

Direct democracy and the EU citizens' initiative: a paper tiger that never bites?

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1. Introduction: European citizenship and democratic rights

Democracy in the European Union and EU citizenship go a long way back, sometimes in conflict, but mostly strengthening each other. Already back in 1974, before the formal establishment of EU citizenship in the Treaty, the European Parliament adopted a resolution to grant special rights to EU citizens, in which it pleaded to grant civil and political rights, such as electoral and residency rights, to nationals of the Member States.¹ In 1991 the Spanish delegation proposed in the Intergovernmental Conference to create a formal concept of EU citizenship in the Treaty. The delegation also emphasised the need of mechanisms to protect the special citizens' rights in Europe. The link between political rights and EU citizenship was also made by the Council, when it stated: "Although the elections to the European Parliament by direct universal suffrage certainly represent the most obvious evidence of the Europe of the citizen, further efforts have been made to make the reality of the construction of Europe felt in the daily life of individuals."²

In the Treaty of Maastricht, in 1993, EU citizenship was introduced formally as a legal concept of EU law. Connected to that EU citizenship, specific political rights were granted, such as the right to vote and stand as a candidate in another Member State at European and municipal elections. Much more recently, with the Treaty of Lisbon, in 2009, a new political right for EU citizens was created, the European citizens' initiative, enshrined in Article 11 TEU.

Since its introduction the Citizens' initiative has been subject to criticism. At the moment only 4 EU citizens' initiatives were successfully registered, meaning they were registered at the website of the European Commission and they reached the threshold of 1 million signatures within one year. That does not mean that those 4 initiatives also led to EU legislation, as will be discussed below. That low success rate led to criticism from several angles. The European Parliament in March 2015 adopted a Resolution in which it called on the Commission 'to revise the wording of Article 10(c) of Regulation 211/2011 to allow proper follow-up to a successful ECI, including a parliamentary debate in plenary followed by a vote on the ECI'.³ It also called on the Commission to involve the European Parliament in the hearing of the initiatives.

After serious criticism, the European citizens' initiative is being reformed. This raises questions both about the effectiveness of the new citizens' initiative and its relation to parliamentary democracy.

In light of this edited volume, this contribution will ask the question on alternative forms of democracy and how effective these forms are. Does the EU citizens' initiative add to the existing framework of electoral rights for the citizens? And what

is actually the role of the European Parliament in such European Citizenship Initiative? Reflecting on forty years of direct elections for the Members of the European Parliament and ten years of the European Citizens Initiative, what did the past decade reveal on direct democracy as an added tool in the European Union?

2. Political rights of European citizens

As observed, to EU citizens' specific political rights were granted in the Treaties (and the Charter). Although the right to free movement (Article 21 TFEU) proved to be one of the most important rights for EU citizens, there are also important political rights. First and foremost, EU citizens have the right to vote and stand as a candidate for the elections of the European Parliament and in municipal elections on the same conditions as the nationals of the host Member State (Article 22 TFEU). In the case *Delvigne* the Court of Justice of the European Union (Court of Justice) qualified the right to vote for European elections as a fundamental right for European citizens, based on the Charter of Fundamental Rights (Article 39 Charter).⁴ Another important case on the electoral rights of EU citizens is the case of *Eman and Sevinger*⁵, where the Court of Justice ruled on the access to European elections in oversee territories, in case the Kingdom of the Netherlands. In another case, *Spain versus UK*, the electoral rights for non-nationals was ruled upon by the Court of Justice.⁶ These cases will not be discussed in detail, because the focus of this contribution is on another important political right: the European citizens' initiative.

