

Medlemmerne af Folketingets Europaudvalg
og deres stedfortrædere

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HØRINGSSVAR

Europæiske borgerinitiativer

Til underretning for Folketingets Europaudvalg vedlægges høringssvar om Kommissionens grønbog om europæiske borgerinitiativer, KOM (2009) 0622.

Udenrigsministeriets grundnotat er tidligere oversendt til Folketingets Europaudvalg den 11. december 2009.

Per Stig Møller



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Reply to the green paper on a European Citizens' Initiative

Confederation of Danish Industry (DI) would like to thank for the opportunity to comment on the green paper on a European Citizens' Initiative. DI welcomes the green paper and supports the ambition of the Lisbon Treaty to advance the integration of the European civil society in the legislative process.

Generally DI finds that if the citizens' initiative is to bring value to European decision-making a balance must be struck between adequate representation of Member States and a simple methodology for the execution of such initiatives.

Requirements and eligibility

Concerning the question of what constitutes a significant number of Member States DI finds that one third of Member States, as suggested in the green paper, is appropriate in order to ensure that citizens' initiatives are both representative and have a clear European profile. In order to guarantee these two objectives a requirement for a minimum number of citizens per Member State is considered necessary. The suggested 0.2% of the total population of each participating Member States seems to be the appropriate threshold.

Regarding the eligibility of participants, the minimum age of supporting a citizens' initiative should equal the voting age for the European elections in each member state. This means 18 in all Member States except for Austria where the voting age is set at 16.

Form, registration and time frames

If the citizens' initiative is to become a truly viable offer for European civil society attention must be paid to the practical execution of initiatives. In this respect DI finds it is sufficient to require that an initiative states the subject-matter and objectives of the proposal as proposed in section four of the green paper. In line with this approach DI supports the idea of setting up a specific website where initiatives can be formally registered through uploading of title, subject-matter, background and objectives. As a positive side effect this approach will also limit the risk of similar or identical initiatives being submitted.

Concerning section five of the green paper DI finds that unnecessary administrative burdens should be avoided by establishing minimum requirements for verification and authentication of signatures, giving the Member States a certain level of flexibility.

Regarding the various time frames DI finds that organizers of an initiative should be given one year from the completion of the registration formalities to collect the required signatures. In addition the Commission should be obliged to respond to an initiative within a time-frame of maximum 6 months. In order to avoid burdening the system and undermine the citizens' initiative as a serious instrument for democratic participation a time frame should also be set for the resubmission of an initiative. It is important that such a time frame reflects the difference between the resubmission of an identical initiative and an initiative which has been amended due to new data or legislation.

Finally DI finds that it is important to stress that no restrictions should be imposed as to who may present an initiative. Both citizens and organisations should be eligible. In line with the Commission's European Transparency Initiative organisers of initiatives should provide certain basic information of which organisations are supporting the initiative in question.

Best Regards

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Contribution to the Consultation on the Green Paper on a European Citizens' Initiative

With the present contribution, the European Youth Forum would like to express its views on the development of concrete elements and procedures related to this newly established process. As the main European platform bringing together 99 National Youth Councils and International Youth Organisations from across Europe, and working to empower young people to participate actively in society to improve their own lives, the European Youth Forum sees the added value of the instrument of a citizens' initiative in strengthening the participation and overcoming the democratic deficit within the EU. However, in the process of developing the practical use of this tool, it needs to be ensured that its procedures and rules are transparent, accessible and user-friendly. In the opposite case, the European Youth Forum sees the danger of rendering the citizens' initiative impractical to use and of diminishing its value, which would be regrettable and would not contribute to the empowerment of citizens of the European Union to become more closely involved in EU affairs.

Below you will find the replies to questions posed in the Green Paper.

1. Minimum number of Member States from which citizens must come

As the European Commission rightly points out in the Green Paper, a balance between representativity and accessibility of the procedure, must be struck. In view of other Treaty provisions which set the minimum threshold at one third of Member States, the European Youth Forum nevertheless believes that in the spirit of avoiding excessive restrictions on the Citizens' Initiatives seven Member States would be an appropriate threshold for a citizens' initiative to be deemed valid.

2. Minimum number of signatures per Member State

The threshold of the minimal number of signatures per Member State should be set in proportion of that country's population relative to the total population of the EU, and the proposed 0,2 % of citizens seems to correspond to the need to ensure fair apportionment.

However, provisions need to be put in place to determine until when the 0,2 % limit would be valid, i.e. at which size of EU population, taking into account future enlargements, this threshold would change, in order to avoid doubts and misunderstandings.

