

Intervention by Carsten Berg at the EP Hearing on the implementation of the European Citizens' Initiative

1. Introduction

Ladies and Gentlemen, members of the AFCE and PETI committees, thank you for organising this hearing and inviting me to speak.

I feel honoured to represent The ECI Campaign which, for over a decade, has worked for an effective European citizens' initiative right. The ECI has many parents though. As you may recall, the ECI was never on the wish list of governments. It was only through the hard work of parliamentarians and civil society organisations that it exists at all. We recognise and thank those here today who supported the ECI at the 2003 Convention on the Future of Europe. *(Hübner, S.Y. Kaufmann, A. Siegmund, Timmermas, Brok, Lamassoure)*

We have become a trusted partner to over 25 ECI campaigns past, present and potential. We have taken careful note of the many challenges they've encountered at all stages of using the ECI. We've shared our learning as senior advisors to the 2014 EP report on the ECI and in our own publication [An ECI that Works! Learning from the First Two Years of the European Citizens' Initiative](#)*.

The ECI now stands at a dangerous crossroads. The Commission will soon release its own review of the ECI Regulation. Now is the time to act.

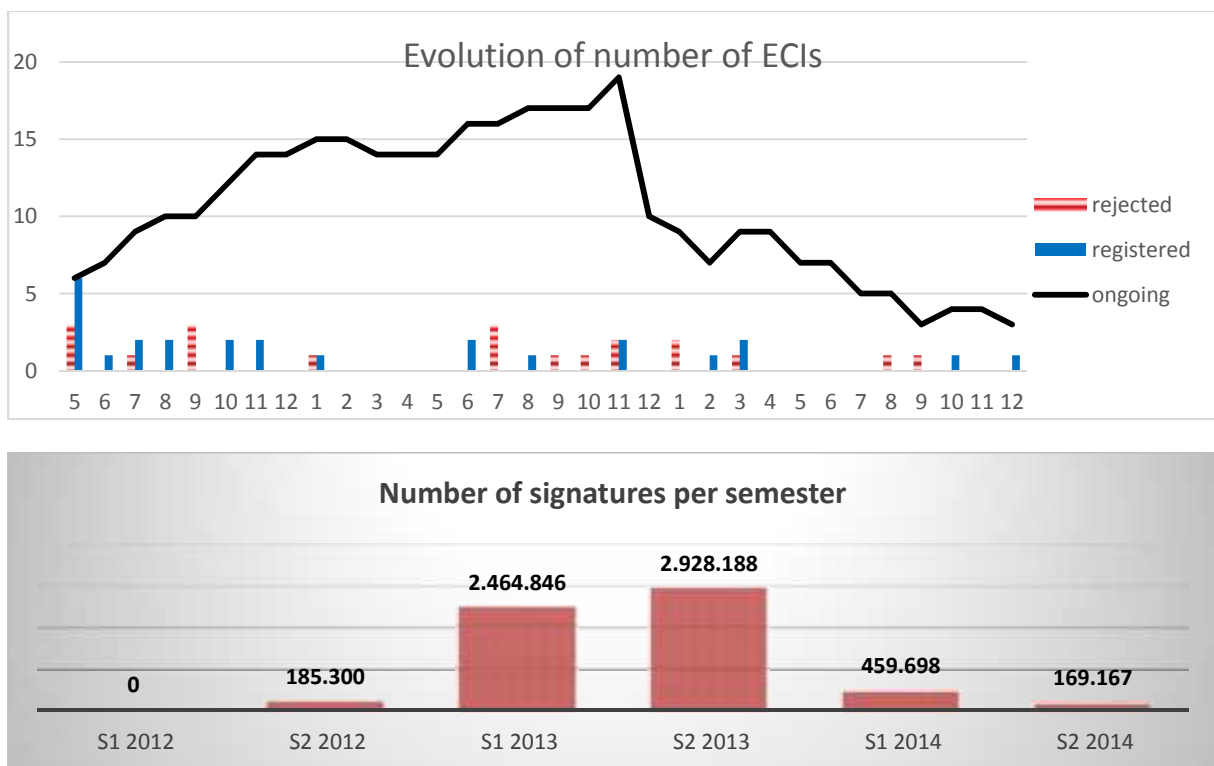
ECI campaigners all tell us that the current ECI Regulation is fatally flawed. It requires ECI organisers to comply with unnecessary burdensome procedures. To say it simply and clearly, without *significant* revisions, the ECI will come to an end. It will cease to be used. It will become yet another empty promise from an EU that many feel has lost its way and is in deep trouble.

