

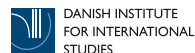


Think Global – Act European

The Contribution of 14 European Think Tanks to the Spanish, Belgian and Hungarian Trio Presidency of the European Union

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EUROPEAN POLITICAL SPACE

Citizens' Europe: How to Re-Engage the 'European Political Public?'

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In June 2009 European citizens voted in the 7th direct elections to the European Parliament (EP). What really happened on that election night? Why a year later do very few people remember the debate of spring 2009 and the alarming prognosis of the lowest ever turnout? The June 2009 elections presented European decision-makers with two main messages. First, the turnout was the lowest in the history of the EU. 43% does not wholly undermine the legitimacy of the European project, but it sounds an alarm bell that action needs to be taken to reverse a 30-year trend. To correctly identify the necessary action it needs to be understood that the declining participation rate in EU elections does not prove that there is disappointment with the European project. Declining turnout proves that there is a growing lack of interest on the part of the European electorate with the European political class (turnouts in national elections are also decreasing).

The second message is equally significant. The party balance has shifted radically towards the conservative parties. This fact has already impacted the way the Parliament takes decisions, as seen with the elections of the European Commission president last summer and autumn. What is most striking in the results is that the geographical distribution of the election results was more unified than ever before in the history of Europe. Cross-border cohesion, in terms of turnout as well as results for leading right-wing and left-wing parties, has increased radically. In a way, in a situation where there were simultaneous elections in all EU member states rather than a one pan-European vote, and where national campaigns were run by national actors, the message sent by the peoples of Europe was clear: they trusted the conservative politicians to lead the way out of the crisis, regardless of whether they already held office nationally (i.e. in France or Poland), or whether they were in opposition (i.e. in the UK and Spain). If these trends continue in years to come, it may mean that in June 2009 we witnessed the emergence of a European 'political public' – one where people in their national contexts, asked by national politicians, give a pan-European answer.

The EP election results gave a new legitimacy to the centre-right majority in the Parliament. The domination of the ex-European People's Party-European Democrats (EPP-ED)

group (now in two groups, EPP and ECR) could challenge the conservative-socialist *ad hoc* coalition, as it existed over the past decade. We have seen the first examples of a coalition composed of the conservative groups and the liberal formation. More importantly, the issue of the legitimacy of conservative or conservative-liberal (rather than grand coalition) political choices has been removed, since the national party members of the ex-EPP-ED group won in 18 member states, including all the six largest ones. It was not legitimate (or possible) in 2004 to elect a conservative-dominated Commission, as the electorates of France, Italy, Spain and many smaller nations gave priority to social-democratic parties. In 2009 this problem was averted in a concerted vote by the European public. In this way, a major legitimacy obstacle for the further partisan politicisation of the European decision-making has been overcome. The appointments in the new European Commission suggest that enhanced politicisation took place in this institution too.

What we have seen since the elections is indeed a much greater partisan politicisation than ever before. The new European Commission can no longer claim to be a purely bureaucratic, politically balanced body if a majority of the Commissioners are conservative, and the number of left-wing Commissioners is equal to the number of liberal Commissioners. The new European Commission is therefore a conservative dominated body; and this reflects not only the majorities in the European Council and the European Parliament, but also the political choice made by Europeans.

There is a significant problem with the established European political public: its fragility. For this reason, together with falling interest and falling participation rates, there is a growing need for action. What can the Trio Presidency do to engage the European political public? The obvious first task is to fully and correctly implement the Lisbon Treaty. Among the most important institutional innovations is the citizens' initiative. This provision can help engage European citizens with the European project; in particular it can help mobilise civil society and strengthen the pan-European debate on European policies.

In November 2009 the European Commission published a Green Paper. In the consultation process it asked for feedback on ten issues:

1. Minimum number of member states from which citizens must come;
2. Minimum number of signatures per member state;
3. Eligibility to support a citizens' initiative – minimum age;
4. Form and wording of a citizens' initiative;
5. Requirements for the collection, verification and authentication of signatures;
6. Time limit for the collection of signatures;
7. Registration of proposed initiatives;
8. Requirements for organisers – transparency and funding;
9. Examination of citizens' initiatives by the Commission;
10. Initiatives on the same issue.

The process initiated with the Green Paper will end with a new law organising not only how the citizens' initiatives should be collected, but also what citizens' initiatives are in the political sense. From this perspective, there is a major missing link in the Commission's Green Paper consultation process, one which possibly will be missing in the implementing legislation. This concerns the Commission's response. In the Green Paper the Commission asks one question on the issue: "should a time limit be foreseen for the Commission to examine a citizens' initiative?"

The answer to the question cannot be full, because it does not concern the timing alone. It also concerns the Commission's proper reply. In the Green Paper, it said the following: "during this period the Commission would assess both the admissibility of an initiative – i.e. whether the initiative falls within the framework of its powers – and whether the substance of the initiative merits further action from its side. Once the Commission has examined an initiative, its intention would be to set out its conclusions in relation to the action it envisages in a communication which would be made publicly available and notified to the European Parliament and the Council. The action envisaged in the communication may include, as appropriate, the need to carry out studies and impact assessments in view of possible policy proposals" (COM(2009)622/3).

It is therefore clear that the first stage is the proposal's admissibility. Once the proposal is admissible, the outlined procedure would begin and be finalised with a communication, perhaps leading to a change in policy legislation.

That is all very noble, but what would happen if the proposal is considered inadmissible? If this is the case, the citizens' initiatives should not end in a bin. Such a response by the Commission, without due explanation, would actually risk further alienating millions of citizens from the European project. Every single citizens' initiative means that there is a societal problem that calls for an action by a public institution. Therefore a simple reply to the effect of 'this is outside of EU competences' is far from enough. If the Commission rejects the motion and has no legal power to initiate legislative process on the proposal in the given initiative, then it should do two things. First, it should say who has the powers to address the problem in question; and second, it should commit itself to monitoring how the process develops and report on it.

There should be also a role for the European Parliament in the process. The chamber should be the 'guardian' of citizens' initiatives and follow up on them with the European Commission. In the event that the Parliament feels that the Commission has not done everything possible to address a specific issue, it should reserve a right to call on a responsible Commissioner to give an explanation to the Parliament on the issue.

In political terms, the citizens' initiative should be treated by the European Commission in a similar way as it approached the Parliament's requests to "submit any appropriate

proposal[s]” (current Article 225 TFEU) and the European Council’s invitations to address issues it considers important. In this way the EU’s decision-making process would distinguish between the formal exclusive competence of the Commission to initiate legislative process (with a few Lisbon Treaty exceptions) and a ‘political’ right of initiative. This political right of initiative would then belong on an equal basis to the European Commission, European Council, European Parliament and organised civil society (through the citizens’ initiative).

The Spanish-Belgian-Hungarian Trio Presidency will not have sole responsibility for the correct implementation of the citizens’ initiative. It will be the first task during the first half of the 18-month cycle. In the second half, the real life tests will come: how are the citizens’ initiatives to be dealt with by the Commission? Will they be given appropriate attention? It will be the rotating presidency’s task also to monitor on an ongoing basis the application of the citizens’ initiative law. If there should be a review clause in the system, then the rotating presidency should examine the issue.