3. Eligibility to support a citizens' initiative - minimum age

The minimum age for a citizen to be eligible to support a citizens' initiative should, in the view of the European Youth Forum, be set at the age of 16.

As the Green Paper rightly points out, setting the voting age at 18 would exclude Austrian voters between 16 and 18 years of age from participating in an important element of EU democracy. On the other hand, if national legislation would determine the age eligibility, the question would arise, whether Austrian citizens between 16 and 18 years of age would lose their right to participate in a citizens' initiative, in case they would reside in a Member State where voting age begins at 18, and would want to support it there.

In general, when it comes to political participation, the European Youth Forum believes that lowering the threshold to 16 years of age for participation in the citizens' initiative, would give a strong sign that the EU cares about the political culture of its citizens.¹ Allowing citizens with 16 to take part in citizens' initiatives would not only increase participation in democratic life, it would also contribute to better understanding of EU affairs among young people, it would give young people a sense of co-responsibility for the development of the European society, and, last but not least, it would contribute to maintaining a demographic balance between young people and adults, which is increasingly skewed in favour of older generations.

As to the additional administrative burden that is feared to arise, should the eligibility age be set at 16, the European Youth Forum believes this should not represent an obstacle. All citizens of a Member State are registered in the national databases, and even in countries with the voting age beginning at 18 years it should not be necessary that voters' lists would be the lists used when verifying the validity of signatures. Moreover, in any case, security measures should be put in place whereby every signatory's identity, including their age-related eligibility to sign an initiative, could be determined.

¹ Such means of increasing the awareness on EU issues among youth would complement the educational aspect contained in Article 165(2) of the Lisbon Treaty.

4. Form and wording of a citizens' initiative

A citizens' initiative should be clear and concise in wording, stating the subject matter, objectives, the added value of EU action in the area, and main beneficiaries, in case the proposal would target a specific group of the society.

It should be possible to add annexes detailing the nature of the proposal, but this should not be a requirement.

5. Requirements for the collection, verification and authentication of signatures

Collection, verification and authentication should remain at the national level. Those Member States that already have such procedures in place, should keep the same approach for the citizens' initiative, ensuring that some unified basic security measures are set, while not over-complicating the procedure. The Member States would be held responsible for the authenticity of the collected signatures.

It would be of added value if an analysis of the existing procedures would be made by the European Commission or an independent body before the citizens' initiative begins to function, in order to establish the minimal common criteria, which those Member States without such procedures in place, would need to include. At the same time, a booklet of good practices could be produced, as a measure to invite Member States to gradually harmonise at least the basic elements of collection, verification and authentication.

For EU citizens residing in a Member State other than their country of citizenship, there should be a possibility to sign an initiative in their country of residence, similarly as they have the right to vote in the elections to the European Parliament. However, possibilities for signing the initiative in their country of citizenship or residence, or at an embassy, should also be put in place: an obligatory physical presence in the country of citizenship in order to sign an initiative would represent a disproportionately high obstacle. Consequently, measures ensuring that everyone can only sign an initiative once, should be guaranteed.

In order to ensure that the process of gathering signatures is as smooth and simple as possible, avoiding excessive difficulties on the side of the citizens, the possibility to submit signatures online should be ensured in all Member States of the EU; it would likely also ease the process of verification of signatures for the authorities. Although traditional forms of collecting signatures are well established in the majority of Member States, the procedure needs to be updated in line with the fast developments of an increasingly e-society and with the aim of bringing EU affairs closer to more people. Especially for youth, who are the most advanced users of online tools, such a channel would doubtless boost their participation and consequently contribute to their awareness about European affairs.

A citizen's signature should be checked in the Member State in which it was made, and in this sense it would also fall in the quota of that Member State.

6. Time limit for the collection of signatures

The European Youth Forum believes that a time limit should be set for the collection of signatures to ensure that an initiative does not lose its momentum and that the validity of the proposal is kept.

The time range of one year seems to be an appropriate one.

7. Registration of proposed initiatives

The proposed initiatives should be registered at one designated website prepared by the European Commission. The registration on the website would serve, however, to ensure transparency and overview of the different proposals. As of the date of publication on the website, the one-year time limit would begin to run.

Another question to be addressed at this point is whether the European Commission would ensure the translation of the initiatives into all official languages of the EU, when putting them on the website, or whether this would be the task of the initiator.

8. Requirements for organisers - Transparency and funding

The organisers should be required to provide information on their organisation's basic elements (aims of the organisation, membership, structures) and funding for the initiative.

