

# Strengthening the Idea of “By Citizens, for Citizens” in the Context of the European Citizens’ Initiative - Brief Analysis of Initiatives -

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**Abstract\*\*:** Regulation (EU) No. 211 of 16 February 2011 on the European Citizens’ Initiative (ECI), as one of the major innovations of the Treaty of Lisbon, represents the first supranational instrument of direct democracy that took effect on April 1, 2012, creating the direct legal link between the European Union citizens and the European institutions.

Within the present paper we will give a general overview of the European Citizens’ Initiative instrument, trying also to analyse briefly certain citizens’ initiatives that have been already registered on the European Commission’s website where the online collection of a million signatures is still running, bearing in mind the important role of the citizens as “co-authors” of the law within the European decision-making process.

From our point of view this participation will increase the responsibility of the citizens to be more active and to use their new right in the best conditions and without any obstacles.

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

**JEL Classification:** K00

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## I. General remarks

For a long time, the “political voice” of the European citizens was not taken into consideration for various reasons (the society, the politicians, the economic and political situation etc.) which determined a serious disconnection between the citizens and the decision-making authorities at the level of the European Communities<sup>1</sup>. Therefore,

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<sup>1</sup> Currently, the European Union.

the general perception was that a democratic deficit was “implemented” within the Communities and the citizens were not in the possession of the theoretical and practical tools to “fight” against this deficit.

In order to change this unjust situation and to give the opportunity for the European citizens to express themselves one way or another, starting with 1970s and after a debate attended by the Heads of State and Government of the Member States of the European Communities concerning the development of the special rights given to the Europeans, debate which took place in 1974 in Paris<sup>2</sup>, the European Commission drafted in 1975 a proposal aiming at a future development of the European Community Law from the political point of view, proposal considered to be too ambitious to be put in practice in a short time, bearing in mind that its primary aim was to make a “[c]omplete assimilation with nationals as regards political rights [which was] desirable in the long term from the point of view of a [democratic] European [Community]”<sup>3</sup>.

This proposal was only a step in a long process to recognise officially the “power” of the European citizens, and their effective right to participate actively in the political life of the European Communities, as an intrinsic part of it, where the European Commission, the Council and the European Parliament had the active role as “*main institutions involved in the legislative process, with separate attributions*”<sup>4</sup>.

In spite of some initiatives and the second European legislation drafted and enacted over time by the European institutions, among which it is worth mentioning “*Towards a Europe for Citizens*”<sup>5</sup> (an important starting point in this political direction); the 1976 Decision and Act concerning the election of the representatives of the former Assembly<sup>6</sup> by direct universal suffrage by the citizens<sup>7</sup> (where the democratic participation of the citizens in the political life of the Communities appeared) and “*The road to European citizenship*”, a proposal drafted by the Spanish government in 1990 and supported later by the European institutions during the elaboration of the Maastricht Treaty<sup>8</sup>, “*no consensus was reached [among the European leaders until] the 1992 Treaty of Maastricht*”<sup>9</sup>. As it can be seen, the important improvement made by the 1976 documents was not accompanied until the Treaty of Maastricht by a consistent European legislation in the field of political

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<sup>2</sup> Oana – Măriuca Petrescu, *The Political Citizenship in the Context of the Lisbon Treaty*, Romanian Journal of European Affairs, Vol. 13, No. 1, March 2013, p.44.

<sup>3</sup> Jo Shaw, E.U. *Citizenship and political rights in an evolving European Union*, Fordham Law Review, Volume 75, Issue 5, 2007, p.2549.

<sup>4</sup> Oana – Măriuca Petrescu, *The Political Citizenship in the Context of the Lisbon Treaty*, p.46.

<sup>5</sup> This report was elaborated by Leonard Clemence “Leo” Tindemans, former prime minister of Belgium between 25 April 1974 and 20 October 1978, website: [http://aei.pitt.edu/942/1/political\\_tindemans\\_report.pdf](http://aei.pitt.edu/942/1/political_tindemans_report.pdf).

<sup>6</sup> Currently, the European Parliament.

<sup>7</sup> These documents were signed in Brussels on 20 September 1976 and entered into force on 1 July 1978 after ratification by all the Member States; Stanislas Adam, *Electoral rights under the review of the European Court of Justice: judicial trends and constitutional weaknesses*, CYELP 3, 2007, p.418.

<sup>8</sup> Damian Chalmers, Gareth Davies, Giorgio Monti, *European Union Law: Cases and Materials*, second edition, Cambridge University Press, 2006, p.444.

<sup>9</sup> Stanislas Adam, *Electoral rights under the review of the European Court of Justice: judicial trends and constitutional weaknesses*, p.418.

rights because at that time “there was no real freedom of movement of voters in European elections”<sup>10</sup>.

Even though few steps have been made between 1990s and the mid-2000s where the original treaties have been amended several times, these steps proved to be insufficient in order to obtain a “complete assimilation” of nationals of other Member States with the nationals of the host state in relation to the political rights, as it was foreseen by the European Commission, as long as the Europeans continued to have limited political rights, among which the right to vote in national or regional elections<sup>11</sup> and to stand in elections in the Member States where they are residents. Thus, it is easy to observe that the European citizens were still unable to participate effectively in the European political life.

The amendments brought in 2009 by the Treaty of Lisbon mark a reference moment in enhancing the democratic participation of the citizens in the European legislative process, as part of their fundamental rights as well as an essential complement of civil rights and the existing tools of direct democracy, such as: the right to petition before the European institutions, bodies, and offices and the right of appeal to the European Ombudsman<sup>12</sup> in all the cases when the citizens considered that their rights have been violated by the European authorities.

Finally, another step made in strengthening the political rights of the citizens is represented by the adoption of an innovative European legal instrument, namely the Regulation (EU) No. 211/2011<sup>13</sup> on the citizens’ initiative or popular initiative, as it is called in the doctrine<sup>14</sup>, which represents the legal basis for registering the citizens’ initiatives on the European Commission’s website starting with 1 April 2012, as part of the active involvement of the citizens in the legislative process of the European Union.

## **II. The right to initiative and the Regulation (EU) No. 211/2011 on the citizens’ initiative**

The political participation of the citizens in the European political life, as a normal attitude in a democratic society, contributing as much as possible to the political development of the European Union<sup>15</sup>, knows a long and troubled history.