In the European Union two concepts of democracy are included, both representative democracy and participatory democracy. The Constitutional Treaty of the European Union, which was never adopted in that form, actually referred to the term participatory democracy, but the Treaty of Lisbon does not have that explicit reference.⁷ Nevertheless, participatory democracy is implicitly present, of which the EU citizens' initiative is an example. Other forms of participatory or direct democracy can be mentioned as well, although it is a bit 'softer' in nature than the other political rights of European citizens. Since the Treaty of Lisbon entered into force in 2009, the Treaty refers to consultation of civil society as part of the democratic principles of the EU in Article 11 (1) TEU. That provision expresses that the EU institutions, by appropriate means, shall give citizens and representative associations the opportunity to make their views known in all areas of Union law. Article 11(2) TEU provides that the institutions of the EU maintain an open, transparent and regular dialogue between the institutions and civil society in the Treaty provisions.⁸ Article 11 (3) lays down an obligation for the European Commission to hold consultations with involved parties.

Finally, Article 11 (4) TEU introduced the EU citizens' initiative. According to that provision, 1 million signatures of EU citizens can put a legislative proposal on the

European Commissions' agenda. This form of direct, participatory democracy could be seen as a tool to foster citizen participation and to bring the EU closer to its citizens. It was introduced in the Lisbon Treaty as a response to continuous criticism regarding the EU's democratic deficit. Article 11(4) TEU refers to Article 24(1) TFEU, which provides that the EU legislature is competent to adopt measures on the procedures and conditions required for a citizens' initiative. The provision also grants the legal basis to establish the number of Member States the citizens' initiative has to come from. Article 24(1) TFEU therefore delegated the way the EU citizens' initiative was regulated and formed into the hands of the European legislature. After Lisbon, in March 2010, the Commission proposed on the basis of Article 24(1) TFEU a Regulation. At the end of 2010 Regulation No 211/2011⁹ was adopted by the European Parliament and the Council. Some amendments were made, for instance with regard to minimum number of Member States: whereas the European Commission proposed a one-third threshold, the adopted Regulation stated that at least one-quarter of the Member States should be involved.

According to the Regulation a minimum number of signatures is provided for each Member State, based on its Members in the European Parliament (Article 7 and Annex 1). The Commission has three months, after the initiative is registered, to examine the request, and has an obligation to state the reasons for its decision. According to Article 10 (3) of the Regulation, the European Commission set out in a communication its legal and political conclusions on the citizens' initiative, the action it intends to take, if any, and its reasons for taking or not taking that action. EU citizens involved have to be given the opportunity to present their proposal in a public hearing, when the initiative complies with the procedural rules (Article 11).

3. Criticism of the Citizens' Initiative

Although the EU citizens' initiative was seen as an important instrument to enhance the democratic legitimation of the EU, in addition to the other existing tools for representative democracy, it was criticised a lot as being window dressing rather than an effective tool for citizens to get their voice heard.¹⁰ Two features of the citizens' initiative compromise the effectiveness of the instrument: the legal admissibility test' and the non-binding nature of the citizens' initiative.

To submit a successful citizens' initiative, an initiative needs one million signatures of at least seven Member States. Prior to starting the collection of signatures, the organisers need to register their proposal on the Commission's website and satisfy different criteria. After the registration the organisers have one year to gather all the needed signatures. At the stage of registration, the 'legal admissibility test' comes in, meaning that the European Commission decides whether or not the initiative can be registered, which has been controversial and problematic. To make it more concrete, in 2018, 22 of the 48 European citizens' initiatives were rejected because they were

found legally inadmissible.

The legal admissibility test follows from Article 4 (2) of the Regulation, in which the conditions to register an initiative are being established. According to that provision an initiative will only be registered if: (1) the citizens' committee has been formed and the contact persons have been designated, (2) the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties, (3) the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious; and (4) the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Article 2 TEU. The second condition has been a main obstacle to organisers of an EU citizens' initiative to be registered.¹¹

Regulation 211/2011 has set this threshold of legal admissibility, in line with the division of powers. It is logical that the European Commission is not able to react positively on proposals that fall manifestly outside the scope of EU law - which poses also the question if there are subjects that fall outside the scope of EU competences, but not manifestly. However, the Commission should state its reason for refusing to register. But when the Commission does so, it must act in line with the regulation and use adequate reasoning, which is safeguarded by the Court.