9. Examination of citizens' initiatives by the Commission

Whilst understanding that examining an initiative can take a considerable amount of time, the European Commission should nevertheless be given fixed time limits to respond. However, when accepting an initiative, the European Commission should be obliged to establish and publish a timeline by which it foresees to finish examining the initiative. This timeline should be prepared within 21 days after accepting an initiative, and published on the website, and should not be unreasonably long. Six months seems to be a reasonable period.

10. Initiatives on the same issue

To ensure that initiatives on the same issue are not launched repetitively, it might be good to introduce some disincentives. However, prohibiting an initiative on the basis of it being largely the same as a previous one, would require that an independent body evaluate and argument such a decision. In the view of the European Youth Forum this body should not be the European Commission itself.

For initiatives with the exact same content matter, a certain time limit could be set, before it could be launched again, but the time limit should not exceed one year.

Need for consultation on how to organise the dialogue with civil society organisations, as provided by article 11 of the Lisbon Treaty

In addition to the concrete responses above, the European Youth Forum calls on the European Commission to launch a public consultation on how to implement the first part of the Lisbon Treaty article 11 on civil dialogue. This process would also be used to assess existing mechanisms of consultation with the aim of ensuring that both parts of the article are properly implemented.

The European Youth Forum would like to stress that the right to petition is not the only new instrument related to participatory democracy that the Treaty of Lisbon introduces into EU decision making processes. The first part of article 11 (which regards civil dialogue) requires *all* EU institutions to implement new mechanisms of *dialogue* with civil society (as opposed to consultations, run by the European Commission as it is the case now). Given that the European Commission has not revised its procedures to dialogue with citizens for almost a decade, we believe it is time for the European Commission to discuss with civil society organisations how this new mechanisms of dialogue should take place in the future between EU institutions and organised civil society.

BEUC'S RESPONSE TO THE COMMISSION'S CONSULTATION ON A **EUROPEAN CITIZENS' INITIATIVE**

EC transparency register: identification number 9505781573-45

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Summary

- BEUC very much welcomes the present consultation and the intention of the Commission to propose a regulation on the citizen's initiative which should be adopted before the end of 2010.
- The European citizens' initiative should be an instrument that is easily accessible, truly inclusive and fully transparent.** These criteria should be the yardstick for any implementing measure. Future direct involvement of European consumers/citizens in the EU decision making process and the entire effectiveness of this instrument will depend on the degree to which the implementing measures will reflect these principles. Consequently, administrative and financial hurdles should be limited to the unavoidable minimum. The Commission should ensure that potential initiatives are facilitated with pro-active and supportive measures and establish an internal infrastructure, which is able to cope effectively, democratically and fairly with all potential initiatives.

GENERAL COMMENTS

BEUC represents 43 independent consumer organisations from 31 European countries. The primary task of BEUC is to promote the interests of the consumer at all levels of the EU, to act as a strong consumer voice in Brussels and to try to ensure that the interests of consumer are given their proper weight in the development of all Community policies.

BEUC welcomes the fact that the European Commission is taking early steps to implement this provision and that these steps begin with a public consultation on the modalities for implementation.

EU consumer policy is one of the Community policies, which is very close to the EU citizens and which has a tangible impact on the every day live of consumers /citizens in each Member State of the EU. In this context we expect and hope that the citizens' initiative will be a valuable tool to help decision makers identify and understand the concrete concerns of consumers/citizens and to set up Community policies which are clearly based on the needs and expectations of European consumers.

To ensure that this important initiative delivers, it will be important that the Commission proactively communicates with EU citizens making them aware of this new opportunity to directly influence the EU agenda.

Above all, the European citizens' initiative should be an instrument that is easily accessible, truly inclusive and fully transparent. These criteria should be the yardstick for any implementing measure. Future direct involvement of European consumers/citizens in the EU decision making process and the entire effectiveness of this instrument will depend on the degree to which the implementing measures will reflect these principles. Consequently, administrative and financial hurdles should be limited to the unavoidable minimum. The Commission should ensure that potential initiatives are facilitated with pro-active and supportive measures and establish an internal infrastructure, which is able to cope effectively, democratically and fairly with all potential initiatives.

DETAILED COMMENTS

1. Minimum number of Member States from which citizens must come

Questions:

Do you consider that one third of the total number of Member States would constitute a "significant number of Member States" as required by the Treaty?
If not, what threshold would you consider appropriate, and why?

The Treaty indicates that the signatories of a citizens' initiative must come from "a significant number of Member States" and provides that the Regulation shall establish "the minimum number of Member States from which such citizens must come".

In the light of our general comments set out above, the threshold on the number of Member States should be low. We do not agree with the Commission's opinion that one third of the Member States is the appropriate number to qualify for being "significant".

