

CITIZENS' PARTICIPATION IN EU DECISION MAKING: THE PROVISIONS OF THE LISBON TREATY?

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As the European Union has enlarged in terms of its membership, and expanded in terms of its competences, the idea of direct citizen participation in European policy-making has become both more important and more difficult. Given that many decisions are being taken at a level directly affecting over 500 million persons, and that EU institutional arrangements are so complex, **is it really possible that citizens can become effectively engaged in EU decision-making?**¹

The Lisbon Treaty adopted in 2009 is, according to its preamble, the latest stage in 'enhancing the efficiency and democratic legitimacy of the Union and [...] improving the coherence of its action'. According to the European Commission² this treaty puts the citizen back at the heart of the European Union (EU) and its institutions. It aims to revive the citizen's interest in the EU and its achievements, which sometimes appear too remote. One objective of the treaty is to promote European democracy which offers citizens the opportunity to take an interest in and participate in the functioning and development of the EU.

RECOGNITION OF CITIZENS IN THE TREATIES

The Treaty of Lisbon introduced a new article in which **it fully recognises European citizenship**. **Article 10** of the Treaty on EU³ provides that citizens are directly represented at institutional level by the European Parliament. The article adds that this representative democracy is one of the foundations of the EU. Such recognition does not give citizens new rights but it does have strong symbolic value in that it enshrines the principle of European citizenship in the founding treaties.

Article 10 also establishes a principle of proximity which provides that decisions must be taken as closely as possible to the citizens. This principle applies especially in the implementation of competences within the EU. This implementation should involve national and local administrations as effectively as possible, so as to bring the EU closer to its citizens.

A UNION MORE ACCESSIBLE TO CITIZENS

The EU is often dismissed as a body with complex structures and procedures. The treaty clarifies the functioning of the EU in order to **improve citizens' understanding** of it. The vast numbers of legislative procedures are now giving way to a standard procedure and special

¹ More information: [Citizen Involvement in EU Policies -Impossible Dream or Work in Progress?](#)

² More information: http://europa.eu/legislation_summaries/institutional_affairs/treaties/lisbon_treaty/ai0021_en.htm

³ Treaty on European Union: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF>

legislative procedures detailed on a case by case basis. In the same context, the treaty improves the transparency of work within the EU. It extends to the Council the principle of public conduct of proceedings, which is already applied within the European Parliament. Moreover, this greater transparency will result in better information for citizens about the content of legislative proceedings.

REPRESENTATION AT INSTITUTIONAL LEVEL

The treaty also greatly strengthens the powers of the European Parliament. The most significant changes include:

- the strengthening of legislative power: the ordinary legislative procedure, in which the Parliament has the same powers as the Council, is extended to new policy areas;
- a greater role at international level: the Parliament shall approve international agreements in the fields covered by the ordinary legislative procedure;
- the strengthening of budgetary power: the Parliament is henceforth placed on an equal footing with the Council in the procedure for adopting the EU's annual budget.

Moreover, the treaty enhances the role of national parliaments in the EU. The latter are also able to defend the views of citizens within the EU. More specifically, national parliaments must henceforth ensure the proper application of the principle of subsidiarity. In this respect, they are able to intervene in the ordinary legislative procedure and have a right of referral to the Court of Justice of the EU.

EU CITIZENS' INITIATIVE

The treaty establishes a right of citizens' initiative for the first time, introduced by **Article 11** of the Treaty on EU: **not less than one million European nationals may invite the Commission to submit a proposal on a specific matter**. This provision expresses the EU's wish to involve its citizens in European projects and in the taking of decisions that concern them. Such a right is subject to several conditions. The minimum threshold of one million citizens may seem high at first sight. However, it is relatively easy to achieve in a European population approaching half a billion inhabitants and through the use of new communications technologies. Article 11 also provides that the signatory citizens should come from a significant number of Member States, in order to avoid the defence of essentially national interests.

Moreover, the right of citizens' initiative does not take away the initiative monopoly of the European Commission. The latter remains free to act, or not to act, on the initiative proposed by European citizens. If the initiative gives rise to a legislative proposal, the act will be adopted by the Council and the European Parliament in accordance with the ordinary legislative procedure or a special legislative procedure.

