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The European Citizens' Initiative: Now, Then and What Lies Ahead

Four years ago, there were high hopes for the European Citizens' Initiative (ECI). The ECI represented a new instrument of participatory democracy; a pan-European tool which could enable citizens to place the issues they consider important at the heart of EU policy-making. The initial concept was simple: if an ECI manages to gather one million signatures in at least seven different Member States, EU citizens can ask the European Commission to legislate on a matter of its competence.

Introduced in the Treaty of Lisbon (Article 11 TEU and Article 24 TFEU), its main goal is to involve citizens more closely in the process of agenda-setting at EU level. The idea was officially implemented by (EU) Regulation No 211/2011 on the citizens' initiative (ECI Regulation). The technical specifications of online collection system have been included in the Commission Implementing Regulation (EU) No 1179/2011. Both regulations entered into force in April 2012.

Although there was great potential for the tool, ECI organisers have been facing numerous difficulties in using the ECI because it has proven to be not user-friendly enough, not cost-effective, and most importantly, it remains unknown to citizens. The complexity of ECI rules and procedures has left citizens discouraged while the lack of impact has caused frustration. This is why the European Parliament, civil society organisations and other stakeholders have been demanding a revision of the ECI regulation in order to improve this tool for participatory democracy in the EU.

Potential and Challenges of the ECI

Since its entry into force, the ECI has proven to be ambiguous in terms of efficiency, demonstrating both great potential and strong limitations. Despite the initial enthusiasm, citizens' interest in the tool has decreased because of multiple problems. Among the 56 ECIs submitted by now to the European Commission, 36 were actually registered. Only three of the registered initiatives succeeded in collecting the required number of signatures, none of them, however, received a legislative follow-up from the European Commission[1]. This inevitably questions the efficiency of the ECI mechanism. According to the SWOT Analysis dedicated to

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[1] Eesc.europa.eu, *ECI Day 2016: Forging Change, Event information*, 2016. [online] Available at: http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eci-day-2016 [June 2016].

the functioning of the ECI, conducted in the framework of a report "Potential and Challenges of E-participation in the European Union" developed by ECAS and published by the European Parliament's AFCO Committee[2], the ECI has both specific strengths and weaknesses.

On the one hand, the ECI is perceived as a tool designed to encourage participation and active citizenship, especially in the face of (young) people's disengagement in 'traditional' politics. It is independent of political parties' interests and meant to give citizens agenda-setting power on the EU level. It helps educating citizens about EU decision-making and the functioning of its political processes. Additionally, it shows considerable potential in terms of fighting with the perceived democratic deficit in the EU.

On the other hand, these positive aspects of the ECI are strongly undermined by multiple shortcomings. Amongst its most remarkable weaknesses we find:

- citizens' frustration due to the lack of impact of the ECI;
- excessive requirements for identification and personal data;
- lack of citizens' knowledge about the ECI;
- lack of user-friendliness;
- inflexibility of the rules regarding the start of the time period for ECI support collection;
- lack of cost-effectiveness (great efforts required to organise it compared with the low certainty of a meaningful impact);
- unnecessarily complex ECI coordination (lack of harmonised rules for identification requirements);
- no clear feedback of the ECI.

Besides the specific weaknesses of the ECI mentioned aforementioned, there are also more general external elements which 'threaten' the use of this tool such as people's general disinterest in EU-level politics or the digital divide between countries, both in terms of digital infrastructure and citizens' experience with e-participation.

Towards a revision of the ECI regulation

The different challenges of the ECI have led to a general agreement by citizens, experts, civil society organisations and several EU institutions that the regulation of the ECI should be revised.

In October 2015 the European Parliament adopted the resolution 2014/2257[3] on the ECI with a convincing majority of 527 votes, which showed the willingness to push the European Commission to improve this important instrument of European participatory democracy.