Even one quarter of Member States as proposed by the European Parliament) would be too high a threshold. Given the political objective, which is to establish an accessible modern tool to promote direct democracy in the EU, 5 Member States could be enough.

It might be worth including a provision for reviewing this threshold in light of experience after 2 or 3 years to evaluate whether it leads to too many, or to few proposals, and adapt the threshold accordingly.

2. Minimum number of signatures per Member State

Questions:

Do you consider that 0.2% of the total population of each Member State is an appropriate threshold?

If not, do you have other proposals in this regard in order to achieve the aim of ensuring that a citizens' initiative is genuinely representative of a Union interest?

The Commission's proposal to opt for 0.2 % of the Member States population is in line with the logic of Article 11 paragraph 4 of the TEU, which for the eligibility of a citizens' initiative requires the participation of a minimum of 1/500 of all EU citizens.

However, in comparison to the required percentages of the electorate in national citizens' initiatives (e.g. lower thresholds in Italy, Romania, Austria etc...) and in the light of the objective to promote easy access, a lower threshold should be envisaged, which should be set below 0.1 %.

It needs to be taken into consideration that in some Member States there is no tradition of having such initiatives, and that citizens have not been educated to do so. This could have an impact at least in the first years on the number of citizens that such an initiative can gather in some countries.

The threshold should in any case be seen in context with the number of requested Member States in order to achieve a satisfactory result.

3. Eligibility to support a citizens' initiative - minimum age

Questions:

Should the minimum age required to support a European citizens' initiative be linked to the voting age for the European Parliament elections in each Member State?

If not, what other option would you consider appropriate, and why?

We agree with the Commission's proposal.

4. Form and wording of a citizens' initiative

Questions:

Would it be sufficient and appropriate to require that an initiative clearly state the subject matter and objectives of the proposal on which the Commission is invited to act?

What other requirements, if any, should be set out as to the form and wording of a citizens' initiative?

The text of the Treaty does not specify what form a citizens' initiative should take but merely that it should invite *"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 Commission considers whether it should be required that a citizens' initiative takes the form of a draft legal act with clearly recognizable legal provisions or if a clear statement on the subject matter and objectives of the proposed initiative should be sufficient.

Given the need to provide for an inclusive instrument, a clear indication of the subject matter and the objectives of the measure should be sufficient. It would most probably not be easy for every potential organiser of a citizens' initiative (e.g. smaller NGOs etc) to provide a fully fledged legal act. Furthermore, an ill-drafted legal provision could raise all sorts of unnecessary problems in relation to the requirement that the initiative must be in accordance with EU legislation.

Both options could be available for citizens, in connection with an obligation of the Commission to provide legal advice as pointed out below in point 9.

5. Requirements for the collection, verification and authentication of signatures

Questions:

Do you think that there should be a common set of procedural requirements for the collection, verification and authentication of signatures by Member States' authorities at EU level?

To what extent should Member States be able to put in place specific provisions at national level?

Are specific procedures needed in order to ensure that EU citizens can support a citizens' initiative regardless of their country of residence?

Should citizens be able to support a citizens' initiative online? If so, what security and authentication features should be foreseen?

We agree that in order to guarantee the legitimacy and credibility of citizens' initiatives, provisions are needed to ensure adequate verification and authentication of signatures, in line with the relevant national, European and international legislation on fundamental rights, human rights and the protection of personal data.

On the other hand and very importantly, it seems necessary to allow for as much freedom as possible to collect the signatures, including the collection of signatures through on-line tools.

In this respect we consider that the Commission should take the lead in giving guidance on how signatures can be collected electronically in order to fulfill the formal requirements of the Citizens initiative. Ideally the Commission should develop an IT tool, which is made available to the organisers of a citizens' initiative.

6. Time limit for the collection of signatures

Questions:

Should a time limit for the collection of signatures be fixed?

If so, would you consider that one year would be an appropriate time-limit?

We consider that it is crucial to allow for enough time to collect the signatures. We agree with other NGO's that 18 month or more should be the rule.

7. Registration of proposed initiatives

Questions:

Do you think that a mandatory system of registration of proposed initiatives is necessary?

If so, do you agree that this could be done through a specific website provided by the European Commission?

It will be essential that on the specific website on the Citizens Initiative all potential initiatives are registered, this will facilitate initiators of a similar request for action to join forces. It would even allow the Commission to play a pro-active role in pointing out that others have taken a similar initiative and that it may be worthwhile to join forces.

Furthermore, the Commission could at an early stage where initiators have not yet undertaken a large amount of work to for example collect signatures, indicate whether the area would be within the Commission competence, and provide advice on other ways to get the needed result which may involve the member states rather than the EU.

