

The Political Citizenship in the Context of the Lisbon Treaty

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Abstract:** *The notion of citizenship introduced by the Maastricht Treaty and modified by the Amsterdam Treaty, can be associated, among other things, with the political or democratic citizenship, based on a set of common political rights, with the main purpose of empowering the citizens to be “co-authors” of the law within the European decision-making process. In this context, an important step has been made by the adoption and entering into force of the Treaty of Lisbon, as the general framework containing the legislative power, and by the Regulation (EU) No. 211/2011 on the citizens’ initiative adopted by the European Parliament and the Council, which defines the rules and procedure governing this new instrument, that was officially launched on 1 April 2012. This new legal instrument, as one of the major innovations of the Lisbon Treaty will strengthen the democratic foundations of the European Union by regulating the possibility for the citizens to invite the European Commission, within the framework of its powers and in certain circumstances, to submit any appropriate proposal on matters where they consider that a legal act of the European Union is required for the purpose of implementing the Treaty – art. 11 (4) of TFEU – or to be more actively involved in the political life of EU and therefore, to take part in the decision-making process at European level.*

Keywords: *citizenship, Treaty of Lisbon, Regulation, political rights, right to initiative*

JEL Classification: *K00*

I. General aspects

Before the 1970s, there were no discussions regarding the concept of citizenship, as it was mainly regulated at national level, but the economic, political and social realities which occurred during the 1970s and in the coming years determined a new approach to it, but in a wider manner, namely at European level.

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** Findings of this paper were presented in the third International Euroculture Conference organised by the University of Deusto - Institute of the European Studies, Bilbao, Spain, 22- 23 of June 2012

In this context, the concept of citizenship was firstly mentioned in 1974, during the meeting of the European Council¹ that took place in Paris, by defining the “*special rights*” to be conferred on nationals of the European Economic Community, as it was then², presently European Union.

The above mentioned meeting was the starting point where the term of citizenship has been analysed and taken over by Leonard Clemence “Leo” Tindemans³ in his Report in 1975⁴, which contained an entire chapter entitled “Towards a Europe for Citizens”. According to the report “*the construction of Europe is not just a form of collaboration between states, [but] it is a rapprochement of peoples who wish to go forward together, adapting their activity to the changing conditions in the world while preserving those values which are their common heritage. In democratic countries the will of governments alone is not sufficient for such an undertaking. The need for it, its advantages and its gradual achievement must be perceived by every [citizen] so that effort[s] and sacrifices are freely accepted. Europe must be close to its citizen[s]*”⁵. In addition, the citizens who are integrated in other Member States should be given a number of civil, political, economic and social rights, which would place them on the same footing with that state’s own national residents⁶, while the “*measures taken in connection with the social policy of the Union [...] will be directly felt in the daily lives of Europeans [and] will emphasize the human dimension of the undertaking*”⁷.

After the unsuccessful attempts of the European Commission and the European Parliament during the 1970s and 1980s to bring forward a series of proposals to implement the ideas mentioned in the Tindemans Report⁸, the European Council meeting of Fontainebleau⁹ (25 and 26 June 1984) marked an important moment because it was decided to create an *ad-hoc* Committee on the European citizenship designed to strengthen and to promote the identity and the image of the European Community among its citizens, but also to improve the perception of the citizenship, to make it more clear, understandable and to put it in the right place among the politic and economic realities¹⁰.

In September 1990, the Spanish government managed to submit successfully a proposal called “*The road to European Citizenship*”, indicating expressly, among other things, that a European Union citizenship should be created, with special rights and

¹ The European Council was established in 1974 as an informal forum for discussion between EU leaders. In 1992 it was given a formal status and with the Treaty of Lisbon in 2009 it became one of the seven official EU institutions. Following the Treaty of Lisbon, a new position as President of the European Council was created. Herman Van Rompuy was elected for this position in 2009.

² Website: http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/a12000_en.htm

³ Former Prime Minister of Belgium, from 25 April 1974 to 20 October 1978.

⁴ Website: http://aei.pitt.edu/942/1/political_tindemans_report.pdf.