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<sup>10</sup> Stanislas Adam, *Electoral rights under the review of the European Court of Justice: judicial trends and constitutional weaknesses*, p.419.

<sup>11</sup> Jo Shaw, *E.U. Citizenship and political rights in an evolving European Union*, p.2549.

<sup>12</sup> Website: <http://www.eu-koordination.de/PDF/steckbrief-european-citizen-initiative.pdf>.

<sup>13</sup> It was published in Official Journal L no.65 of 11.03.2011, website: [eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:065:0001:0022:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:065:0001:0022:EN:PDF).

<sup>14</sup> Luis Bouza García, Víctor Cuesta López, Elitsa Mincheva, Dorota Szeligowska, *The European Citizens’ Initiative - A First Assessment*, College of Europe, Bruges, 2012, p.62.

<sup>15</sup> Alex Warleigh, *Purposeful Opportunists? EU institutions and the Struggle over European Citizenship*, in Richard Bellamy and Alex Warleigh, *Citizenship and Governance in the EU*, Continuum, London, 2001, pp.34-35.

Thus, if before 1976 the participation of the citizens in the decision-making process of the former European Communities was quasi-inexistent because of the small number of the initiatives to regulate this participation, starting with 1976 an important step has been taken when the Decision and Act on European elections by direct universal suffrage by citizens, have been adopted. For the first time, we are talking about the democratic participation of the citizens<sup>16</sup> or the “participatory” democracy, as defined in doctrine<sup>17</sup>.

Further improvements have been taken by modifying and amending the original treaties through the Treaty on European Union (1992)<sup>18</sup> and the Treaty of Amsterdam (1999)<sup>19</sup> where additional political rights<sup>20</sup> have been granted to the European citizens. These amendments were important and yet insufficient in order to enhance the political role of the citizens in the legislative process, as “co-authors”.

A significant moment in shaping the idea of a “citizens’ initiative” is also represented by the paper “*More democracy in Europe*”<sup>21</sup> issued in 2005 by the Democracy International, which is a network specialised in European democracy movements. The said document presented ideas which were visionary for that moment about the most important elements of the direct democracy (e.g. a direct involvement of the citizens in the legislative procedure; the methods to involve the citizens etc.), comprising at the same time “*concrete measures for a citizen-based law-making procedure*”<sup>22</sup>, ideas which have been put into practice 6 years later, in 2011, when Regulation No. 211/2011 was adopted.

In 2009, after a long and difficult process in recognising the political role of the citizens, the Treaty of Lisbon stipulated in Article 10 paragraph 3 TEU that “*every citizen shall have the right to participate in the democratic life of the Union*”, encouraging thus “*the cross-border public debate about [the most relevant] EU policy issues*”<sup>23</sup>, such as: economic, political, mass-media, education etc. To put it another way, the citizens will participate in the political life of the European Union with no restrictions in exercising their rights and with more trust in the democratic system<sup>24</sup>. In such situation, they will ask the European Commission to submit a legislative proposal “*within the framework of its powers*”, as it is provided for in Article 11 Paragraph 4 TEU, through the European Citizens’ Initiative, as

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<sup>16</sup> Oana – Măriuca Petrescu, *The Political Citizenship in the Context of the Lisbon Treaty*, p. 46.

<sup>17</sup> Dominique Schnapper, *The European Debate on Citizenship*, Daedalus collection, The MIT Press, 1997, p.203.

<sup>18</sup> Website: [http://eur-lex.europa.eu/en/treaties/dat/11992E/tif/JOC\\_1992\\_224\\_1\\_EN\\_0001.pdf](http://eur-lex.europa.eu/en/treaties/dat/11992E/tif/JOC_1992_224_1_EN_0001.pdf).

<sup>19</sup> Website: [http://eur-lex.europa.eu/en/treaties/dat/11997D/tif/JOC\\_1997\\_340\\_1\\_EN\\_0005.pdf](http://eur-lex.europa.eu/en/treaties/dat/11997D/tif/JOC_1997_340_1_EN_0005.pdf).

<sup>20</sup> By political rights we may understand a variety of such rights, namely: the right to vote; the right to be elected in the legislative bodies or other representative organs; the right to hold public offices, the right to petition etc. During the present paper we will talk about only the electoral rights: the right to vote and the right to be elected.

<sup>21</sup> Website: [www.more-democracy-in-europe.org/sites/more-democracy-in-europe.org/files/u293/di-aufuf-englisch-2-seitig.pdf](http://www.more-democracy-in-europe.org/sites/more-democracy-in-europe.org/files/u293/di-aufuf-englisch-2-seitig.pdf).

<sup>22</sup> Website: <https://open.dsv.su.se/mod/book/view.php?id=733&chapterid=5>.

<sup>23</sup> Background speaking points for Zita Gurmai, MEP: *The ECI regulation - the contribution of the European Parliament*, held in Barcelona, 25 March 2011, p.1

<sup>24</sup> Ken’ichi Ikeda, Tetsuro Kobayashi, Maasa Hoshimoto, *Does political participation make a difference? The relationship between political choice, civic engagement and political efficacy*, Electoral Studies no.27, 2008, p.78.

one of the four types of participations of citizens<sup>25</sup>. The same political rights can be met in Articles 39 and 40<sup>26</sup> of the Charter of Fundamental Rights of the European Union.

Analysing the dispositions of Article 10 paragraph 3 TEU we would like to highlight that the Treaty of Lisbon uses the words “*the citizens shall have the right*” which represents the strong intention of the European legislator to highlight the importance of the citizens’ involvement in the European political life.

It is better to underline that the European Citizens’ Initiative represents the first instrument of direct democracy participation, an innovative element, with great potential for the further development of the transnational democracy, with supranational value, because it was adopted by the European Union, as an entity, and not by a certain EU Member State/s, creating at the same time an additional direct connection between the European citizens and EU institutions<sup>27</sup>.

Analysing the new role granted to the citizens it is noteworthy to mention several specific elements<sup>28</sup>, as follows:

- **the emotional element**, when the Europeans have the feeling that they are part of a normal society and they participate effectively in the decision-making process, being co-initiators of some of the future legislative proposals together with the European institutions;
- **the cognitive element**. In this case, the citizens realise that their “voice is finally heard” through the medium of initiatives and is taken into consideration only when several conditions are met; and
- **the political element**, in which situation the citizens represent the new political “actor” who joined the European institutions in drafting and adopting [only] the secondary legislation of the EU.