In addition, it would provide valuable feedback, if the European Commission were to present every year a report on the number of citizen initiatives registered, their outcome, and, in case the Commission has not taken action on a successful initiative, the reasons for it.

The European Parliament and in particular its Petition Committee should play a supportive and monitoring role in this context. In any case should the Commission be obliged to report on an annual basis to the European Parliament about the functioning of the citizen's initiative.

8. Requirements for organisers - Transparency and funding

Questions:

What specific requirements should be imposed upon the organisers of an initiative in order to ensure transparency and democratic accountability?

Do you agree that organisers should be required to provide information on the support and funding that they have received for an initiative?

We consider that transparency and accountability are of crucial importance for the credibility of this tool and that citizens should receive clear information about the organisers of any citizens' initiative, in relation to their motivation as well as their financial and personal resources.

Hence, we strongly agree that the principles that inspired the Commission's European Transparency Initiative should apply.

Disclosure of information about the organiser of a citizen's initiative should as a minimum be mandatory on the financial and human resources of an initiating organisation and the names of its representatives. It should also be indicated if an organiser is registered in the Commission's lobby register.

9. Examination of citizens' initiatives by the Commission

Questions:

Should a time limit be foreseen for the Commission to examine a citizens' initiative?

Once the required number of signatures for a citizens' initiative have been collected and validated by the relevant Member States' authorities, the organiser of an initiative can formally submit the initiative to the Commission.

Clear procedures and timelines for the Commission's verification of the formal requirements of an initiative are essential. To this end, the Commission should build up the necessary internal infrastructure.

In order to be able to meet the formal requirements for an initiative, the Commission should be obliged to provide advice in an informal and quick manner on all elements of eligibility. A specific unit with a "helpdesk" should be made available to this end.

Two month time should be the maximum for a response of the Commission in relation to the eligibility of a citizens' initiative.

10. Initiatives on the same issue

Questions:

Is it appropriate to introduce rules to prevent the successive presentation of citizens' initiatives on the same issue?

If so, would this best be done by introducing some sort of disincentives - or time limits?

We consider that if a registration system is put in place, the transparency provided about pending initiatives suffices to ensure that duplication is avoided.

As indicated under question 9, the Commission could even provide initiators of a similar initiative with each others contact details to facilitate a common initiative.

MISSING ISSUES

1) Procedure after successful submission

What we miss in the present consultation is the question of **the procedural follow up to a successful citizen's initiative?**

What happens if the initiative was successful and the requested number of signatures has been presented? How much time does the Commission have to react and what form must this commission's response take?

A clear procedure in this respect, including a complaint procedure is essential to ensure that the new institutional tool is efficient. The Commission's response should be well reasoned and if the Commission does decide to act, the response should set out what it intends to do, the process, next steps and timeline.

2) Funding

The Commission should re-consider the matter of **funding** of citizen's initiative. We are worried that without financial support, in particular smaller and non-professional groups of citizen's will not be able to cope with the task of organising a multinational and multilingual project involving at least one million persons.

3) Consultation on Art 11 paragraph 3 – Commission's consultation

Finally, the Commission should also consult on other elements of Article 11 TEU and in particular we refer to Article 11 paragraph 3 which obliges the Commission carry out "broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent".

The current consultation standards of the Commission are sometimes not met by the Commission; the very recent consultation on the strategy for EU 2020 is an important example in this respect. The Commission should revise its standards after having consulted stakeholders on them.

END

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Den 29. januar 2010

Bemærkninger til Kommissionens grønbog om borgerinitiativet

DOK. NR. 321
S. NR. 10/36
CLR /

Beskæftigelsesministeriet har bedt om bemærkninger til grønbogen om borgerinitiativet.

Baggrunden er, at der med Lissabon traktaten indføres et borgerinitiativ, hvorefter en million borgere fra et betydeligt antal medlemslande kan tage initiativ til at opfordre Kommissionen til at fremsætte et egnet forslag om spørgsmål, hvor en EU-retsakt efter borgernes opfattelse er nødvendig til gennemførelse af traktaterne.

Grønbogen stiller en række spørgsmål om procedurer og betingelser, der er nødvendige for at fremsætte et borgerinitiativ. Procedurer og betingelser skal fastsættes i en forordning, som skal vedtages af Europaparlamentet og Rådet efter forslag fra Kommissionen.

Finanssektorens Arbejdsgiverforening, FA, har med interesse læst grønbogen, og vil i det følgende besvare de spørgsmål, Kommissionen har stillet.