⁵ Website: http://aei.pitt.edu/942/1/political_tindemans_report.pdf.

⁶ Damian Chalmers, Christos Hadjiemmanuil, Giorgio Monti, Adam Tomkins, *European Union Law, text and materials*, Cambridge University Press, 2006, pg. 567.

⁷ Website: http://aei.pitt.edu/942/1/political_tindemans_report.pdf.

⁸ Damian Chalmers, Christos Hadjiemmanuil, Giorgio Monti, Adam Tomkins, *European Union Law, text and materials*, pg. 566.

⁹ Website: http://www.cvce.eu/obj/Conclusions_of_the_Fontainebleau_European_Council_25_and_26_June_1984-en-ba12c4fa-48d1-4e00-96cc-a19e4fa5c704.html .

¹⁰ Carlos Francisco Molina del Pozo, *Manual de Derecho de la Comunidad Europea, cuarta edición*, Dijosa Editorial, 2002, pg. 215 - 216.

duties which will be exercised and safeguarded specifically within its boundaries¹¹. The Spanish proposal was supported by the European Parliament, the European Commission and many Member States during the drafting of the Maastricht Treaty, as the future Part 2 of the TEU dealt with the notion of European Union citizenship¹².

Starting with the 1990s and after the political, economic and social changes that took place in Europe, because of the democratization process which started in the Eastern countries after the fall of communist regimes, the notion of citizenship became one of the preferred topics of the debates used by the politicians, legislators, but also by the practitioners and theoreticians.

On the other hand, the term of citizenship has evolved in time from the local, regional and national level to the international level, and presently, from my point of view, we are talking about the internalisation and Europeanization of this concept. Much more, according to the doctrine¹³, there is a strong connection between the European Union, as a whole, and the citizen and citizenship, but also an organic interconnectivity between citizen – democracy – fundamental rights – political involvement of citizens into the European political life for better living conditions – non-discrimination - freedom – security – justice, which means that these terms cannot exist and cannot be understood one without the other.

At the institutional level, an important role in the political involvement of the citizens is held by the European Commission, the Council and the European Parliament, which are the most important institutions involved in the legislative process, having at the same time separate attributions in this area.

II. Political citizenship in the European legislation

The trend to involve citizens in the political life of the European society increased gradually starting with 1976, when the Decision and Act on European elections by direct universal suffrage, by the citizens were signed in Brussels on 20 September 1976. After its ratification by all the Member States, the text came into force on 1 July 1978 and the first elections to the European Parliament by universal suffrage were conducted between 7 and 10 June 1979. It can be noticed that, for the first time, one of the key elements of the citizenship, namely democratic participation of citizens, appeared.

In February 1984, the European Parliament approved the Spinelli informal report on European Union, where one of the elements mentioned in the report was the citizenship, considered to be the main and essential element taking into account its necessity to give a new approach of the supranational integration¹⁴.

¹¹ Koen Lenaerts & Piet Van Nuffel *Constitutional Law of the European Union*, second edition, Thomson Sweet and Maxwell, London, 2005, pg. 543; Damian Chalmers, Gareth Davies, Giorgio Monti, *European Union Law: Cases and Materials*, second edition, Cambridge University Press, 2010, pg. 444.

¹² Damian Chalmers, Gareth Davies, Giorgio Monti, *European Union Law: Cases and Materials*, second edition, pg. 444.

¹³ Iordan Gheorghe Barbulescu, *Cetatenia Europeana* brochure Bucharest, 2011, pg. 5, website: http://www.form-ecd.ro/assets/files/3_CetateniaEU_IB_.pdf.

¹⁴ Carlos Francisco Molina del Pozo, *Manual de Derecho de la Comunidad Europea*, pg. 215 - 216.