In the previous classification, we referred to the fact that the citizens have eventually recognised this right only as regards the initiatives drafted in the field of secondary EU legislation, because, as concerns the primary legislation, Article 48 TEU, as amended by the Lisbon Treaty, stipulates very clearly which are the revision procedures<sup>29</sup>, who can

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<sup>25</sup> Samantha Besson and André Utzinger, *Toward European Citizenship*, *Journal of Social Philosophy*, Vol. 39 No. 2, 2008, pp.185–208.

<sup>26</sup> Thus, article 39 of the Charter “Right to vote and to stand as a candidate at elections to the European Parliament” stipulates that: “1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State. 2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot”. According to article 40 of the Charter “Right to vote and to stand as a candidate at municipal elections”, “Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State”.

<sup>27</sup> Luis Bouza García, Víctor Cuesta López, Elitsa Mincheva, Dorota Szeligowska, *The European Citizens’ Initiative - A First Assessment*, p.2.

<sup>28</sup> Ken’ichi Ikeda, Tetsuro Kobayashi, Maasa Hoshimoto, *Does political participation make a difference? The relationship between political choice, civic engagement and political efficacy*, p.78.

<sup>29</sup> Vaughne Miller, *Recent EU Treaty Amendments and UK Ratification*, Standard notes SN/IA/6503, International Affairs and Defence Section, 2012, p.20.

use the revision procedures (e.g. the Government of any EU Member State, the European Parliament, the European Commission etc.), to what extent the subjects can use these procedures (i.e. to increase or to reduce the competences conferred on the Union in the treaties); which institutions need to be consulted during the revision procedures (e.g. the European Parliament, the European Commission in specific cases or the European Central Bank in the monetary area) etc.

So far, the Lisbon Treaty has been revised several times. Thus, one of the amendments adopted in March 2011<sup>30</sup> and entered into force at 1 January 2013 envisaged the European Stability Mechanism, as *“part of a complex package of legal and [financial] rules that was put in place by the European Union and by its Member States”* after the *“financial crisis erupted [in US in December 2007 and in European Union in 2009] and threatened to engulf the whole euro area and the other EU countries as well”*<sup>31</sup>.

Another amendment adopted and ratified in November 2011, after a long ratification process of two years, refers to the modification of the European Parliament by adding 18 additional members<sup>32</sup>. This amendment was introduced in Article 2 of the Protocol 36 on transitional provisions attached to the Lisbon Treaty, according to which *“by way of derogation from the number of seats provided for in the first subparagraph of Article 14(2) of the Treaty on European Union 18 seats shall be added to the existing 736 seats [...] thus provisionally bringing the total number of members of the European Parliament to 754 until the end of the 2009-2014 parliamentary term”*<sup>33</sup>.

A special situation is given by the new EU Member State, Croatia which has 12 representatives in the European Parliament elected in April 2013, in accordance with Article 19 of the Act concerning the conditions of accession of the Republic of Croatia, taking also into consideration the representativeness of the political parties within the national Parliament. At present, they have a special status as observers, with no right to vote, but the current situation will change in 2014 when the elections for the European Parliament will be organised. Therefore, taking into account the provisions of the Lisbon Treaty regarding the maximum number of the members in the European Parliament, as well as the prevention of indefinite growth of this institution every time a new member state joins the EU and an eventual blocking of its current activity, starting with the new parliamentary term, 2014 – 2019, the number of Croatian representatives will be reduced to 11. The same situation will be applicable for other 11 EU Member States, which will lose one seat as well, among which: Belgium, Bulgaria, Czech Republic, Ireland, Latvia, Lithuania and Romania.

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<sup>30</sup> This mechanism was introduced in the Treaty on the Functioning of the European Union upon the proposal for revising Article 136 TFEU submitted to the European Council by the Belgian Government on 16<sup>th</sup> December 2010. It was published in the European Council Decision 2011/199/EU of 25<sup>th</sup> March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro, published in Official Journal L no.91 of 06.04.2011, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:091:0001:0002:EN:PDF>.

<sup>31</sup> Bruno de Witte, *The European Treaty Amendment for the Creation of a Financial Stability Mechanism*, European Policy Analysis, Swedish Institute for European Policy Studies, 2011, p.2.

<sup>32</sup> *Ibid*, p. 4

<sup>33</sup> Website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:0201:0330:EN:PDF>.

As it can be seen, the importance of the political rights and especially of the electoral rights increased constantly in time. Nevertheless, a special tool for citizens in order to increase their participation in the European political life<sup>34</sup> was still needed.

Thus, after almost two years from the general provisions stipulated in the Treaty of Lisbon, after a resolution adopted by the European Parliament in May 2009<sup>35</sup>, detailing the guidelines for implementing the citizens’ initiative, after a proposal adopted by the European Commission in March 2010 and the provisions of Article 24 TFEU<sup>36</sup>, finally in February 2011 the Regulation (EU) of the European Parliament and the Council No. 211/2011 on the citizens’ initiative, in an area of EU competence, which defines the rules and the procedure governing this new legal instrument was adopted. It entered into force on 1<sup>st</sup> April 2012. In other words, this tool is represented by the initiative to draft proposals through citizens’ committee<sup>37</sup>, and 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 Paragraph 3 TEU) respecting, thus, all the legal provisions.

From a theoretical point of view, the intention of this legal instrument, with huge political potential for strengthening the democracy in the European Union, is to be clear, simple, user-friendly and proportionate to the nature of the citizens’ initiative in order to encourage this participation, to make the Union more accessible to the citizens, being also consistent with the Union’s values<sup>38</sup>. In practice, its uniform implementation is depending on the proper measures taken by the citizens’ committees throughout the procedure and in accordance with the Commission Implementing Regulation (EU) No. 1179/2011 of 17 November 2011<sup>39</sup> laying down technical specifications for online collection systems pursuant to Regulation (EU) No. 211/2011 of the European Parliament and of the Council on the citizens’ initiative.

The questions, to which we will try to give answers in the following paragraphs, are: in concrete, what does the Regulation (EU) No. 211/2011 represent and to what extent is it useful for the citizens?

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<sup>34</sup> Website: [http://ec.europa.eu/public\\_opinion/flash/fl\\_292\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_292_sum_en.pdf).

