

Commentary

The European Citizens' Initiative: next step, implementation

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On 15 December 2010 the European Parliament formally adopted the rules for the implementation of the European Citizens' Initiative (ECI). Parliamentarians voted for a series of changes to the initial Commission proposal with the intention of making the ECI as 'user-friendly' as possible. However, it will place new politically sensitive burdens on the Commission while offering the EP new opportunities to engage with its voters.

The modifications include an 'admissibility' check already at registration, a lower threshold for the number of Member States, and a less complicated process for signing up to Citizens' Initiatives. Thus, in its final version, the new instrument allows more than one million citizens from at least seven Member States (one fourth instead of one third as originally foreseen by the Commission) to invite the European Commission to submit a legislative proposal within the "framework of its powers" and "for the purpose of implementing the Treaties" (Article 11 TEU). Additionally, a "citizens' committee" composed of natural persons from at least seven Member States becomes responsible for the communication with European institutions, and for the preparation and submission of an ECI to the Commission.

Following a formal adoption by the Council in a few weeks' time, the Member States will have one year to transpose the ECI regulation into national legislation. The launch of citizens' initiatives will most likely be possible from the beginning of 2012.

The rules governing the implementation of the ECI seek to encourage and help citizens from across the EU to directly influence European decision-making. A smooth functioning of the new instrument could help (i) counter public disengagement with European affairs by offering citizens the possibility to push the EU's 'legislative button', (ii) stimulate transnational debates, (iii) promote the Europeanisation of national public discourse, and (iv) make Europeans more aware of how the EU functions. All these potential benefits could have positive spill-over effects on the EU's democratic legitimacy.

The Commission: between a rock and a hard place

However, despite all these latent advantages, a more user-friendly ECI also implies that the Commission might be caught between a rock and a hard place. In part, this is due to the fact that the Commission will come under practical and political pressure since it will have to check every single initiative before it can be registered. Moreover, a 'simpler' ECI means that the Commission will be confronted with a large number of initiatives. The sheer volume of proposals as well as the Commission's obligation to provide a help desk and a user guide, organise public hearings at Union level and monitor the different stages of successfully registered proposals, are sure to increase the Commission's workload. Moreover, the Brussels executive will at an initial stage be forced to judge politically sensitive issues, although these might not even stand a chance of reaching the one-million-threshold. And finally, it will be much more difficult for the Commission to reject or to substantially modify a successful citizens' initiative once it has fulfilled the registration conditions.

The European Parliament: a new opportunity for involvement

For that reason, the Commission should not be left alone to decide and defend the outcome of an ECI process. Instead, the European Parliament should play an active role, especially if the Commission's response is negative and the Parliament concurs with this position. The EP should

thus become the Commission's ally on citizens' initiatives where the two institutions agree about the desirable course of action (if any). Likewise, the EP should throw its weight and voice in support of certain citizens' initiatives to raise their salience and to lobby the Commission on behalf of the people.

After all, in seeking to promote democracy and the public interest in the EU, the EP and European political parties have a direct stake in the implementation of the European Citizens' Initiative. If the EP misses the implicit opportunity provided by the ECI to engage with European citizens, the new instrument could reinforce the use of alternative forms of representation, which in the end could (further) challenge the purpose of political parties. Hence, European political parties should get involved and treat the ECI as an additional instrument in their toolkit to enhance the quality of representative democracy at European level.

Promotion without frustration

Finally, the successful implementation of the ECI depends on the way it is promoted on the ground by those organising initiatives and running campaigns. They bear the responsibility to avoid abuse of the instrument by launching narrow and unreasonable initiatives or by inflating people's expectations about the outcome of an ECI. Given that the Commission is ultimately free to decide on the nature of its response, which could vary from a concrete legislative proposal to a mere recommendation, a non-binding opinion or outright rejection, people must have a realistic perspective on the capacity of an ECI to trigger or change European law. Moreover, one should be fully aware that a potential legislative proposal by the Commission might still be amended or rejected by the EU's two other legislators, i.e. the EP and/or the Council, and that it would take years for a 'successful' ECI to be implemented. Failure to clearly specify not only the potentials but also the limits of the ECI could in the end breed popular frustration with the new instrument, which would have detrimental effects across the board.

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