Bearing in mind these two facts mentioned above, on the occasion of the reforms brought to the original Treaties, the Treaty on European Union, signed at Maastricht in 1992¹⁵ introduced a new part two, regarding “*the Citizenship of the European Union*” (Articles 8 – 8e of TEC), as it was subsequently modified and amended by the Treaty of Amsterdam (1999), but without being given great importance¹⁶. In this context, a new conception of citizenship has been regulated, based on a new democratic practice defined in the doctrine¹⁷ as “participatory” democracy. Thus, all the citizens of the Member States have the European citizenship, but it does not substitute but rather supplements the citizenship of each State and, at the same time, the sovereignty of each Member State is not abolished, because certain political rights are not included in the Treaty, such as: national elections, which are the exclusive domain of the *nationals*¹⁸. Instead, the Treaty ensures political rights for the European citizens such as: the right to vote and to stand as a candidate in the local and regional elections as well as for the European Parliament; the right to free movement within the entire territory of European Union and the right to consular protection by other EU states’ embassies.

In the same line, on the occasion of analysing a reference for preliminary rulings introduced, in 1999, before the Court of Justice of the European Union, by Tribunal du travail de Nivelles – Belgium on the interpretation of Articles 6, 8 and 8a of the EC Treaty (now, after Lisbon Treaty’s amendments, Articles 18, 20, and 21 of TFEU) and Council Directive 93/96/EEC on right of residence for students, repealed by Corrigendum to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the European Union and their family members to move and reside freely within the territory of the Member States¹⁹, the court defined the concept of EU citizenship as the <<fundamental status>> of EU citizens, stating also that these articles confer directly an effective right for citizens to reside in another Member State²⁰.

In other words, the foremost purpose of Europeanization of this new political status was to strengthen and enhance the possibility for citizens to participate more intensively and actively to the European political life²¹, apart from enhancing the European identity.

The Treaty of Nice, signed by the European leaders on 26 February 2001 and entered into force on 1 February 2003, amended the original articles included in the Maastricht

¹⁵ Website: http://eur-lex.europa.eu/en/treaties/dat/11992E/tif/JOC_1992_224_1_EN_0001.pdf.

¹⁶ Carlos Francisco Molina del Pozo, *Manual de Derecho de la Comunidad Europea*, pg. 215 – 216; Stephen Weatherill, *Cases and Materials on EU Law*, 9th edition, Oxford University Press, 2010, pg. 473 and the following.

¹⁷ Dominique Schnapper, *The European Debate on Citizenship*, Daedalus collection, The MIT Press, 1997, pg. 203.

¹⁸ C. Closa, The concept of the citizenship in the Treaty on European Union, *Common Market Law Review*, 1992, pg. 1137 - 1162.

¹⁹ Corrigendum to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, published in the Official Journal L series no. 158 of 30.4.2004, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0038R%2801%29:en:HTML>.

²⁰ Case C-184/99, Judgment of the Court of 20 September 2001, Rudy Grzelczyk v Centre public d’aide sociale d’Ottignies-Louvain-la-Neuve, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61999CJ0184:EN:PDF>; Alan Dashwood, Michael Dougan, Barry Rodger, Eleonor Spaventa and Derrick Wyatt, *Wyatt and Dashwood’s European Union Law*, Hart Publishing, 2011, pg. 461.

²¹ Website: http://ec.europa.eu/public_opinion/flash/fl_292_sum_en.pdf.

Treaty and the Treaty of Rome regarding the European citizenship and became Articles 17-22 of TEC after the re-numbering of the Treaty, as primary legislation.

Minor modifications of the articles stipulated in the former Treaty establishing the European Community have been made, but now they are renumbered as Articles 20-25, in part two of the Treaty on the Functioning of the European Union (TFEU), which is entitled “*Non-Discrimination and Citizenship of the Union*”²², while several provisions regarding the political rights of the citizens are also enshrined in the Charter of Fundamental Rights of the European Union, having binding effect, after the entering into force of the Lisbon Treaty.

On the other hand, the Lisbon Treaty stipulates very clearly that citizens “*participate in the democratic life of the Union*”, as part of their new political role, having initiative to draft proposals through citizens’ committee, and then to forward them to the European Commission, because the “*decisions shall be taken [by the European institutions, organs, bodies and agencies] as openly and as closely as possible to the citizens*” (Article 10 [3] of TEU) and not against them. However, in the cases when their rights are violated by the European institutions, organs, bodies and agencies, the citizens have all the institutional and procedural mechanisms provided by the primary and secondary legislation of the European Union to remove the violated rights and restore the initial situation.