<sup>35</sup> 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>.

<sup>36</sup> Article 24 TFEU (ex Article 21 TEC) provides for 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*”.

<sup>37</sup> This committee is considered to be the official “*organiser*” of the initiative and is responsible for managing the entire procedure. The committee must designate from among its members a representative and a substitute to speak and act on their behalf, which will also be the contact persons who will liaise between the committee and the European Commission throughout the procedure, website: <http://ec.europa.eu/citizens-initiative/public/how-it-works/committee>.

<sup>38</sup> Samantha Besson and André Utzinger, *Toward European Citizenship*, *Journal of Social Philosophy*, pp.185–208.

<sup>39</sup> This instrument has been published in the Official Journal L No. 301/18.11.2011, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:301:0003:0009:EN:PDF>.

Responding to the first question, we will make a presentation<sup>40</sup> of the most relevant features of this new legal instrument, trying also to respond to the following: which are the conditions, who can participate, who supports the initiatives and other technical things.

First of all, to understand better this issue, it is necessary to distinguish between the citizens' initiative and the petition which is submitted by the citizens. Thus, the first gives "the power" to the citizens to call directly on the European Commission to bring forward new proposals for legal acts based on their proposed initiatives, while the petition, one of the fundamental rights, represents a request to do something or to act in a certain way, submitted to the European Parliament based on Article 227 TFEU, on the one hand, on subjects which come within the European Union's fields of activity and which affect them directly or submitted to the European Ombudsman, on the other hand, in all the cases when the citizens invoke the maladministration in the activities of the EU institutions, organs, offices and bodies, in accordance with Article 228 TFEU. As we can observe, there are two types of petitions submitted to the European Parliament and to the European Ombudsman, and at the same time different from the citizens' initiatives<sup>41</sup>.

Another important difference is that while the right to petition, recognised to the citizens, already existed under the previous treaties, being reiterated once again in the Lisbon Treaty, the citizens' initiative was introduced, as a novelty, through the said Treaty in 2009<sup>42</sup>. Furthermore, this instrument represents a "new generation of democracy tool, [being] a more direct and more transnational instrument than any participatory procedure before it"<sup>43</sup>. Finally, it is more digital than any other comparable process known today, being "the perfect iDemocracy tool for the twenty-first century"<sup>44</sup>, if we take into consideration that all the initiatives are proposed and registered on-line, via internet, and not through the classic method, on paper.

Whatever the subject of the initiatives, these must be organised by the citizens' committee (known as "organizers"), which is composed of at least 7 persons who are residents in at least 7 different EU countries. The members of the European Parliament (MEPs) cannot be counted to reach the minimum of 7 citizens living in 7 different Member States needed to register the initiative on the official website of the European Commission, but they can be counted among the total number of that citizens' committee, if such committee comprises at least 8 persons. In this respect, we find many examples in practice: the initiative "End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights"<sup>45</sup>, which is supported by the members of the European Parliament from Germany, Austria and France; the initiative "Single Communication Tariff Act"<sup>46</sup>,

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<sup>40</sup> More details can be found on the website: <http://ec.europa.eu/citizens-initiative/public/guide>.

<sup>41</sup> Website: <http://www.europarl.europa.eu/aboutparliament/en/00533cec74/Petitions.html>;  
<https://secure.ombudsman.europa.eu/en/atyourservice/secured/complaintform.faces>.

<sup>42</sup> Website: <http://ec.europa.eu/citizens-initiative/public/faq#q12>.

<sup>43</sup> Bruno Kaufmann, *The European Citizens' Initiative Pocket Guide*, Initiative and Referendum Institute Europe and the Green European Foundation Belgium, March 2012, p.11.

<sup>44</sup> *Ibid.*

<sup>45</sup> Website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2013/000002>.

<sup>46</sup> Website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000016>.



supported by two members of the European Parliament from France or the initiative “*Fraternité 2020 - Mobility. Progress. Europe*”<sup>47</sup> supported by the members of the European Parliament from France, Germany, Belgium, Austria, Spain, United Kingdom and Lithuania<sup>48</sup>.

Another aspect to clarify is that the non-EU citizens cannot be part of the citizens’ committee, because the Regulation (EU) No. 211/2011 stipulates very clearly in Article 3 that “*the organisers [namely the citizens’ committee] shall be [composed of] citizens of the Union [...]*”, meaning that it is not enough for the non-EU citizens to reside on the European Union’s territory but also to have the citizenship of one of the 28 EU Members States.

When an initiative is drafted, several technical elements should be taken into account by the promoters<sup>49</sup>, such as:

- *the title* should have maximum 100 characters, otherwise it is difficult to understand what is the main target of the initiative.
- *the subject-matter* should have maximum 200 characters and should be written in a clear and comprehensive manner, while *the description of the objectives* on which the European Commission is invited to take attitude should have maximum 500 characters.
- a mandatory item that should appear in the proposed initiative is the *provisions of the Treaties* considered relevant by the organisers, to which *the personal details* of the 7 members of the citizens’ committee are added (e.g.: full names, postal addresses, nationalities and dates of birth), indicating at the same time the name of representative and the substitute as well as their E-mail addresses, including all sources of funding and support for the proposed initiative worth more than 500 € per year and per sponsor. As for the 7 members of the citizens’ committee, the only rule that counts in order to register the initiative in a proper manner is their country of residence, which means that they can have the same or different nationalities.
- if the organisers consider that it is beneficial for the promotion of initiative and its visibility, they can also mention:
  - *the address of their website*, which we consider to be a good opportunity for the organisers to add more information about the background of the proposed initiative and its explanation, the aim and the objectives, the target group and the measures envisaged, their partners from different countries, the sponsors, the status of the signatures etc.;
  - *an annex* of maximum 5 MB, in the form of leaflet or brochure, with more detailed information regarding the proposed initiative and

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<sup>47</sup> Website: <http://en.fraternite2020.eu/MEPs.html>.

<sup>48</sup> All data regarding various citizens’ initiatives mentioned already and supported by the members of the European Parliament are updated until 27 May 2014.

<sup>49</sup> Website: <http://ec.europa.eu/citizens-initiative/public/faq#q12>.

➤ a *draft legal act* of maximum 5 MB, as the final outcome of the initiative, or in other words, the draft of the future legal instrument to be forwarded to the European Commission, after the collection of one million signatures.