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

The Treaty of Lisbon has shaped a vast institutional reform that mainly concerns the European Council, the Commission, the Council, the Parliament and the Court of Justice. To a lesser extent, the treaty also makes a number of changes relating to the composition and functioning of the EU's two advisory committees: European Economic and Social Committee and the Committee of the Regions⁴.

Regarding the EESC, that **brings together social partners and civil society representatives**, is composed of 350 seats for Member States. The distribution of these seats between Member States is no longer included in the treaty, as was the case previously. As it is required to do henceforth for the distribution of seats in the Parliament, the Council unanimously adopts a decision laying down rules on the composition of the Committee. Moreover, the treaty extends the term of office of members of the Committee from 4 to 5 years, bringing it into line with that of members of the Commission and the Parliament. Consequently, the Committee chairman and officers will now be elected by their peers for two and a half years rather than for two years. As part of its advisory role, the Economic and Social Committee may henceforth issue opinions following a referral from the European Parliament.

EUROPEAN ELECTIONS 2014

On way of influencing EU decision making processes, related to the provision of the treaty, is the participation in the elections to the European Parliament, which will be held in all member states of the European Union (EU) **between 22 and 25 May 2014**, as decided unanimously by a decision the Council of the European Union⁵. It will be the eighth Europe-wide election to the European Parliament since the first direct elections in 1979.

One novelty in these elections are the **candidates for Commission president**. The treaty also provides that the European Parliament shall elect the European Commission president, head of the "EU Executive", on the basis of a proposal made by the European Council taking into account the European elections (article 17, paragraph 7 of the TEU). This provision will apply for the first time for the 2014 elections. Basing on these new provisions, at least six European political parties have officially committed to designate their frontrunners and nominees for Commission president ahead of the 2014 election: the Party of European Socialists (PES), the European People's Party (EPP), the Alliance of Liberals and Democrats for Europe Party (ALDE party), the European Green Party (EGP), the Party of European Left (EL) and the European Democratic Party. A live television debate between candidates for the presidency of the European Commission will take place on 14 May.

⁴ More information: http://europa.eu/legislation_summaries/institutional_affairs/treaties/lisbon_treaty/ai0011_en.htm

⁵ More information: [COUNCIL DECISION 2013/299/EU, Euratom of 14 June 2013 fixing the period for the eighth election of representatives to the European Parliament by direct universal suffrage](#), published on 21 June 2013 by the Official Journal of the European Union, L 169/69

EUROPEAN YEAR OF CITIZENS 2013

2013 was the European Year of Citizens. This year's purpose⁶ was dedicated to the rights that come with EU citizenship. During this year, the European Institutions encouraged dialogue between all levels of government, civil society and business at events and conferences around Europe to discuss those EU rights and build a vision of how the EU should be in 2020.

In conjunction with the year, Sixty-two European networks of associations and non-governmental organisations backed by coalitions at the national level joined forces to form the **European Year of Citizens Alliance 2013**⁷ (EYCA) with the aim of engaging civil society in a broad debate on what European citizenship means today, identifying the challenges ahead and formulating solutions.

Manifesto European Year of Citizens Alliance 2013⁸

For us, active citizenship means primarily active involvement of citizens as participation in the life of their communities, and thus in democracy, in terms of activity and decision-making. Active Citizenship is more than giving to charity, voting at elections or volunteering. Definitions of participation that focus on political participation or a narrow understanding of volunteering fail to capture the diversity of people's engagement across Europe. To give active European citizenship its full meaning and scope, and to help downsize the gap between citizens and the EU institutions, it is necessary to take account of the new prospects opened up by Article 11 of the Treaty on the European Union for citizens' participation in the democratic life of the European Union.

For us, active citizenship is:

- a democratic citizenship which is based on citizens' legal status and includes all aspects of life in a democratic society relating to a vast range of topics such as, inter alia, education, culture, sustainable development, non discrimination, inclusion of ethnic minorities, participation in society of people with disabilities, gender equality including the equal representation of women and men in decision making, etc;
- a democratic citizenship which guarantees that citizens have a say in the EU policy-shaping and decision-making processes by electing their representatives to the European Parliament. With the prospect of the upcoming elections in 2014 and at a time when we are facing an ever growing gap between the European Union and its citizens, as confirmed by the turnout in the latest European elections and by surveys which repeatedly show citizens' lack of awareness of European citizenship and identity, the stakes could not be higher;
- a democratic citizenship which implies that European institutions enjoy public confidence and can secure active involvement of citizens and organised civil society players in the decision-making processes at all levels, from local and national to European one; therefore, the adoption of an inter-institutional agreement for a structured framework for