It should be noticed that, at present, EU citizens enjoy a series of civil, social, economic and **political** rights, but in the same time they have duties such as: payment of the taxes and other financial obligations, fulfilling military service, if it is compulsory²³ and in accordance with the national law²⁴ etc. and that part of the articles regarding the European citizenship²⁵ are set out also in the secondary legislation adopted on the basis of

²² Stephen Weatherill, *Cases and Materials on EU Law*, pg. 476; Damian Chalmers, Christos Hadjiemmanuil, Giorgio Monti, Adam Tomkins, *European Union Law*, text and materials, pg. 566- 567.

²³ Within the European Union, there are Member States which are not imposing the obligation of military service, such as: Belgium [which suspended this obligation on 31 December 1992 by amending the 1962 Law on Conscription. Thus, since 1 March 1995 the Belgian armed forces consist of professional volunteers only – website: <http://www.wri-irg.org/node/6484>]; Croatia [where the Government proposed to the Parliament a decision to suspend all compulsory military service, and voted by the Parliament on 5 October 2007. As of 1 January 2008, obligatory military (or civil) service is replaced with voluntary military service – website: <http://www.index.hr/vijesti/clanak/hrvatska-uvodi-profesionalnu-vojsku-od-1-sijecnja-2008/360468.aspx>]; Czech Republic [abolished compulsory military service on 31 December 2004 – website: <http://news.bbc.co.uk/2/hi/europe/4118461.stm>]; France [which suspended peacetime military conscription in 1996 – website: <http://news.bbc.co.uk/2/hi/europe/1682777.stm>]; Germany [where the German government voted, on 15th of November 2010, in favour of suspending universal conscription with the aim of establishing a professional army by 1 July 2011 - website: <http://www.abc.net.au/news/2011-01-04/final-conscripts-join-german-army/1893272>] etc.

²⁴ In exchange, other Member States of the European Union are still maintaining the obligation of military service, namely: Austria [in according with section 7 (1) of the Military Penal Code (Militärstrafgesetz) – website: <http://www.unhcr.org/refworld/pdfid/45b47b5a2.pdf>]; Denmark [where this obligation is written in the Danish Constitution on section 81 regarding “Military Duty” – website: <http://www.eu-oplysningen.dk/upload/application/pdf/0172b719/Constitution%20of%20Denmark.pdf>]; Finland [which stipulates this obligation in section 127 of the Finland Constitution – website: <http://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>]; Greece [which regulates the compulsory military service in the law regarding the Civil Defence Organisation - website http://en.wikipedia.org/wiki/Conscription_in_Greece#cite_note-1] etc.

²⁵ Damian Chalmers, Christos Hadjiemmanuil, Giorgio Monti, Adam Tomkins, *European Union Law*, text and materials, pg. 567; Carlos Francisco Molina del Pozo *Manual de Derecho de la Comunidad Europea*, pg. 215 - 216.

Article 25 of TFEU²⁶ according to which *“the [European] Commission shall report to the European Parliament to the Council and to the Economic and Social Committee every three years on the application of the provisions of this part [...]. On this basis, [...] the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may adopt provisions **to strengthen or to add to the rights** listed in Article 20(2)²⁷ [...]”*.

The right to initiative, as part of the political rights, is regulated by Article 24 of TFEU, which stipulates that *“the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required for a citizens’ initiative within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States from which such citizens must come”*.

III. Political participation of the citizens - right to initiative

The doctrine²⁸ stated that EU citizenship is a composite citizenship which means that it contains elements of **nationality** and **participation**. Thus, to be a European citizen someone must first have the **nationality** of a Member State and then **to participate** actively to the European Union’s life having, in this regard, a set of political rights, such as: the right to vote in the municipal elections and European Parliament elections across the entire European Union, in accordance with the primary²⁹ and secondary legislation³⁰ and the right to initiate proposals, according to the Treaty of Lisbon³¹, as an active involvement

²⁶ Former article 22 of TEC; Damian Chalmers, Christos Hadjiemmanuil, Giorgio Monti, Adam Tomkins, *European Union Law*, text and materials, pg. 567.