In practice, many initiatives publish already on their websites all the information mentioned above, as a modality to make them more visible.

Any initiative must be supported (in the form of “statements of support” or signatures) by at least one million EU citizens, coming from at least one quarter of the 28 EU Member States (from 7 or more EU Member States), while the minimum number of signatories per member country is provided for in the Annex I of the said Regulation.

As for the minimum age required to organise and to support an initiative, this is the voting age for the European Parliament elections, which currently is 18 years in every country, including in the newcomer Croatia, except Austria, where it is 16 years old and “*the Spanish Autonomous Community of Catalonia, where the right to sign and to promote a legislative initiative is extended to all foreign legal residents over 16 years-old*”<sup>50</sup>. The reason for admitting such indirect exception into the official text of the Regulation was considered by the Committee on Petitions of the European Parliament an opportunity “*to encourage younger citizens’ participation in the democratic life of the Union [as long as] the age limit of 16 years in case of European election already exists in certain Member States*”<sup>51</sup>.

The citizens’ committee has to ask for the registration of their initiative in one of the official languages of the European Union and in an online registry<sup>52</sup> made available by the European Commission, which has to answer within two months. If the initiative is registered in good conditions, the organisers, and not the European Commission, have the responsibility to add translations of their initiative in any other official languages, as it was the case with several initiatives, e.g.: “*Water and sanitation are a human right! Water is a public good, not a commodity!*”<sup>53</sup>; “*One of us*”<sup>54</sup>; “*High Quality European Education for All*”<sup>55</sup> etc.

From this rule, there are cases when the European Commission can refuse to register the proposed initiative when: the composition of the citizens’ committee does not follow the rules; the initiative is manifestly outside the scope of European Commission’s competences to propose legislation; the initiative is manifestly abusive, frivolous or vexatious or it is manifestly contrary to the EU’s fundamental democratic values and principles stipulated

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<sup>50</sup> Luis Bouza García, Víctor Cuesta López, Elitsa Mincheva, Dorota Szeligowska, *The European Citizens’ Initiative - A First Assessment*, p.10.

<sup>51</sup> Website: <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=A7-0350/2010>.

<sup>52</sup> Website: <http://ec.europa.eu/citizens-initiative/public/registration/>.

<sup>53</sup> It was registered initially in English, and then translated in 23 more languages. For more details see website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000003>.

<sup>54</sup> It was registered initially in Italian, and then translated in 22 more languages. For more details see website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000005>.

<sup>55</sup> It was registered initially in English, and then translated in 23 more languages. For more details see website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000008>.

in Article 2 TEU<sup>56</sup>. If one or more of these cases subsists then the European Commission will inform the citizens’ committee about its decision not to register the proposed initiative and also about the possible judicial and extra-judicial remedies available, including the possibility to bring the case before the Court of Justice of the European Union, as judicial remedy, or before the European Ombudsman, as extra-judicial remedy.

In practice, since April 2012, when the European Commission launched this computerized tool, until 27 May 2014, 18 initiatives<sup>57</sup> had already been **rejected**, for example: “*Minority SafePack – one million signatures for diversity in Europe*”<sup>58</sup>; “*Cohesion policy for the equality of the regions and sustainability of the regional cultures*”<sup>59</sup> and “*Enforcing self-determination Human Right in the EU*”<sup>60</sup>, where the main reason for rejection was non-fulfilment of the conditions laid down in Article 4 Paragraph 2 of the Regulation. Instead, if the organisers of the initiatives will respect in the future the conditions stipulated in the Regulation and imposed by the European Commission, there are no reasons to refuse again the registration of the initiatives.

The signatures can be collected either on paper or online, and must comply with the models for the statement of support provided for in Annex III of the Regulation. Before starting to collect statements online, as a mandatory condition, the organisers must ask the relevant national authority of the EU Member State, where the data will be stored, to certify their online collection system in accordance with Article 6 Paragraph 2 of the Regulation (EU) No. 211/2011, while the deadline to reply is one month. Starting from the date when the initiative is 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 adopt the technical specifications to help organisers build their collection system as well. Furthermore, the technical specifications must be very clear and easy to be understood by everyone.

Once the organisers have collected the required number of signatures, they will submit them again to the relevant national authority in each country, this time for verification and certification, within a period of three months. Thus, the national authorities should deliver certificates indicating the number of the valid signatures collected. To this end, the national authorities will use appropriate checks to verify the statements, which can include random sampling, as there are no rules specifying the criteria for the verification of the statements.

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<sup>56</sup> Brochure “*The European Citizens’ Initiative*”, The Greens/EFA in the European Parliament, Brussels, 2011, 7, website: [http://aei.pitt.edu/33631/1/wp24\\_EG.pdf](http://aei.pitt.edu/33631/1/wp24_EG.pdf).

<sup>57</sup> For more information see website: <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered>.

<sup>58</sup> Date of refusal: 13/09/2013. The initiative was dealing with improving the protection of persons belonging to national and linguistic minorities and strengthening cultural and linguistic diversity in the Union, website: <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/1507>.

<sup>59</sup> Date of refusal: 25/07/2013. The aim of the initiative was to ensure a special attention to regions with national, ethnic, cultural, religious or linguistic characteristics that are different from those of the surrounding regions, website: <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/1488>.

<sup>60</sup> Date of refusal: 21/01/2013. The initiative was intended to ensure a better accommodation of the self-determination human right in accordance with the Charter of the United Nations, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights of December 1966, website: <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/1175>.

After obtaining the certificates from the national authority, the organisers submit their initiative to the European Commission that will have three months to examine it and to decide how to react. During the mentioned period, the European Commission will meet the organisers at an appropriate level so that they can have the opportunity to explain the reasons of drafting such initiative, the goal and the aim, having also the occasion to present their initiative at a public hearing organised at the European Parliament. After that, the European Commission will issue a press release in which it will explain its conclusions on the proposed initiative, what action it intends to take, if any, and its reasoning. Some explanations are needed here: the decision taken by the European Commission is based on a political analysis bearing in mind the necessity, the importance and the utility of such citizens' initiative for the entire European civil society in order to promote it by following the appropriate legislative procedure; if the European Commission decides to reject the proposed initiative, there are no appeal procedures against this decision, which means that this institution has the final "word" as concerns this issue.