⁶ More information: <http://europa.eu/citizens-2013/>

⁷ More information: <http://ey2013-alliance.eu/>

⁸ More information: http://ey2013-alliance.eu/wp-content/uploads/2013/03/eyca2013_manifesto-en_GB.pdf

European civil dialogue would give a permanent practical substance to such an active and participatory citizenship alongside with the provisions of the Lisbon Treaty, besides the European Citizens' Initiative.

- a democratic citizenship which performance must also operate at Member States' level, so that the structures for citizens' engagement are accessible and form part of every citizen's experience. While benefiting of their rights and taking their responsibilities, EU citizens as well as all residents from acceding, candidate countries and beyond, should be fully involved in the activities of the EY2013 that should foster their involvement in local governance issues, through enhancing cooperation also with local authorities as one of the main stakeholders of the EY2013;
- a democratic citizenship that guarantees that all citizens can participate in the life of their communities and the shaping of public policies, including the most disadvantaged groups which are more than often the most remote from the European building process. One cannot exercise her/his civic and political citizenship rights unless in capacity to enjoy the social and economic citizenship rights and the European Union should not miss out the contribution of the most disadvantaged

In order for citizens to engage with policy development, effective mechanisms need to be put in place to provide diversified and objective information and education for citizens. The capacity of local groups and organised civil society to engage both with citizens and institutions also needs to be developed. This capacity-building would be a major pillar of citizens' empowerment as is the direct approach of the Citizens' Initiative and would promote more engagement in the European project. Internet and the development of social networks provide new tools through which and places where people, especially young people, gather and act across borders.

Such an approach meets the expectations of the EYC2013 Alliance members who represent major stakeholders from organised civil society, standing for citizens' concerns and voicing citizens' opinions in a wide range of European policy areas.

RECOMMENDATIONS TO STRENGTHEN EU CITIZENSHIP

One of the main aims of this wide cross-sector and transnational network is to ensure that active citizenship is understood as a lasting cross-cutting theme in European public policies. After a year of reflections and consultations, the EYCA presented its key proposals for the reinforcement and enhancement of active citizenship in Europe in the document "It's about us, it's about Europe! Towards Democratic European Citizenship"⁹.

These proposals aim to regenerate the European project by bringing back citizens, solidarity, equality, fairness and vision to where they should be: at the heart of Europe. This implies a shift from a dominant approach of regarding citizens as individual-consumers to an approach of a

⁹ Full text: <http://www.scribd.com/doc/188924389/It-s-about-Us-It-s-about-Europe-Towards-Democratic-European-Citizenship>

citizenship that both respects individual aspirations and takes into account collective needs for a shared future.

- **Strengthening solidarity among European Member States and European citizens**

To ensure solidarity between EU Member States, we urge EU institutions to move towards a growth model with people at its heart whilst accommodating the need for fiscal consolidation to link economic performances with the realisation of social progress towards active inclusion and empowerment. Therefore, we support all measures promoted by the EU and its Member States which allow European citizens to have more control of the economic and financial world and to create an environment where markets conform to democratic rules and not vice versa.

To restore citizens' trust in a Union willing to and in capacity of replying to their needs, we urge EU institutions to ensure the equal access to economic and social rights by harmonising upward social policies, promoting universal access to social services and adequate safety nets and ask Member States to ensure social cohesion and address the social impact of the economic crisis by supporting a fair and equal redistribution of wealth and prosperity through progressive taxation.

- **Ensuring learning opportunities for all**

The EYCA urges EU institutions to promote equal and effective access for all to the right to education and vocational and continuing training, including the possibility of receiving free compulsory education as foreseen in the Charter of Fundamental Rights of the European Union (art.14).

- **Promoting an inclusive and fair labour market**

Equal opportunities in the labour markets should be offered to all, ensuring that citizens' right to work is respected without any form of discrimination. In this respect Member States are requested to fully implement the Employment Equality Directive (Council Directive 2000/78/EC) prohibiting discrimination on the grounds of religion or belief, disability, age or sexual orientation in the area of employment. Member states are also urged to immediately implement the Youth Guarantee.