²⁷ According to article 20 (2) of TFEU, these rights are: (a) *the right to move and reside freely within the territory of the Member States;* (b) *the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;* (c) *the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State under the same conditions as the nationals of that State;* (d) *the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.*

²⁸ Damian Chalmers, Christos Hadjiemmanuil, Giorgio Monti, Adam Tomkins, *European Union Law*, text and materials, pg. 567.

²⁹ Article 22 of TFEU (former Article 19 (1) of TEC).

³⁰ Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, published in Official Journal L series no. 368 of 31.12.1994, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1994:368:0038:0047:EN:PDF>, as amended by Directive 96/30/EC and Directive 2006/106/EC of 20 November 2006 adapting Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, by reason of the accession of Bulgaria and Romania, published in the Official Journal L series, no. 409 of 20.12.2006, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:363:0409:0410:EN:PDF>. See also, Alan Dashwood, Michael Dougan, Barry Rodger, Eleonor Spaventa and Derrick Wyatt, *Wyatt and Dashwood’s European Union Law*, pg.493.

³¹ In accordance with Article 11 of TEU *“Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties”*.

of the citizens in the political life of Union, when significant decisions are taken by the European institutions, in the interest of the citizens.

I will analyse hereafter only the second element of citizenship, the **participation** of citizens as part of the political development of the Union³², through the citizens' initiative, or in other words, political citizenship in the context of the Lisbon Treaty.

The idea to regulate a European Citizens Initiative (ECI) in the European primary law has a recent history and it was a late addition to the draft Treaty submitted by the Convention on the future of Europe to the European Council in June 2003. After the Constitutional Treaty was rejected by referenda organised in France (on the 29 May 2005 with 69%) and in the Netherlands (1 June 2005 with 62%) through a process of direct participatory democracy, where the citizens have been involved in giving their opinion regarding this treaty, this idea was taken over in the Lisbon Treaty as one of the "Provisions on Democratic Principles", especially in Article 10 (3) of the Treaty which stipulates that "every citizen shall have the right to participate in the democratic life of the Union", while Article 11 of TEU refers to four types of participation of citizens into the EU's political life³³, as follows: a) horizontal civil dialogue (citizens between themselves); b) vertical civil dialogue (citizens with institutions); c) consultation (institutions asking citizens for their opinion); d) the ECI (citizens asking institutions to make a legislative proposal).

Upon the resolution adopted by the European Parliament on 7 May 2009³⁴ which detailed the guidelines for implementing the citizens' initiative, the proposal of the European Commission (in 2010)³⁵ and taking into consideration the provisions of Article 24 of TFEU mentioned above, on 16 February 2011 the European Parliament and the Council adopted the Regulation (EU) no. 211/2011³⁶ on the citizens' initiative, in an area of EU competence, which, among other things, defines the rules and procedure governing this new legal instrument, which entered into force on 1 April 2012.

The doctrine³⁷ considers that the procedures and conditions required for the citizens' initiative stipulated in this new legal instrument, with huge political potential for strengthening the democracy in the European Union, should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative in order to encourage the participation of citizens, to make the Union more accessible to them, not to hinder the exercising of this right and be also consistent with the Union's values. Thus, if this new

³² A. Warleigh, *Purposeful Opportunists? EU institutions and the Struggle over European Citizenship*, in R Bellamy and A. Warleigh, *Citizenship and Governance in the EU*, London, Continuum, 2001, pg. 34-35.

³³ Samantha Besson and André Utzinger, *Toward European Citizenship*, *Journal of Social Philosophy*, Vol. 39 No. 2, Summer 2008, Blackwell Publishing, Inc., 2008, pg. 185–208.

³⁴ European Parliament resolution of 7 May 2009 requesting the Commission to submit a proposal for a regulation of the European Parliament and of the Council on the implementation of the citizens' initiative, website: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0389+0+DOC+XML+V0/EN>.

³⁵ Adopted on 31 March 2010.