Another technical thing to be mentioned is that the organisers must provide regularly updated information on the sources of support and funding for their initiative, as part of the transparency process.

Starting with 1 April 2015 and every 3rd year after this moment, the European Commission will present a report on the implementation of this Regulation, including the problems identified during the implementation, its strong and weak points, the necessary improvements and amendments to be made to the Regulation etc.

Responding to the second question, namely to what extent this Regulation is politically speaking useful for the citizens, we share the opinion expressed in the doctrine<sup>61</sup> that this new legal instrument allows for the greatest political involvement of the citizens in the decision-making process of the European Union in the modern history of direct participation. In other words, this involvement of citizens can be governed by the motto: *"By citizens, for citizens"*. Furthermore, using this instrument will bring only benefits to all Europeans, if we take into account that a minority of citizens, represented by the citizens' committee, has the right to propose to the European general public, the adoption of a new law or the modification of an existing legislative act, if applicable, which means a lot if we think that until this Regulation the citizens did not have any legal tool to influence the legislative process, in any way.

### **III. Brief description of certain citizens' initiatives**

According to Article 10 Paragraph 3 TEU *"every citizen [having the minimum age required by the national law to organise and to support an initiative] shall have the right to participate in the democratic life of the Union"*, no matter what the topic or the field of the initiative, through the citizens' committee, but not individually. Two elements should

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<sup>61</sup> Luis Bouza García, Víctor Cuesta López, Elitsa Mincheva, Dorota Szeligowska, *European Citizens' Initiative - A First Assessment*, p.63.

be underlined: *the first* element is the direct participation of the citizens’ committee, acting as the “voice” of the citizens and *the second* element is the fact that the citizens cannot submit directly their initiative, for the reason already mentioned.

Taking into account Article 10 TEU and the provisions of the Regulation (EU) No. 211/2011, by 27 May 2014, 8 citizens’ initiatives had already been **registered** on the official website of the European Commission, with the deadline for collecting the signatures March 2015<sup>62</sup>.

Making a brief statistic of the total numbers of initiatives registered since April 2012 until May 2014, it is worth mentioning that certain initiatives have been translated into almost or into all languages, as they are established in Regulation 1/1958 determining the languages to be used by the former European Economic Community<sup>63</sup>, presently the European Union, taking into account the importance of the topic raised, such as: “*Water and sanitation are a human right! Water is a public good, not a commodity!*” (translated into 24 languages); “*Single Communication Tariff Act*”, “*Stop vivisection*” or “*One of us*” (all three of them being translated into 23 languages), while other initiatives have been translated in less languages so far, namely: “*Let me vote*” (in 11 languages); “*European Initiative for Media Pluralism*” (in 9 languages). Finally, there are four initiatives which have not been translated yet into other languages, because either the topic is not considered to be a priority at the European level, or there have been no sufficient awareness campaigns regarding these initiatives: “*ACT 4 Growth*”<sup>64</sup>; “*Central public online collection platform for the European Citizen Initiative*” and “*Teach for Youth – Upgrade to Erasmus 2.0*”<sup>65</sup> (for all of them the original language is English) and “*Pour une gestion responsable des déchets, contre les incinérateurs*”, where the original language is French.

Finally, we should say that by 27 May 2014, 7 European citizens’ initiatives have been **withdrawn** by the organisers<sup>66</sup> for various reasons, such as: the aims and the objectives were not defined too clearly; the initiatives were not well promoted so that the citizens did not understand very well their scope and mission; the interest of citizens in promoting the topic of these initiatives was low etc.

In the following we will try to make a short description of several citizens’ initiatives that have already been translated into almost or into all 24 languages of the European

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<sup>62</sup> Website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>.

<sup>63</sup> It was published in Official Journal L No.17 of 6.10.1958, as amended by Council Regulation (EC) No.920 of 13 June 2005, published in Official Journal L No.156 of 18.6.2005 and Council Regulation (EC) No.1791 of 20 November 2006, published in Official Journal L No.363 of 20.12.2006; website: <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1958/R/01958R0001-20070101-en.pdf>.

<sup>64</sup> This initiative was introduced on 10 June 2013 and “it has 4 concrete proposals for policy intervention to develop female entrepreneurship as a strategy for sustainable economic growth in Europe”. For more information see website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2013/000004>.

<sup>65</sup> This initiative was introduced on 17 June 2013 and intended to eliminate “educational inequity within the EU by enrolling highly motivated and high-achieving recent EU college graduates and postgraduates to teach for one to two years in urban and rural low-income communities throughout the EU”. For more information see website: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2013/000005>.

<sup>66</sup> Website: <http://ec.europa.eu/citizens-initiative/public/initiatives/obsolete>.

Union, taking into account the date when they have been registered, as main criterion, and not their importance, because from our point of view all of them are important for the civil society.

a. The first European Citizens' Initiative registered on the European Commission's website on 9 May 2012 was called *"Fraternité 2020 - Mobility. Progress. Europe (F2020)"*<sup>67</sup> and it has been proposed by a committee of EU citizens living in Austria, Belgium, Hungary, Italy, Luxembourg, Romania and Spain and supported by various professors from prestigious universities (University of Paris 1 Pantheon-Sorbonne, European University Institute, University of Sussex, London School of Economics and Political Science, Université Libre de Bruxelles, Complutense University of Madrid, Lund University etc), members of the European Parliament from France, Germany, Spain, United Kingdom, Austria or Belgium and institutions, such as: European Council on Foreign Relations. Its main goal is *"to enhance EU exchange programmes – such as Erasmus or the European Voluntary Service (EVS) – in order to contribute to a united Europe based on solidarity among citizens"*. In spite of the efforts made by the organisers to promote the initiative and to collect the number of signatures and because of the low level of interest among the European citizens related to this issue, this initiative was withdrawn by the organisers.

The principal objective of the initiative *"F2020"* suggested three important measures to be taken in order to increase mobility within the EU, as follows: 1. Making more funds available for EU exchange programmes; 2. Making sure programmes develop more skills among the participants; 3. Tracking progress in the field of mobility through better monitoring.