På side 5 i grønbogen spørger Kommissionen, om en tredjedel af det samlede antal medlemsstater udgør "et betydeligt antal medlemsstater" som krævet i henhold til traktaten.

FA mener ikke, dette spørgsmål kan besvares, uden at der samtidig er fastsat en grænse for, hvor mange borgere af den krævede ene million, der skal komme fra hver enkelt medlemsstat. Skønnet over, om der i det enkelte borgerinitiativ er "et betydeligt antal medlemsstater" må overlades til Kommissionen, med mulighed for domstolskontrol, hvis skønnet anvendes for indskrænkende.

På side 6 i grønbogen spørger Kommissionen, om 0,2 % af den samlede befolkning i den enkelte medlemsstat er et rimeligt krav.

FA mener, det er relevant at stille krav om, at en bestemt andel af hver enkelt medlemsstats befolkning er repræsenteret ved hvert borgerinitiativ. En grænse på 0,2 % er i denne sammenhæng for lav.

På side 6 spørger Kommissionen også, om minimumsalderen for at støtte et europæisk borgerinitiativ skal følge valgretsaldere i hver enkelt medlemsstat i forbindelse med valg til Europaparlamentet.

FA er enig i, at minimumsalderen bør følge de nationalt fastsatte valgretsaldere.

På side 7 spørger Kommissionen, om det vil være tilstrækkeligt og hensigtsmæssigt at kræve, at initiativet klart anfører genstanden for og formålet med det forslag, Kommissionen opfordres til at fremsætte.

FA mener, at det er afgørende, at et initiativ er klart begrundet og anfører genstand og formål med initiativet. Kommissionen bør forkaste initiativer, der ikke er klart begrundede.

På side 9 spørger Kommissionen, om der på EU-plan bør være fælles proceduremæssige krav til indsamling af underskrifter og medlemsstaternes myndigheders kontrol og attestering af underskrifterne, og om medlemsstaterne bør kunne indføre særlige nationale bestemmelser.

FA mener, at Kommissionen skal sikre, at de nationale kontrolforanstaltninger og attesteringer af underskrifterne er sikre og pålidelige.

Kommissionen spørger også, om der er behov for særlige procedurer, der sikrer, at EU-borgere kan støtte et borgerinitiativ, uanset hvilket land de har bopæl i, og om borgerne bør kunne støtte et borgerinitiativ over internettet.

FA er bekymret for, at en borger kan støtte et borgerinitiativ flere gange, hvis det både bliver muligt at underskrive initiativet med national kontrol, samt på en fælles EU-løsning og på internettet. Dette vil stille skærpede krav til den kontrol, Kommissionen skal sikre, at borgerinitiativerne opfylder traktatens krav.

På side 10 spørger Kommissionen, om der bør fastsættes en frist for indsamling af underskrifter, og om et år er for lang tid.

FA finder det naturligt at fastsætte en frist for indsamlingen af underskrifter. Den længste frist i en medlemsstat er 6 måneder. Derfor må en frist ikke være længere end 6 måneder.

På side 11 spørger Kommissionen, om det er nødvendigt at have en ordning, hvorefter der er pligt til at registrere foreslåede initiativer.

FA finder det påkrævet, at alle borgerinitiativer registreres. Det er nødvendigt for at fastslå datoen for start af indsamling af underskrifter, og for at sikre, at der ikke iværksættes flere parallelle borgerinitiativer om samme tema. Kommissionen er fysisk repræsenteret i alle medlemsstater, og derfor vil det være nærliggende, at borgerne kan henvende sig til Kommissionen i den medlemsstat, hvor de har bopæl.

På side 12 spørger Kommissionen, om der bør stilles krav over for organisatorer af et initiativ for at sikre åbenhed og demokratisk ansvar, samt om organisatorerne skal oplyse om den støtte og finansiering, de har modtaget til et initiativ.

FA finder, at det er afgørende nødvendigt at stille krav om åbenhed og demokratisk ansvar til borgerinitiativer. Borgerinitiativernes troværdighed afhænger af, at lovgiver er sikker på, at initiativet er ægte og repræsentativt. Derfor er det også nødvendigt at stille krav om, at organisatorerne skal oplyse om støtte og finansiering til initiativet.

Det er særligt vigtigt at sikre, at borgerinitiativer ikke bliver brugt til at afslutte fx en social dialog i utide, og således gennemtvinge lovgivning om emner, som de sociale parter har vist et ønske om at løse. En million borgere på EU-plan udgør ikke et repræsentativt grundlag, der svarer til det medlemsgrundlag, de europæiske sociale partnere har.

På side 13 spørger Kommissionen, om der bør fastsættes en frist for Kommissionens behandling af et borgerinitiativ.