³⁶ Published in Official Journal L series no. 65 of 11.03.2011, website: http://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&source=web&cd=1&sqi=2&ved=0CfcQFjAA&url=http%3A%2F%2Feur-lex.europa.eu%2FLEXUriServ%2FLEXUriServ.do%3Furi%3DOJ%3AL%3A2011%3A065%3A0001%3A0022%3AEN%3APDF&ei=Gy7XT47VBcS50QXDx6SgBA&usq=AFQjCNH7FVvqt4lypd4aLnBK5k_RC9mvHg.

³⁷ Samantha Besson and André Utzinger, *Toward European Citizenship*, *Journal of Social Philosophy*, Vol. 39 No. 2, Summer 2008, Blackwell Publishing, Inc., 2008, pg. 185–208

instrument will be implemented in good conditions, the citizens from Finland or other EU Member States will join the political forces with those from Portugal or other EU Member States³⁸ to initiate the best proposals for their lives.

In order to have a better understanding of this Regulation, I will make a brief analyse of it³⁹, as follows:

- the **citizens' committee** must organise the initiatives and will be composed of at least 7 EU citizens who are resident in at least 7 different EU countries;
- **an initiative must be supported by at least one million EU citizens** from at least one quarter of all EU Member States (which means from 7 or more), while the minimum number of signatures is provided in the Annex I of the Regulation;
- **the minimum age required** to organise and to support an initiative is the voting age for European Parliament elections which is currently 18 years, in every country except Austria, where it is 16 years;
- **the organisers have to ask for the registration of their initiative in one of the EU's official languages** in an online registry made available by the European Commission, which has to answer within two months. If the initiative is registered in good conditions, the organisers can ask to add translations of their initiative in other official EU languages as in the case of the initiative entitled: *"Water and sanitation are a human right! Water is a public good, not a commodity!"*, registered initially in English, and then translated in other 20 languages⁴⁰;
- **the signatures can be collected either on paper or online** and must comply with the models provided in Annex III of the Regulation. Starting from the date when the initiative was registered, the organisers will have only one year to collect these signatures. The European Commission will make available open source software to be used by the organisers and will also adopt the technical specifications to help organisers build their collection system;
- once the organisers have collected the required number of signatures, **they will submit them for verification and certification** to the relevant national authority in each country, within a period of 3 months;
- after obtaining the certificates from the national authority, **the organisers submit their initiative to the European Commission**, which will have 3 months to examine it and to decide how to react and will issue a communicate in which it will explain its conclusions on the initiative and what action it intends to take, if any, as well as its reasoning;

³⁸ Website: <http://www.publicserviceeurope.com/article/1762/citizens-initiative-marks-fresh-chapter-in-eu-democracy>.

³⁹ More details about this initiative can be found on the website: <http://ec.europa.eu/citizens-initiative/public/guide>.

⁴⁰ The subject-matter of the initiative is *"the European Commission is invited to propose legislation implementing the human right to water and sanitation as recognised by the United Nations, and promoting the provision of water and sanitation as essential public services for all"*. The main objectives of this initiative are: 1. The EU institutions and the Member States be obliged to ensure that all inhabitants enjoy the right to water and sanitation. 2. Water supply and management of water resources not be subject to 'internal market rules' and that water services are excluded from liberalisation. 3. The EU increases its efforts to achieve universal access to water and sanitation. In this context, the EU legislation should require governments to ensure and to provide all citizens with sufficient and clean drinking water and sanitation; website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000003/en>.

➤ starting with 1 April 2015 and every 3 years afterwards, **the European Commission will present a report on the implementation of this Regulation.**

In the first seven months after the entering into force of this Regulation, 12 citizens' initiatives have been registered on the official website of the European Commission, with the deadline of collection of the signatures until October 2013⁴¹. The "European Initiative for Media Pluralism"⁴², the latest one registered on the European Commission's website deals with protecting media pluralism through partial harmonisation of national rules on media ownership and transparency, conflicts of interest with political office and independence of media supervisory bodies. It is translated in 5 languages and supported by the Alliance Internationale de Journalistes.