The idea behind the initiative was that the EU needed *"to re-focus its integration efforts on the level of individual European citizens to build a genuine European Union of people, not states. This would also lead to positive economic, social, and cultural effects"*<sup>68</sup>, especially in times of crisis, by finding the best methods to increase the mobility promises, to help the growth of the society and to eliminate as much as possible the high rate of unemployment within the EU, affecting the young people between 18 and 26, in particular.

Initially, the initiative was elaborated in English, but because of its importance and after acquiring the support from at least 7 EU Member States, it was translated into other 23 official languages of the European Union.

b. *"High Quality European Education for All"*<sup>69</sup> was registered on 16 July 2012. Its main goal was *"to create an Education platform to stimulate debate on how to improve schools and boost the European dimension of education in line with the [Europe 2020*

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<sup>67</sup>Websites: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000001>;  
<http://en.fraternite2020.eu/summary.html>.

<sup>68</sup> Website: <http://en.fraternite2020.eu/summary.html>.

<sup>69</sup>Websites: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000008/en>;  
<http://www.euroedtrust.eu/>.

Strategy<sup>70]</sup>. In spite of the active support coming from NGOs working on diverse aspects of Education, members of the European Parents Association (EPA), parents of students from various European schools and unions working in this field at European level, the initiative has not collected the sufficient number of signatures within the one year time limit, being thus withdrawn by the organisers.

The principal objectives envisaged by the organizers of this initiative were: a) To establish a multi-stakeholder discussion/collaboration platform where parents, teachers, students, social partners, educators and decision-makers will propose, debate and formulate a European policy, including a viable strategy, for a quality, pluralistic and EU 2020-oriented educational model at primary and secondary level for all the European citizens. b) To establish a strict and clear roadmap in order to implement the above educational model, possibly culminating in a European Baccalaureate, applicable in the same form and in all the Member States with no discrepancies within the European Union and for the benefit of future generations.

Initially, the initiative was drafted in English, being translated into the other 23 languages of the European Union, taking into account the importance of this initiative both for the Europeans and for the European education system.

c. *“End Ecocide in Europe: A Citizens’ Initiative to give the Earth Rights”<sup>71</sup>* was registered on 21 January 2013, having as main goal *“to invite the European Commission to adopt [the proper] legislation to prohibit, prevent and pre-empt Ecocide, the extensive damage to, destruction of or loss of ecosystems of a given territory”<sup>72</sup>*. It was translated into 21 languages, from its original English version. This initiative was supported by various members of the European Parliament from Germany, Austria, United Kingdom and France, lawyers, directors and professors from prestigious universities (e.g.: Maastricht University, King’s College London etc.) or institutions and parties, such as: Green Party of England and Wales, European Medical Students’ Association in Brussels, International Association for Political Science Students (IAPSS), Federation of Young European Greens, as well as by activists in the field and other professional categories. Nonetheless it was withdrawn by the organisers for not collecting the number of signatures.

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<sup>70</sup> The Europe 2020 is a strategy developed by the European Commission having the mutually reinforcing priorities: **smart growth** by developing an economy based on knowledge and innovation; **sustainable growth** meaning to promote a more resource efficient, greener and more competitive economy and **inclusive growth** by fostering a high-employment economy delivering social and territorial cohesion. For more information see website: [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm).

<sup>71</sup> Websites: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2013/000002/en>; <http://www.endecocide.eu/>.

<sup>72</sup> According to the Brochure *“End Ecocide in Europe: A Citizens’ Initiative to give the Earth Rights”*, published on 02.08.2012, p.2, the Ecocide has been defined by Polly Higgins as the extensive damage, destruction to or loss of ecosystems of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished. For more information see website: [ec.europa.eu/citizens-initiative/public/documents/785](http://ec.europa.eu/citizens-initiative/public/documents/785).

From the point of view of the initiative's organizers, the aims and the objectives envisaged were: 1. Criminalise Ecocide and ensure that natural and legal persons can be held responsible for committing Ecocide according to the principle of superior responsibility. 2. Raise awareness on the law of ecocide. 3. Prohibit and prevent any Ecocide on European territories or maritime territories falling under the EU legislation, as well as acts outside the EU committed by EU registered legal persons or EU nationals. 3. Provide for a period of transition to facilitate a sustainable economy. 4. Engage with local and international groups pursuing the law of ecocide.

The idea of drafting such initiative came, from our perspective, from the fact that nowadays we are witnesses of the serious damage and destruction of the planet, by breaching our right to have a cleaner earth, and our obligation to protect it and to ensure its sustainable development, obligation which is also recognised in Article 37 of the Charter of Fundamental Rights of the European Union<sup>73</sup>, providing at the same time, as a final output, a draft of the future directive on Ecocide<sup>74</sup>. In addition, this initiative is based on the efforts taken at the European level by adopting the proper legislation<sup>75</sup> and the necessary measures to ensure an effective protection of the planet and to criminalise all the offences committed by the natural and legal persons in the field of the environmental law.

d. Another initiative registered on the European Commission's website on 28 January 2013 and promoted by the organisation EUROPEENS SANS FRONTIERES is "Let me vote<sup>76</sup>", having as main target "to strengthen the rights listed in Article 20 (2) TFEU by granting EU citizens residing in another Member State the right to vote in all political elections in their country of residence, in the same conditions as the nationals of that [Member] State" reducing on the other hand "the democratic deficit by granting all mobile Europeans the right to vote not only in local and European elections, but also in regional and national elections in the State in which they live". The original language of the initiative is French, and it has been translated into 10 other languages. The collection of signatures is already closed, while no further information whether the initiative has been submitted or not to the European Commission is available. What is more, we do not know whether the organisers managed or failed to collect the required number of signatures.

The reason for promoting such initiative was the necessity to reduce the existing democratic deficit by ensuring a better political mobility to all the European citizens to

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<sup>73</sup> According to Article 37 of the Charter "A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development".

<sup>74</sup> Website: [ec.europa.eu/citizens-initiative/public/documents/786](http://ec.europa.eu/citizens-initiative/public/documents/786).

<sup>75</sup> Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law, published in Official Journal L no.328 of 6.12.2008; The EU Biodiversity Strategy 2020 - towards implementation, website: <http://consilium.europa.eu/media/1379139/st18862.en11.pdf>; the European Parliament Resolution of 20 April 2012, website: [http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/EP\\_resolution\\_april2012.pdf](http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/EP_resolution_april2012.pdf).