If the ECI is not supported to fulfil its potential and is instead allowed to die, it is the EU itself that will suffer the most. ECIs have helped to create public dialogue, enhance cross-border understanding and bring new ideas and voices to Brussels. The ECI could further democratise the EU by improving interaction with and responsiveness to citizens.

II. Evaluating the ECI

As the first transnational participatory democracy tool in history, what criteria might we use to evaluate it? The most important criterion is that the ECI is actually used. On this point, the ECI started off strong in 2012, peaked in 2013, and crashed in 2014. Since April 2012, 46 ECIs were submitted, 26 registered, three succeeded and none led to a legislative proposal or any meaningful new action. Currently, only three ECIs are active.

*These graphs** show this trend very clearly:*



Why are there so few new ECIs and why are so many potential ECI organisers deciding not to use the ECI? The answer can be found in the ECI Regulation.

For national citizens' initiatives, only those designed to be citizen-friendly and impact policy are ever used.

This is why you, the European Parliament, together with the Council and Commission agreed in the preface of the ECI Regulation that that the *"procedures and conditions required for the citizens' initiative are to be **clear**,*

simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible."

The ECI's rules were supposed to be citizen-friendly and proportionate to its legal impact. In reality, they are neither. The ECI is as difficult to use as a powerful national direct democracy tool that changes law. But the ECI does not change law. It makes no decisions. It requires no action. It merely *invites* the Commission to *consider* adding an issue to its *agenda*. It is also exponentially more difficult to engage citizens speaking 22 different languages across 28 countries than to engage citizens of a single nation.

III. How to Reform the ECI

So how do we reform the ECI? When we asked those involved with ECIs what needs to change, three issues rose to the top:

- 1) Registration must be far less restrictive
- 2) The Commission must take successful ECIs seriously
- 3) Personal data requirements must be simplified and ID numbers eliminated

The Commission is de-facto limiting free speech and devaluing the ECI by refusing to register potentially controversial ECIs for "legal reasons". Nearly half of all ECIs have been declared inadmissible. To enhance public dialogue, the legal admissibility check *at registration* should be removed. Furthermore, since the European Commission has the power to propose treaty changes, citizens should be able to use the ECI to ask it to do this.

Campaigners will only use the ECI if they have a fair chance to impact policy. None have. The Commission should therefore *always strive* to respond to successful ECIs with concrete actions, including legislative proposals.

Many citizens have been frightened away from supporting any ECI by the personal data required, especially ID numbers, in 18 countries. Such requirements are out-of-proportion to the ECI's soft, advisory legal nature. Data should be limited to name, address and nationality.

Additional changes include:

- 4) Redesign the online signature collection system
- 5) Let campaigns collect ECI supporter email addresses
- 6) Let campaigns choose their ECI start date
- 7) Lower the age of ECI support to 16
- 8) Create an ECI support infrastructure with legal advice, translation, and funding
- 9) Create a legal status that protects citizen committee members from liability
- 10) Increase public awareness of the ECI

IV. Conclusion

I trust that I've made it crystal clear that, in its current form, the ECI simply cannot survive. In a new form, re-designed and re-launched, the ECI could make Europe the driving force for more participatory democracy world-wide. It could show EU citizens that its leaders are listening and that the EU can be a positive force in their lives.

Modern European citizens are no longer content to just vote once every five years and then sit passively on the side-lines. They are demanding and getting more participation at local, regional and national levels of government. They deserve nothing less from the EU.

The fate of the ECI is now in your hands. We urge you to go beyond the limited legal obligations of a review and take the initiative to fundamentally reform and re-launch the ECI.

You must tear down the walls blocking participatory democracy, eliminate restrictive ECI rules and let in fresh voices and ideas. Ultimately, it's the only way to sustain the Union.

* See An ECI That Works! at www.ecithatworks.org and 12 Ways to Build an ECI That Works at www.citizens-initiative.eu.

** *Note: Graphs courtesy of [SDM 94](#)*