensure that the relevant committee for each ECI will be involved so that organisers will have a debate with MEPs who know the topics addressed and who will then work on the legislative proposals that the Commission might put forward as a result of an ECI. This will guarantee that the debates to take place will be precise, detailed and useful for both the organisers and the MEPs. The first public hearing has not taken place yet so one has to wait for the first hearings to be organised in order to see if the relevant provisions of the regulation should be amended, but the organisation itself depends mostly on the internal rules of the Parliament.

Organising such public hearings will be the most visible and important part of the European Parliament's involvement in the ECI since it will enable a public debate to take place, after which committees could decide to adopt draft resolutions supporting the ECIs of their choice and urging the Commission to act on the issues addressed by these ECIs, thus providing an important political support to the organisers.

3. The ECI and its purpose in the broader context of European democracy and citizens' involvement

When we introduced the ECI instrument into the Constitution for Europe and then into the Lisbon treaty, it was meant to work as an agenda-setting tool. The aim was to give the citizens the same right of political initiative that the Council and the European Parliament already enjoy.

The ECI is indeed meant to bridge the existing gap between the citizens and the EU institutions by enabling the citizens to establish a direct contact with the institutions and to ask them to address the issues that really interest them and the concrete problems that they face. This is why the European Parliament has fought hard to include in the ECI regulation a right for the organisers to have the possibility to present their ECI and its objectives during a public debate, with the relevant policy-makers from the Commission and the European Parliament, at the European Parliament, to ensure that they will actually be heard. Naturally, in compliance with the treaties, the Commission is not obliged to table a legislative proposal as a follow-up to an ECI but, if it decides not to, it has to explain why by publishing its legal as well as its political conclusions on it. The Parliament has strongly insisted on this.

The ECI was also designed to contribute to the Europeanisation of the political debate in Europe, to spread it beyond the national borders. This is the reason why the European Parliament suggested that the organisers should get together in a citizens' committee bringing together at least seven citizens living in seven different member states. This is meant to ensure that the topic of an ECI is of EU-scale and interest. It was also meant to help them when collecting statements of support from citizens since through their committee they already have a network to work with and to mobilise in seven member states.

In addition, the ECI is intended to help the citizens understand better what the EU does and does not do and how it does it. Indeed, their proposal must fall within the competences of the EU and of the Commission and they should mention in their application for the admissibility check by the Commission the legal basis that they believe is relevant to this end. The European Parliament has made it clear that this legal basis does not have to be the right one. The Commission has the possibility to choose another one if there is a more relevant one and this will not cause the ECI's rejection. At least, it will guarantee that the organisers will have reflected on the idea and on its feasibility at EU level.

To conclude, my view on the ECI has not changed since the entry into force of the regulation. On the contrary, I am even more convinced of its utility.

The great variety of topics addressed in the ECIs that have been launched so far, from energy to voting rights, reveal its relevance as well as the will of citizens to make themselves heard at EU level. This is all the more needed since the EU itself and many of its member states currently face a crisis of confidence with the citizens not believing in politics and in its added value for their daily lives anymore. By enabling a dialogue to take place between the citizens and the EU institutions, the ECI can contribute to solving this problem.

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