

EBI Reform: Angenommene Vorschläge des EU Parlaments und weitere Schritte

Am 28. Oktober 2015 stimmte das Europäische Parlament mit eindeutiger Mehrheit für die Resolution der Europäischen Bürgerinitiative (EBI). Die folgende Tabelle bietet eine Übersicht über jede einzelne Forderung, die Eingang in die Resolution gefunden hat. Sie zeigt auf, welche weiteren politischen Schritte notwendig sind und ob dabei das Gesetz der Europäischen Bürgerinitiative ("Regulierung") verändert werden muss.

Der endgültige Text des Europäischen Parlaments hat die Form einer „Resolution“, die dann an den Europäischen Rat, die Kommission sowie die Regierungen und die Parlamente der EU-Mitgliedsstaaten weitergereicht wurde.

Die Resolution hat allgemein zum Ziel, die Regeln zu vereinfachen und eine stärkere Inanspruchnahme des Instruments zu erreichen. Sie beinhaltet eine detaillierte Übersicht, wie die EBI reformiert werden kann. Seit dem Inkrafttreten der EBI, also seit dem 01. April 2012, hat die EU Kommission nur drei der insgesamt 56 eingereichten Initiativen beantwortet, und die EU-Kommission erklärte 20 Initiativen als unzulässig.

Zur Ausführung verlangen die Forderungen der Resolution bestimmte Schritte: Einige bedürfen einer Neuauflage des Gesetzes, das die Bestimmungen der EBI regelt („EU-Regulierung“), andere verlangen politisches Handeln bei den EU-Institutionen oder den EU-Mitgliedsstaaten.

Die folgende Tabelle (auf Englisch) bietet diese Übersicht. Zudem beinhaltet sie die Forderungen, die Democracy International zusätzlich gestellt hat.

ECI=European Citizens' Initiative, EP=European Parliament, COM=European Commission, MS=Member States

	Demands in EP Resolution	Action needed/revision required
1	Maximise communication efforts; public awareness; information campaigns on ECI (by COM and MS)	<ul style="list-style-type: none"> - No revision needed - EU budget line has been dedicated to the implementation of ECI (decided by EP and Council on 11/2015) - Information campaigns require political action by COM and MS
2	Guidance for ECI organisers via Europe Direct Contact Centres (and/or consider independent bodies or dedicated ECI offices in MS)	<ul style="list-style-type: none"> - No revision needed - Ought to be specified in Art. 4(1) (current wording: "COM shall establish a point of contact which provides information and assistance")
3	Detailed guidelines on interpretation of legal bases of ECIs during registration	<ul style="list-style-type: none"> - No revision needed - Ought to be added to Art. 4 regarding registration procedure
4	Transparency in admissibility check (due to potential conflict of interest in COM)	<ul style="list-style-type: none"> - No revision needed - Preamble 10 says "COM should deal with registration in accordance with the general principles of good administration" – needs proper implementation