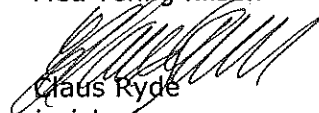
FA finder det naturligt, at der fastsættes en frist for, hvornår Kommissionen senest skal have taget stilling til, om et borgerinitiativ skal føre til EU-lovgivning. Borgerinitiativer, som Kommissionen ikke beslutter at lovgive på grundlag af, skal falde bort.

På side 13 spørger Kommissionen også, om det er hensigtsmæssigt at indføre regler til at forhindre, at et borgerinitiativ om det samme spørgsmål indgives gentagne gange, og om der skal indføres en form for afskrækkende faktorer eller tidsfrister.

FA mener, det er vigtigt, at Kommissionen sikrer, at der ikke registreres flere borgerinitiativer om samme tema, og at afviste temaer ikke kan registreres i en tid efter Kommissionens beslutning om ikke at fremsætte forslag om lovgivning på grundlag af et borgerinitiativ. Et borgerinitiativ må i øvrigt ikke føre til forslag om lovgivning om emner, de sociale partnere forhandler om, eller om emner medlemsstaterne og EU's institutioner forhandler regulering af.

Kopi af dette svar er sendt til det danske Udenrigsministerium på borgerinitiativ@um.dk

Med venlig hilsen


Claus Ryde
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Europa-Kommissionen
ECI-Consultation-registeredorganisation@ec.europa.eu

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27. januar 2010

Benedicte Federspiel
Dok. 90638/ps

Det europæiske borgerinitiativ

Europa-Kommissionen har sendt grønbog om det europæiske borgerinitiativ, KOM(2009)622 endelig, i generel høring.
Høringen er i Danmark udsendt via EU-specialudvalgene.

Forbrugerrådet har følgende kommentarer:

Overordnet er Forbrugerrådet enig i den besvarelse, som vores europæiske forbrugerorganisation BEUC har afgivet og skal udtrykke vores håb om, at det bliver et værdifuldt instrument til at inddrage borgerne i EU arbejdet.

Forbrugerrådet skal opfordre til, at Kommissionen ved udarbejdelsen af den kommende forordning tager hensyn til, at der er tale om en vigtig håndsækning til borgerne og arbejder for, at det tydeligt fremgår, at denne nye mulighed bliver et ægte tilbud og ikke kun symbolsk, samt at der skabes den størst mulige gennemsigtighed i processen.

Forbrugerrådet skal i det følgende kort redegøre for vores holdning til de enkelte spørgsmål.

1. *Minimum number of Member States from which citizens must come*

Forbrugerrådet finder, at tærsklen skal være lav, og at den foreslåede 1/3 er for restriktiv. 1/4 som foreslået af EU parlamentet, kunne være en mulighed, men da det drejer sig om at fremme den demokratiske proces, burde 5 lande være tilstrækkeligt. Under alle omstændigheder kunne man forestille sig, at dette antal revideres i lyset af den indhøstede erfaring. Dette synspunkt vil gælde for flere af de øvrige spørgsmål.

2. *Minimum number of signatures per Member State*

Der er lavere % i flere medlemsstater end de foreslåede 0,2 %, og Forbrugerrådet finder, at satsen ikke bør være under 0,1 %. Denne sats skal imidlertid ses i sammenhæng med spørgsmål 1.

3. *Eligibility to support a citizens' initiative – minimum age*

Forbrugerrådet er enig i forslaget om, at alderskravet følger retten til at stemme ved valg til Europa-parlamentet.

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4. *Form and wording of a citizens' initiative*

Forbrugerrådet finder, at det er tilstrækkeligt, såfremt emnet og hensigten med initiativet tydeligt fremgår.

5. *Requirements for the collection, verification and authentication of signatures*

Forbrugerrådet er enig i, at det er vigtigt, at der er mulighed for en til formålet passende kontrol af underskrifterne, dog således at der tages behørigt hensyn til national og international lovgivning vedrørende menneskerettigheder og databeskyttelse. I denne forbindelse forudsætter Forbrugerrådet, at Kommissionen vil bistå med at udarbejde passende IT redskaber til brug for disse indsamlinger af underskrifter.

6. *Time limit for the collection of signatures*

Forbrugerrådet finder, at tidsfristen ikke bør være under 18 måneder.

7. *Registration of proposed initiatives*

Forbrugerrådet støtter, at der sker en registrering af initiativerne både for at undgå overlapning og med henblik på, at Kommissionen proaktivt kan bistå med at henvise til lignende initiativer, som man evt. kan slå sig sammen med for at opnå større virkning. Kommissionen bør også offentliggøre en årlig oversigt over de indkomne forslag med angivelse af emner, antal af underskrifter og Kommissionens reaktion på initiativerne.