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[2] E. Lironi, *Potential and Challenges of E-participation in the European Union*, Policy Department for Citizens' Rights and Constitutional Affairs, 2016. [online] Available at:
http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556949/IPOL_STU(2016)556949_EN.pdf [June 2016].

However, in March 2016, the European Commission replied that "it is too early to launch a legislative revision of the Regulation"[4] without mentioning any clear explanation to this decision. Not only is the European Commission unwilling to reform the ECI for now, but it also shows its reluctance in accepting the European Parliament's new requests on improving the ECI, either by stating that sufficient measures have already been taken or that the suggestions will be further evaluated.

After this response, civil society organisations have gathered their forces and have been continuously asking the European Commission to revise the regulation of the ECI through different initiatives. Some organisations have adopted a more bottom-up approach by starting joint campaigns to call EU citizens to put pressure on the institutions. For example, Democracy International, the ECI Campaign and Mehr Demokratie have recently launched a petition[5] which calls for an immediate revision of the ECI regulation.

Other organisations are implementing a more top-down approach by demanding EU and national stakeholders to be more proactive in their ECI demands to the European Commission. One example of civil society engagement with the ECI reform is the REFIT[6] Platform and its Stakeholder Group, which aims to make EU law simpler and more "fit for purpose"[7]. The REFIT Platform, chaired by the Commission's First Vice-President Frans Timmermans, was created by the European Commission to "bring together high-level experts from business, civil society, social partners, the Economic and Social Committee, the Committee of Regions and Member States". In the scope of REFIT, ECAS has proposed the ECI revision as one of the priorities on the REFIT agenda. The draft opinion submitted by ECAS was consensually adopted by the Stakeholders' group. If it receives the support of the Government group REFIT members, then there is a possibility it will be stated in the European Commission's Work Plan 2017.

Last but not least, the European Economic and Social Committee (EESC) has also been active on the ECI. The ECI Day, organised by the EESC In cooperation with ECAS and other associations, is an annual platform of exchange of ideas and information for ECI organisers and other stakeholders. This year's edition was specifically on "Forging Change"[8] and focused on the distinction between the position of the European Commission compared to other EU institu-

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[3] European Parliament resolution of 28 October 2015 on the European Citizens' Initiative (2014/2257(INI)), 2016. [online] Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2015-0382+0+DOC+PDF+V0//EN

[4] [online] Available at: https://www.democracy-international.org/sites/democracy-international.org/files/ec_follow-up_to_eci_report.pdf

[5] [online] Available at: https://www.democracy-international.org/eci-final-call

[6] Regulatory Fitness and Performance Program.

[7] Ec.europa.eu, *REFIT – making EU law lighter, simpler and less costly,* 2015. [online] Available at: http://ec.europa.eu/smart-regulation/refit/index_en.htm [June 2016].

[8] ECI DAY 2016 http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eci-day-2016

tions and civil society partners[9]. The EESC is also currently working on its own official position on the topic to be presented to the European Commission by this summer 2016.

What lies ahead

There is still a long way to go for those who wish for a proper functioning of the ECI. As the only official pan-European tool, the ECI has a huge potential to foster European citizenship. It is meant to be a tool which encourages active participation by bringing people from all across Europe to put common interests on the EU's agenda. Furthermore, it could be used to trigger cross-national debates and bring citizens to have a stronger European sense of belonging especially with the current rise of Euroscepticism.

Unfortunately, instead of focusing on improving this tool by enhancing its cost-effectiveness and user-experience, the European Commission has demonstrated lack of political willingness to actually make it work. It does not seem to realise how the ECI could be an opportunity to create grassroots support for the European project by giving EU citizens a voice on the issues that matter to them. The need to act and revise the ECI is urgent for its current flaws could make this EU tool backfire and increase scepticism for the EU project. This is why civil society organisations have been advocating so strongly for an immediate improvement. As the saying goes, hope is the last to die.

Author

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[9] Eesc.europa.eu, *ECI Day 2016: Forging Change. Report*, 2016. [online] Available at:
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