



European Citizens' Initiative



Posted by: ECI Campaign



2014: An ECI That Works!

The ECI launch in 2012 was accompanied by high expectations of citizen-led policy making and citizens closer to EU institutions. A dramatic drop in ECI proposals and citizen support soon followed and this innovative democratic tool appeared to be stillborn. In 2017, though, there have been signs of a fragile recovery with favourable Court decisions, reform of the ECI legislation underway, and citizen re-engagement.

A less restrictive approach in response to the court

A major problem to date for the ECI has been excessive institutional control. Commission interpretation of registration criteria led to almost 40% of ECIs being refused registration in the early years. This unjustly limited public debate. There has been strong criticism of the Commission's approach to ECI registration and several ECI organisers started legal challenges to the

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Early Court decisions indicated that these legal challenges might have little impact on the future of the ECI, but in the Minority Safepak case – decision published in March 2017 – the General Court annulled a Commission registration decision for the first time. The decision was annulled because the Commission had not given sufficient reasons to the Minority Safepak organisers for refusing to register their initiative. Rather surprisingly, this procedural criticism led to the Commission reviewing the substance of their decision, and quickly deciding to register the ECI.

The Court went even further in its decision in the Stop TTIP case on 10th May. They have again annulled the refusal to register this initiative, but this time they have gone beyond procedural criticism to reject the substance of the reasons the Commission gave for its decision. These judgments will greatly increase the scope for ECI led debate and the potential for citizens to influence EU policy. The Stop TTIP ECI has now been registered.

The Commission responses to the Court decisions indicate a less restrictive approach to ECI registration, which should mean less institutional control of ECI led deliberation. However, there is also institutional control over the impact of successful ECIs. The Commission decide what the response will be to ECIs that have been supported by millions of citizens. So far this has been very limited and citizens have not influenced EU policy. The Commission has proposed no legal acts yet in response to a successful ECI campaign.

Upcoming review of ECI legislation

As well as the encouragement from the Court decisions to reduce the

institutional control of the ECI, Vice President Timmermans announced - at the ECI day in April - a full review of the ECI legislation later this year. Resisted until now, this promise shows further signs of stronger Commission support for direct citizen participation.

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The review could lead to major improvements to the usability of the ECI and increase the success rate for ECI organisers. For example through addressing the excessive identification requirements that have stopped many citizens from supporting initiatives, improving the IT and translation support for ECI organisers, ensuring that EU citizens are not excluded from supporting an ECI because of where they reside, and so on.

There were concerns that the Commission would limit the ECI review to technical issues, but far more is needed to enhance the impact of ECI citizen participation. The most important change that the ECI review could make is to require a legal response to successful ECIs from the Commission. So far, no legal act has been proposed by the Commission in response to ECI proposals supported by millions of citizens. This needs to change. The Commission should be obliged to act. At present reform of the law relating to the ECI seems likely, but a limited ECI review, particularly one missing this key change to the law, would be a significant missed democratic opportunity and could lead to the ECI's recovery stalling.

The ECI, citizens and the European Parliament

Although reform of the law relating to the ECI and not just a technical review seems likely, pressure continues during the legislative process from civil society and citizens. For example, a 100,000 strong petition for ECI reform was submitted in August this year, and 5000 citizens participated in the ECI reform consultation urging deep ECI reform. The European Parliament also continues to be an important ally for the ECI. A legislative own initiative report

proposing changes to the ECI has been submitted by the European Parliament constitutional affairs committee (AFCO). This is one of the strongest political weapons in the European Parliament's armoury, used here to enhance citizen participation through the ECI.

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Most encouraging for the ECI are the reinvigorated number of citizens initiating and supporting ECIs. At the time of writing there are nine ECIs ongoing and two just closed. The current political turmoil may have had an influence with three related to the extremely important topic of EU citizenship following Brexit. A fourth ECI – the 'Ban Glyphosate' initiative – has gained support from over one million citizens and will be presented to the Commission for a response. This will test whether the Commission has a new, more positive outlook on the ECI.

Looking forward the success of the ECI will also be measured by how effective it is in connecting to and other forms of democracy. On its own almost 6 million citizens have supported over 60 ECI proposals, but the ECI is also part of a wider move across the EU towards stronger use of participatory democracy. Citizen assemblies and other mini-publics are being experimented with at EU level, referenda are widely used in Member States, and the ECI was directly connected to the arena of online petitioning when WeMove ran the Ban Glyphosate ECI.

Particularly important is the connection between the ECI and the European Parliament. One of the ECI's strengths is that citizens themselves select the issues to publicly debate, and the law and policy they want changed. This

means the ECI acts as an important indicator of public opinion that should influence parliamentary agenda-setting and also provide citizen-led support to MEP campaigns. This connection between participatory and representative democracy is an informal one at present – relying largely on MEPs that value the role and messages coming from an ECI – but it could be formalised. Perhaps by making plenary hearings at the European Parliament automatic when ECIs reach a certain level of support. Perhaps by establishing a formal connection between the ECI and the petition process.

New life has been breathed in to the ECI and its reform will strengthen the voice of EU citizens, but its recovery is still fragile. Much depends on the depth of ECI reform, on the Commission's response to the next successful ECIs, and the attitude of the European Parliament to this important tool of direct democracy.

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