8. *Requirements for organizers – transparency and funding*

Gennemsigtighed og troværdighed er vigtige elementer i denne proces, og Forbrugerrådet skal henvise til de bevæggrunde, der ligger bag Kommissionens initiativ vedrørende gennemsigtighed. Som et minimum skal der, hvis der er tale om en organisation bag indsamlingen af underskrifter, gives oplysninger om de samlede resurser, ligesom det skal angives, om den, der står bag indsamlingen, er registreret i Kommissionens lobbyregister.

9. *Examination of citizens' initiatives by the Commission*

Forbrugerrådet finder, at en svarfrist på 2 måneder bør være tilstrækkelig.

10. *Initiatives on the same issue*

En besvarelse af dette spørgsmål dækkes af vores svar på spørgsmål 9.

Det fremgår ikke af spørgeskemaet hvad proceduren er, når et initiativ er blevet godkendt af Kommissionen, herunder indenfor hvilken tidsfrist Kommissionen skal reagere. Kommissionen bør udarbejde en begrundet tidstabel.

Forbrugerrådet skal opfordre Kommissionen til at overveje, om der også bør indtænkes økonomisk støtte til "svage", ikke-professionelle initiativtagere.

Med venlig hilsen

Vagn Jelsøe
Afdelingschef

Benedicte Federspiel
Chefkonsulent

Fra: Flemming Gjedde [fg@dfs.dk]
Sendt: 26. januar 2010 13:29
Til: 'ECI-Consultation@ec.europa.eu'
Cc: Borgerinitiativ; Henrik Chistensen (hc@dfs.dk)
Emne: Høringssvar til Kommissionens Grønbog om europæiske borgerinitiativer

Klassifikation: UKLASSIFICERET

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Høringssvar til Kommissionens Grønbog om europæiske borgerinitiativer Dansk Folkeoplysnings Samråd ser positivt på indførelsen af europæiske borgerinitiativer, hvor minimum en million borgere fra et betydeligt antal EU-medlemslande kan tage initiativ til at opfordre EU-kommissionen til at fremsætte et forslag om spørgsmål, hvor en EU-retsakt efter borgernes opfattelse er nødvendig til gennemførelse af traktaterne.

Vi finder at forslaget om at definere "et betydeligt antal" lande som en trediedel af det samlede antal medlemsstater er acceptabelt. Det må dog anses for at være det maksimale krav. Ligeledes finder vi, at EU-parlamentets forslag om en fjerdedel af medlemsstaterne må være et minimumskrav.

Til spørgsmålet om hvor mange borgere i hvert enkelt land, der minimum skal skrive under, finder vi at 0,2 % af landets befolkning måske er lidt lavt. Vi finder at 0,5 % vil være et bedre tal.

Minimumsalderen for at støtte et europæisk borgerinitiativ bør følge valgretsaldere ved valg til EU-parlamentet i den enkelte medlemsstat.

Det vil være tilstrækkeligt, at initiativer klart anfører genstanden for og formålet med det forslag, Kommissionen opfordres til at fremsætte.

Omkring krav til indsamling og kontrol af underskrifter og attestering af deres gyldighed kan vi støtte forslaget om at fastsætte en række grundlæggende bestemmelser på EU-niveau, herunder dels om visse mindstekrav til kontrol og attestering af gyldigheden af underskrifter, dels om forpligtelser for medlemsstaterne til at lette indsamlingsproceduren og fjerne unødvendigt strenge krav. Efter en sådan ordning ville medlemsstaterne kun kunne træffe yderligere foranstaltninger inden for rammerne af kravene på EU-niveau. Denne valgmulighed ville have den fordel, at den ville give medlemsstaterne en vis grad af fleksibilitet, samtidig med at den sikrede fælles træk i procedurerne overalt i EU.

Der bør være en frist for indsamling af underskrifter og vi kan støtte forslaget om en frist på et år.

Der bør være en pligt til at registrere foreslåede initiativer på en særlig internetside, stillet til rådighed af EU-kommissionen. Og det bør kræves af organisatorer, at de oplyser om den støtte og finansiering, de har modtaget til initiativet.

Angående Kommissionens behandling af borgerinitiativer kan vi støtte EU-parlamentets forslag om en totrins løsning, hvor Kommissionen får to måneder til at undersøge om et initiativ er repræsentativt og derefter yderligere tre måneder til at undersøge og træffe afgørelse om initiativets indhold.

Med venlig hilsen

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Med venlig hilsen

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