- **Guaranteeing citizens' enjoyment of their cultural rights**

Member States should foster equal access for all citizens, including those who are vulnerable, marginalised and excluded, to cultural resources, venues and activities and should enhance opportunities to recognise one's own and others' heritage and to learn from it, as well as to develop one's creative skills and take part in individual and collective cultural practices.

- **Reinforcing participative democracy in Europe**

Two years after the introduction of the European citizens' initiative it has not yet realised its full potential. The European Commission should thus revise the rules of the ECIs whilst ensuring that ECIs respect the values and fundamental rights enshrined in the Preamble

and first articles of the Lisbon Treaty, the Charter of Fundamental Rights of the European Union and the, European Convention on Human Rights* (of which the EU should become a member). EU institutions and Member States should ensure that civil society organisations are involved on an equal footing with other stakeholders at all levels of decision-making.

- **Ensuring the access to economic and social rights**

Too many citizens are still prevented from being and feeling included in society due to lacking respect of their social and economic rights. Thus we consider the equal access to economic and social rights as a pre-requisite of active inclusion and participative citizenship.

- **Ensuring equality and non-discrimination on the whole EU territory**

Notwithstanding the existence of various European directives aiming at ensuring equality and non-discrimination in the EU, the rights of vulnerable, marginalised and excluded groups remain far from being ensured at the national level due to a lack of commitment or reluctance from certain Member States to ratify or implement existing EU legislative framework. We thus urge EU institutions to take fully into account in the development of all legislation and policies the non-discrimination clause of the Lisbon Treaty and to adopt a common and coherent non-discrimination strategy to promote inclusive citizenship in a holistic manner.

- **Guaranteeing access to public administration and justice**

EU and national authorities should ensure that the right to good administration and the right of access to documents, as guaranteed by Article 41 and article 42 of the Charter of Fundamental Rights of the European Union, are realised in practice and that all residents, including vulnerable, marginalised and excluded groups and new residents, are made aware of their rights and enabled to challenge improper decision-making processes and outcomes they are confronted with.

All residents, including vulnerable, marginalised and excluded groups, should be able to enjoy their basic human rights and have access to justice and legal aid when their human rights are violated.

- **Enhancing the right to free movement**

EU institutions and Member States should take all appropriate measures to ensure that all EU residents, in particular vulnerable, marginalised and excluded ones are able to enjoy on an equal basis with others their right to free movement in the European Union and the right to be included in mobility and cooperation actions programmes.

EU institutions, Members States and other relevant stakeholders should take all appropriate measures to ensure just and favourable conditions of residence and work and an equitable standard of living for third country nationals residing and working in the European Union.

EU institutions and Member States should reform existing legislation and policy regarding entry, including EU asylum system, and residence in order to ensure the proper

implementation of the international, regional and Community human rights obligations for all residents.

- **Promoting the European project and the value of democracy through formal and non formal education**

Citizenship education is an opportunity for positive change and a crucial tool in developing democracies. EU institutions and Member States should thus ensure that European citizenship and civic education are promoted in both formal and non-formal education, notably by adopting common programmes, taught from primary school level and targeted at promoting the multicultural diversity which exists in Europe.

EU institutions and Member States should ensure that Europe's cultural and linguistic diversity is promoted and that negative stereotyping of vulnerable, marginalised and excluded groups are prevented and combated.

- **Recognising the role and contribution of civil society for democracy**

EU institutions should acknowledge and support the role of volunteer and civil society organisations in bridging the gap between the EU and its citizens by supporting and recognising the role that non-governmental and volunteering organisations working on youth policies, elderly policies, children rights, social aspects, gender equality, disability sector are playing to achieve a more inclusive society and to foster active citizenship through people's empowerment, both on local and European level.

EU institutions and Member States should commit to the independent functioning and sustainability of civil society organisations, in particular in period of crisis.

- **Building a constructive civil dialogue in Europe**

Civil dialogue in Europe should be actively supported and implemented by relevant stakeholders (European Commission, national and regional authorities, etc.) at all levels of decision-making in order to ensure that citizens' are concretely, effectively and sustainably involved in the European democratic functioning.

The European institutions should adopt the Statute for European Associations and the Statute for European Foundations to ensure higher recognition, visibility and legitimacy of civil society.