



DRAFTING A EUROPEAN CITIZENS' INITIATIVE: HIGHLIGHTS FROM WEBINARS

This document gathers the main recommendations on drafting a European Citizens' Initiative shared during the webinars of the European Citizens' Initiative Forum. The recommendations are grouped by topics and are retrieved from the following two webinars:

- [Legal advice when drafting a European citizens' initiative - European Citizens' Initiative Forum Webinar 2019](#)
- [Legal advice on drafting a European Citizens' Initiative European Citizens' Initiative Forum Webinar 2020](#)

Key takeaways

1. Changing EU law will only be achieved by a legal act. So, when drafting an initiative, organisers should think more as a lawyer rather than an activist.
2. Organisers have to know exactly what they want to achieve with their initiative and have to make it very clear in the draft. They should be very precise in their legal drafting and avoid too general titles or subject matters.
3. References to EU Treaties articles always depend on the field of action that organisers want to pursue. Organisers have to make sure that the policy field in which they want to see change is mentioned in their initiative. This will also facilitate the referencing to respective legal provisions.
4. Organisers must state in their initiative what exactly they want the European Commission to do. It is important to understand which steps they ask the European Commission to take based on their initiative.

Further relevant points

EU competences

- Organisers must take into account the competences of the EU. For this, organisers should (1) look at the subject matter (e.g. social, environment, labour, tax), (2) understand who is competent (EU or Member States) and (3) understand what kind of EU competence it is (if any).
- Organisers could consider proposing a minimal change of EU law only. With this approach, organisers can also claim towards the European Commission that they only ask for a small legislative change – this could be of help.

'Seek Advice' at the European Citizens' Initiative Forum

- The goal of the legal experts behind the 'Seek Advice' service is to ensure that the request made in an initiative is clear enough and well-structured. This maximises the chance to go through the process of registration.
- The 'Seek Advice' team can make sure that the draft text of an initiative complies with the legal criteria and does not comment on its content.



Legal references

- It is always good to reference the Articles 289 and 294 of the TFEU because they give the power to the Commission to propose legislation. Mentioning other articles depends on the field where the organisers want to trigger legislative action. It could be good to provide a range of different articles.
- If organisers refer to Treaty articles, they should explain their choice of provision (e.g. in the annex). This makes it easier for the European Commission to assess the registration.
- The European Commission has the possibility to register initiatives, even if organisers failed to provide the correct provisions.
- Article 288 of the TFEU is always a good starting point to understand a legal act.

Practical information when submitting a European citizens' initiative

- It is mandatory to provide the following information when submitting an initiative: language of the initiative, title of the initiative, objectives of the initiative, provisions of the EU Treaties considered relevant for the proposed action (article or broad reference).
- If the topic is very technical, an annex can be a good way to further clarify the initiative's objectives.
- Organisers can consider drafting both a short version and a long version of the title of an initiative.

Process

- It is possible to create a legal entity to run the initiative, in accordance with the national law of a Member State. This entity would have the purpose of managing the respective initiative.
- Once organisers ask for an initiative to be registered, the European Commission will assess whether or not it is accepted. The European Commission will provide an answer within 2 months.
- The Commission may also decide to partially register an initiative.
- The Commission will provide the translation of the content of the initiative.
- The most common mistakes made by organisers are: (1) mixing too many aspects in their demand. It is important to not merge different ideas into one initiative. (2) Not being aware of the competencies of the EU. Organisers have to make sure that the EU has actually the right to legislate in the field of their demand. (3) Not checking whether or not the Commission has the power to propose a legal act on the specific issue that the proposed initiative seeks to address.