<sup>76</sup> Websites: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2013/000003>; <http://www.letmevote.eu/en/>.



exercise freely their right to vote in the local and European elections, including in the regional and national elections in the Member State in which they live, on a permanent basis<sup>77</sup>.

By promoting such initiative, the organizers wanted “to enhance the concept of the European citizenship (as it was consecrated by the Treaty of Maastricht and by the subsequent treaties); to facilitate freedom of movement within the EU (as it is stipulated in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>78</sup>), [and finally] to contribute to remedying the loss of voting rights presently experienced by a significant number of EU citizens who are long-term residents of other Member States”.

e. A successful initiative which had collected more than one million signatures before its 1 November 2013 deadline is “Water and sanitation are a human right! Water is a public good, not a commodity!”<sup>79</sup>. It was registered on 10 May 2012, having as main objective “to propose legislation implementing the human right to water and sanitation as recognised by the United Nations, and promote the provision of water and sanitation as essential public services for all”. The initiative, initially, drawn up in English and then translated into 23 more languages, collected 1,884,790 signatures by 1 November 2013, being submitted for verification and certification to the relevant national authority<sup>80</sup>. Since the result of this verification was positive, the initiative has been forwarded to the European Commission which on 19 March 2014 examined it and decided “to take concrete steps and to work on a number of new actions in areas that are of direct relevance to the initiative and its goals<sup>81</sup>”.

f. Finally, another initiative registered on 19 August 2013 on the official website of the European Commission is “European Initiative for Media Pluralism”<sup>82</sup>, being supported by Associazione Pubblici Cittadini (APC) and TILT from Italy, Institut des Hautes Etudes des Communications Sociales (IHECS) from Belgium, Pressenza - Agencia internacional de prensa and other NGOs and organizations in the field. The collection of signatures is ongoing until 19 August 2014. By 27 May 2014 113,802 signatures have been collected, representing approximately 13.80%.

Its main objective is “to protect 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” by taking the following measures:

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<sup>77</sup> Website: <http://www.letmevote.eu/elements/LeMonde3avril2012eng.pdf>.

<sup>78</sup> It was published in the Official Journal L No. 158 of 30 April 2004, website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:229:0035:0048:en:PDF>.

<sup>79</sup> Websites: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000003>;  
<http://www.right2water.eu/>.

<sup>80</sup> After the verification, 1,659,543 signatures were validated.

<sup>81</sup> Website: [http://eur-lex.europa.eu/resource.html?uri=cellar:9bf48961-b030-11e3-86f9-01aa75ed71a1.0001.01/DOC\\_1&format=PDF](http://eur-lex.europa.eu/resource.html?uri=cellar:9bf48961-b030-11e3-86f9-01aa75ed71a1.0001.01/DOC_1&format=PDF).

<sup>82</sup> Websites: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2013/000007>;  
[www.mediainitiative.eu](http://www.mediainitiative.eu).

adopting amendments to the Audiovisual Media Services Directive or endorsing a new Directive and introducing harmonised rules with regard to the protection of media pluralism. From the point of view of the organisers all these amendments will be made in accordance with the Charter of Fundamental Rights of the European Union, and will also meet the public interest objective of maintaining a pluralist democratic debate through free exchange of ideas and information in the European Union.

The initiative was issued in English and it was translated into 15 more languages, because of the importance of its scope and objectives.

#### **IV. Conclusions**

The intention of the present paper was to highlight the evolution in recognizing the political rights of the citizens and strengthening their participation in the European political life, taking also into account that the first mention of the direct participation of the citizens through an European Citizens' Initiative was made in former Article 45 (*The principle of representative democracy*) of the Convention on the Future of Europe of 2002<sup>83</sup>, known as the European Convention, according to which "every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly as possible and as closely as possible to the citizen".

After the failure of the European Convention, the Lisbon Treaty is the second major European treaty that recognises loud and clear this normal political right in the benefit of all the citizens, creating the legal bases to adopt the secondary legislation, in our case the Regulation (EU) No. 211/2011, as a brand new transnational instrument, with principal goal to consolidate democracy in Europe, its democratic values and foundations.

From another perspective, we strongly believe that the proper implementation of this instrument will bring only benefits both for the European Union, as an entity, and for almost 500 million citizens, which starting with 1<sup>st</sup> April 2012 are acting as "co-authors" in the European legislative process, but not as main actors, promoting in the same time the most relevant and stringent initiatives, with cross-border element, for the entire European society, and encouraging debates on various issues in various fields of activity such as: education, environment, taxes, economy, healthcare etc.

While analysing the present paper, one question was raised, namely whether this instrument can have the power to contribute in a decisive manner to the trans-European debates on the Union, and to eliminate the reluctant attitude that existed until the adoption of the Regulation (EU) No. 211/2011, as concerns the active involvement of the citizens<sup>84</sup>. In response to this question, we consider that if this new democratic tool will be implemented well, with no gaps or other shortcomings, it will have all the

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<sup>83</sup> This Convention was a body established by the European Council in December 2001 to produce a draft Constitution for the European Union for the Council to finalise and adopt. The Convention finished its work in July 2003 with their Draft Treaty establishing a Constitution for Europe which failed to be ratified in 2005 by France and the Netherlands, after two decisive referendums.

<sup>84</sup> Paweł Głogowski & Andreas Maurer, *The European Citizens' Initiative – Chances, Constraints and Limits*, Political Science Series no.134, 2013, p.25.

chances “to become a policy-creating instrument that will [change the citizens’ life in a better and efficient way and will also] improve citizens’ influence in the EU political context by reinforcing the exchange of civic competence and fostering civic inclusion at a supranational level”<sup>85</sup>.

Finally, the last part of the research paper analyses certain initiatives that have already been registered on the official website of the European Commission, created for this purpose as an important outcome of the Regulation or submitted already to the national authority. The main criteria envisaged by us, was the date of the registration of the initiatives and not their importance, because we consider that each of them can change the present life of the European society, can bring something new to our life, in order to make it simpler, clearer, wealthier, healthier and better.

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<sup>85</sup> Hristova-Valtcheva, K. *European Citizens’ Initiative: Is a Bottom-Up Process Possible?* in Kolarova, R. and Hristova-Valtcheva, K. (eds), *Citizens’ Europe? Reflections on the Implications of the Lisbon Treaty*, Bulgarian European Community Studies Association, 2008, p.116.

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