5	Provide detailed reasons and possible remedies upon refusal to register ECIs (complaints have been made to Ombudsman that this has not been the case)	<ul style="list-style-type: none"> - No revision needed - Need proper implementation of Art. 4(3) to provide more detailed evidence and motivated arguments for refusal
6	Possibility to register only parts of ECIs	<ul style="list-style-type: none"> - Nothing mentioned in Regulation, but ought to be explicitly specified in Art. 4 regarding registration procedure
7	Make OCS software more user-friendly and make server available free of cost on permanent basis; Create an open-source OCS software for mobile devices	<ul style="list-style-type: none"> - No revision needed - Need modification in technical specifications of COM Implementing Regulation (on online collection system), e.g. to allow collection of email addresses - COM must develop mobile version of OCS
8	Flexibility of starting date of 12-month signature collection period after registration of ECI	<ul style="list-style-type: none"> - Need revision of Preamble 17 and Art 5(4) to let ECI organisers choose their launch date (current wording: "...time limit should not be longer than 12 months from date of registration")
9	MS should use a certain validation tool to certify signatures (ECI Validation Tool for Statements of Support, developed under the Interoperability Solutions for European Public Administrations programme)	<ul style="list-style-type: none"> - No revision needed - COM must pressure MS to use single validation procedure - Could be further specified in Art. 8(2) to clarify use of single tool (current wording: "The competent authorities shall... verify the statements of support submitted on the basis of appropriate checks, in accordance with national law and practice, as appropriate")
10	Use of IT tools, new social and digital media	<ul style="list-style-type: none"> - No revision needed
11	EECS will provide free translations	<ul style="list-style-type: none"> - No revision needed - COM website on registration guidelines already specifies translation service offered by EESC
12	Multilingual COM website (including information for ECI organisers on rights and obligations, procedure, etc)	<ul style="list-style-type: none"> - No revision needed
13	One-stop-shop (online and physical)	<ul style="list-style-type: none"> - No revision needed - Could be clarified in Art. 4(1) (current wording: "COM shall establish a point of contact which provides information and assistance")
14	Harmonise personal data requirements (pressure MS to reduce data requirements, eliminate IDs, more user-friendliness)	<ul style="list-style-type: none"> - Requires revision to Art. 6 and modification in Annex III to establish a simplified single statement of support form (current wording in Regulation: "The models for the statement of support forms may be adapted for the purpose of the online collection") - COM must pressure MS to simplify and harmonise data requirements
15	Explore EU digital citizenship	<ul style="list-style-type: none"> - No revision needed (Regulation allows the use of electronic signatures, however is not designed to make best use of it) - Requires coordination of MS regarding national legal frameworks and use of e-IDs

16	Lower the voting age to 16, not tied to EP elections	- Need revision of Preamble 7 and Art. 3(4) (current wording: "signatories ... shall be of the age to be entitled to vote in elections to the EP")
17	Clarify that personal liability of organisers is not unlimited (e.g. citizens committees can acquire legal personality and/or organisers are only liable for unlawful acts or in cases of serious negligence)	- Need revision of Art. 13 (current wording: "Organisers shall be liable for any damage they cause in the organisation of an ECI")
18	National authorities should inform national parliaments of ongoing ECIs	- No revision needed
19	Guarantee that citizens can sign in country of residence (IE and UK nationals residing in BG, FR, AT, CZ and PT are excluded)	- No revision needed - Need proper implementation of Preamble 3 ("...ensure that citizens ...are subject to similar conditions for supporting a ECI regardless of the MS from which they come") - Need modification of Annex III (COM can do this via delegated act) - Ought to be specified in Art. 3(4) on eligibility to support ECIs
20	Proper follow-up to a successful ECI (legal act within 12 months after issuing a positive opinion), EP explicitly calls for revision of Regulation to ensure this	- Need revision of Art. 10(c) and Preamble 20 on procedure for examination of ECI
21	Public hearing to be organised by neutral committee in EP and external experts must be invited	- No revision needed - Need change to EP Rules of Procedure to clarify aim and structure of the hearing
22	EP proposal if COM fails to put forward legislative proposal within 12 months	- No revision needed - Need change to EP Rules of Procedure
23	Consider financial support for organisation of ECI and promotional media programmes	- No revision needed - EU budget line has been dedicated to the implementation of the ECI (decided by EP and Council 11/2015)
24	Increase transparency and quality checks of funding of ECIs	- No revision needed - Need proper implementation of Art. 4(1) (organisers must regularly update information on support and funding) and Art. 9 (ECIs must include this information when submitting a successful ECI) - COM could do regular random checks on ECI's transparency obligations

Additional demands of DI (not included in EP Resolution)

1	Allow ECIs to propose Treaty amendments	- Revision of Preamble 1 of Regulation ought to clarify that a "legal act" may also imply EU primary law (currently no explicit exclusion) - Await upcoming judgements of General Court of the EU
2	A first public hearing in the EP should be held if an ECI reaches 200,000 signatures within the first six months	- No revision needed - Need change to EP Rules of Procedure
3	The ECI must be debated and voted on by the EP in full plenum	- No revision needed - Need change to EP Rules of Procedure