European Citizens’ Initiative Forum Webinar

Legal advice on the European Citizens’ Initiative

Host: Flavio Grazian, Participatory Democracy Manager, ECAS
Guest Speaker: Alicja Klosok, Legal expert, Freshfields Bruckhaus Deringer

28 May 2020
Today’s Agenda

• Introduction (15 minutes)

• Q&A with the legal experts (30 minutes)

• Q&A with audience (15 minutes)
Interaction and Q&A

• **Interface:** Please turn off *your video and mute yourself* during the presentations.

• **Language:** English.

• **How to interact and ask questions:** You can both use the chat or ask your question using your microphone during the Q&A.

• The **Webinar will be recorded** and uploaded on the European Citizens’ Initiative Forum
What is the European Citizens’ Initiative?

Article 11(4) of the Treaty on the European Union:

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.

THE FIRST SUPRANATIONAL INSTRUMENT OF PARTICIPATORY DEMOCRACY
Preparation and registration – the very first Step

Preparation

➢ EU and European Commission Competences

➢ **Set up a group of organisers** composed of at least 7 EU citizens living in 7 different EU countries. To do so, you need to find people to team up with across Europe who are willing to support your issue.

➢ It is possible to **create a legal entity**, in accordance with the national law of a Member State, specifically for the purpose of managing an initiative.
Preparation and registration

Registration

➢ **Set up your account and fill the form**
  ❖ The main content of the proposed initiative must not be longer than **1200 characters** (spaces not included). An **annex of 5000 characters** (spaces not included) maximum may also be included.

➢ **Confirmation and publication**
  ❖ Once you ask for your initiative to be registered, the European Commission will assess whether or not to accept it. You will receive an answer within 2 months. If an initiative falls manifestly outside the framework of the Commission’s powers while all other conditions are met, the Commission will inform the organisers within one month of the submission of the request. In such case, the organisers may amend and re-submit the initiative in conformity with the requirements.

  ❖ The Commission can also decide to **partially register** your initiative
Registration form

• Mandatory Fields

• Language of your Initiative

• Title of the citizens’ initiative

• Objectives of the initiative

• Provisions of the Treaties you consider relevant for the proposed action (article or broad reference) → No more than 255 characters
How to Draft your initiative

• The **Commission will provide the translation of the content of the initiative** (title and objectives), including the annex of max. 5000 characters, into all the official languages of the Union.

• **Objectives** (max 1100 characters with Spaces)
  • You could specify what ‘legal act of the Union’ you want the Commission to propose. Please note:

  • This must be in a policy area where the Commission has competence.
  • This may be binding legislation or a non-binding act (e.g. a Recommendation).
How to Draft your Initiative - II

• **Title (max. 100 characters):**
  - Consider making both a short version and a long version of your title
  - Consider how the title will be translated in other languages

• **Optional information:**
  - If you want to provide more detailed information on the subject, objectives and background to your initiative, you can add:
    - an **annex** using the appropriate field (max 5 000 characters);
    - **additional information** including more detailed background information (to be uploaded);
    - a **draft legal act** (to be uploaded).
Seek Advice

- We provide tailor-made and independent advice to (potential) organisers of European citizens’ initiatives in any of the official EU languages within maximum eight working days, such as legal advice, advice on campaigning, on fundraising or on any other relevant topics.
Introduction of the Speaker: Alicja Klosok, Associate, Freshfields Bruckhaus Deringer

Role in the Seek Advice function of the European Citizens’ Initiative Forum:

- **Preliminary assessment** – initial review of the enquiries
- **Check** – final check of the replies produced by the legal experts at ECAS
Question 1: **Translating an idea into a concrete proposal.**

Translating an idea that a citizen has in mind into a concrete proposal of an initiative can be challenging. According to your experience, what are the prerequisites for a successful initiative? What are the most legally challenging parts?

- **Clarity** – what are you asking for?
- **Outcome** – what do you want to achieve?
- **Commission’s role** – how could the Commission help?
Question 2: **Objectives of an initiative.**

What are, in your opinion, the most important legal aspects to take into consideration? From a legal point of view, are there any tips or recommendations you would like to give?

- **Legal provision** – choosing the correct provision (if possible)
- **Link** – link the legal provision you have chosen to your enquiry
- **Focus** – ensuring the objectives are clear and focused
Q&A Session with Alicja Klosok

Question 3: **Mistakes to be avoided.**

We know that not every (potential) organiser of citizens' initiatives has a legal background and therefore drafting an initiative could be a challenging process. What are, in your opinion, the most common mistakes to be avoided? What tips you can share given the overview you have on all the enquiries received? Available guidance materials/templates etc

- **How many proposals?** – ensure you have a targeted enquiry scope
- **EU remit** – ensure the EU has the ability to legislate in the area your enquiry concerns
  - A list of EU competences is found [here](#)
- **Commission’s power** – ensure the Commission has the power to propose a legal act
  - Refer to ECAS Report 2014, which is found [here](#)
Q&A Session with Alicja Klosok

Question 4: *Provisions of the Treaties you consider relevant for the proposed action.*

The request for registration of an initiative may specify Treaty articles which can be used as a valid legal basis for the Commission to propose an EU legal act. Can you share some recommendations related to this step? Are there any challenges that organisers face when looking at the articles?

- **Multiple articles** – list multiple and a variety of Treaty articles (in the Annex)
- **Why these articles** – provide an explanation as to why the relevant articles have been chosen
Question 5. **The Seek Advice service. What is the service offered on the forum?**

How relevant can the Seek Advice be in the preparatory phase of an initiative? In terms of the requests received is there any recurring question or trend that perhaps you have dealt with and you think are worth sharing with the participants?

- **Second opinion** – Seek Advice enables you to get a second opinion
- **Bigger goals** – trend towards broader enquiries with large-scale impact
For more information

Guidance notes

Procedural steps the successive phases of an initiative
How to look for partners practical tips and hints
How to draft an initiative legal requirements and practical advice
How to campaign common sense advice on promoting your initiative
How to collect signatures often the hardest step
How to raise funds for your campaign

Success stories – Currently Available on the Forum

One of us pro-life initiative with papal backing
Right2Water the impact of prime-time TV coverage
Stop Glyphosate building on an existing pan-European campaigning network
Stop Vivisection the power of large groups of volunteers

Useful links

➢ Other Webinars
➢ European Citizens' Initiative Forum Learn Page
➢ European Citizens’ Initiative Website
➢ Subscribe to the Newsletter
Are you planning to launch a European citizens’ initiative, or are you currently promoting one? Or perhaps you are simply interested in discussing potential citizens’ initiatives?

This platform is a space for you to get practical information and advice about the European citizens’ Initiative, and to discuss any topics related to it. If you would like to register an Initiative, you should visit the European citizens’ initiative website.

This site is operated by the European Citizen Action Service (ECAS) on behalf of and under contract to the European Commission.
European Citizens’ Initiative Forum Webinar

Legal advice on the European Citizens’ Initiative

Host: Flavio Grazian, European Democracy Coordinator, ECAS
Guest Speaker: Alicja Klosok, Legal expert, Freshfield Bruckhaus Deringer

28 May 2020