In the specialised literature⁴³ other problems regarding the ECI's have been analysed, such as:

a. the ECI is supposed to be a tool for citizens and in their interest, allowing them to raise issues seemingly ignored by "Brussels", which implies an important effort made by the citizens to find the proper initiatives, then to gather one million signatures in at least seven countries, which involves time and money;

b. collecting the signatures from citizens, may be made either on paper or online by a citizens' committee which implies two approaches depending on the modality to collect the signatures. If it will be online, the law stipulates that the organiser will have to create a specific website, which should be certified by a Member State's relevant authority in order to assure the data protection of all the information in conformity with the Directive 95/46/EC⁴⁴ on the protection of personal data, as amended, and the national legislation of the Member States, while the signature must be certified by the respective citizen's Member State as well, in accordance with the European and national legislation. If it will be on paper, the organiser will need to ensure all the financial support and human resources in order to collect and to verify the signatures coming from the citizens, assuring the data protection of the information collected as well;

c. An ECI won't change the legislation of the EU overnight, because the proposal coming from the citizens' level, goes through a long process where it will be launched by the European Commission and then discussed in the European Parliament and the Council.

It can be observed very easily that the citizens, through these committees, are already exercising their political right, provided by the primary and secondary legislation. I believe that not all of these initiatives will collect one million signatures to be forwarded to the European Commission in order to start the legislative process.

IV. Conclusions

As it can be noticed, the Treaty of Lisbon gives a new dimension to the political citizenship of the Union, which is the participatory democracy of its citizens in the

⁴¹ Website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>.

⁴² Website: <http://www.mediainitiative.eu/>.

⁴³ Samantha Besson and André Utzinger, *Toward European Citizenship*, Journal of Social Philosophy, Vol. 39 No. 2, Summer 2008, Blackwell Publishing, Inc., 2008, pg. 185–208.

⁴⁴ Published in the Official Journal L series no. 281 of 23.11.1995.

European political life through the European Citizens' Initiative (Regulation no. 211/2011), as a new institutional tool with political potential in the future for enhancing democracy in Europe, as *"a platform for citizens to engage directly with EU politics, to set the institutional agenda [especially for the European Commission] and to do so in a manner that involves and facilitates transnational cooperation and a common vision for European politics beyond the strictly national level"*⁴⁵.

Furthermore, this new tool, from my point of view, will strengthen the democratic foundations of the Union by empowering the citizens to participate directly in the political life of the Union in a new position as "co-authors" in shaping the development of EU legislation, and encouraging more cross-border debates about EU issues.

I agree with the observations made in the doctrine⁴⁶, that this tool does not turn citizens into main actors of the legislative process, because this role belongs to the European Parliament (art. 225 of TFEU) and the Council (art. 241 of TFEU), but it facilitates the connection with these institutions and does not include a popular vote, because it has nothing to do with a referendum, as the right of legislative initiative of the European Commission is not affected at all by this new tool, which merely complements it, because this EU institution has the final decision whether to follow up, or not, a successful initiative proposed by the citizens according to the European Citizens' Initiative.

The importance of this new tool was also highlighted by the European Commission's vice-president Maroš Šefčovič, who said that *"this new right will open a new chapter in the democratic life of the EU. Not only will it provide a direct gateway for citizens to make their voices heard in Brussels, it will also encourage real cross-border debates about EU issues"*⁴⁷, but only when several conditions are fulfilled, namely: it must fall within the European Commission's areas in the conditions provided in the Treaties; it must come from least one million of citizens which shall form a citizens' committee; it must invite the European Commission to bring forward proposals for legal acts; it should respect the conditions stipulated in the Regulation No. 211/2011; it should be certified by the competent authorities in the Member States before being forwarded to the European Commission and finally, it must request the Commission to make a legal proposal *"for the purpose of implementing the Treaties"* where the promoters of the ECI have identified some shortcomings⁴⁸.

⁴⁵ Website: http://gef.eu/uploads/media/The_European_Citizens_Initiative_Pocket_Guide.pdf.

⁴⁶ Samantha Besson and André Utzinger, *Toward European Citizenship*, *Journal of Social Philosophy*, Vol. 39 No. 2, Summer 2008, Blackwell Publishing, Inc., 2008, pg. 185–208.

⁴⁷ Website: <http://www.ccre.org/en/actualites/view/2235>.

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