Two important cases on the legal admissibility test show that the Court might annul a decision of the Commission because of insufficient or wrong argumentation.

*Minority Safepack*¹² is the first case, ruled in February 2017, in which a decision of the European Commission was annulled by the General Court, because of a lack of reasoning by the European Commission. In that case an EU citizens' initiative was submitted to urge 'the EU to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union'.¹³ The European Commission refused to register the initiative, which contained 11 specific proposals, because it would fall manifestly outside the scope of the competences of the EU. The General Court ruled in February 2017 that this decision not to register should be annulled, because the Commission did not state which of the eleven subproposals would fall manifestly outside the scope of EU competences, especially since the organisers did explicitly refer in their proposal to the relevant legal basis of each subproposal. The Commission held in its decision to refuse to register that it could not partially register an EU citizens' initiative, which was actually not rejected in the judgement of the General Court. Moreover, the General Court ruled that it should be possible for the organisers to have clear information on the dismissal, in light of future new EU citizens' initiatives. Failing to provide good reasoning constitutes an obstacle for organisers to resubmit parts of their proposal. After the judgement, the *Minority Safepack* initiative was actually partially registered by the Commission, on 9 of the 11 proposed actions.

In May 2017, the General Court annulled for the second time a decision of the Commission not to register an initiative in the case of *Stop TTIP*. In that case the General Court decided not only on procedural grounds, but it also went into the substantive reasoning of what would fall within or outside the scope of competences of the European Commission. The General Court also referred in that case to the EU citizens' initiative as 'an expression of the effective participation of citizens of the European Union in the democratic life thereof'.¹⁴ With the EU citizens initiative the organisers had two main goals: they wanted the European Commission to recommend the Council to cancel the negotiation mandate for the Transatlantic Trade and Investment Partnership (TTIP) with the United States of America and not conclude the Comprehensive Economic and Trade Agreement (CETA) with Canada. The proposal furthermore stressed that the organisers wanted to prevent 'the TTIP and the CETA because they contain[ed] several critical issues such as procedures for the resolution of disputes between investors and States and provisions on regulatory cooperation which threaten[ed] democracy and the rule of law ..., avoiding opaque negotiations leading to a weakening of the rules on employment protection, social protection, environmental protection, protection of private life and of consumers and preventing public services (for example, water supplies) and culture from being deregulated' and supporting 'a different trade and investment policy in [the European Union]'.¹⁵ The European Commission refused to register the proposal because it would fall manifestly outside the scope of its competences. This refusal was subject to the General Court assessment, which held that 'nothing justifies excluding from democratic debate legal acts seeking the withdrawal of a decision authorising the opening of negotiations with a view to concluding an international agreement, as well as acts whose object is to prevent the signing and conclusion of such an agreement, which, contrary to the Commission's contention, clearly produce independent legal effects by preventing, as the case may be, an announced modification of European Union law.'¹⁶ Therefore the General Court annulled the decision of the European Commission not to register the initiative.

Hence, even though the European Commission still enjoys some discretion to assess the legal admissibility, the General Court will not take the reasoning of the Commission lightly. The Commission should seriously explain a refusal to register and in some situations its reasoning might not be accepted.

A second point of criticism is the non-binding nature of the instrument. To date, there has only been one successful citizens' initiative, the proposal the 'Right2water', that has been followed up with legislation for increased water access and water quality.¹⁷ As a follow-up the European Commission proposed a Directive on the quality of water intended for human consumption¹⁸, but it also reformed an existing Directive on the quality of drinking water in Europe. The European Commission also

mentioned 'quality of water' as an aim in its work program in 2017.¹⁹ Other 'successful' initiatives have had cooler responses, such as the ban glyphosate initiative, that did in fact not lead to a ban of glyphosate, but did lead to legislation on more transparency in the scientific assessments of pesticides.²⁰

The lack of follow-up of citizens' initiatives by the Commission has been widely criticised. In that context, the General Court decided in the *One of Us* case that in any case, under Regulation 211/2011, the ultimate power to decide on citizens' initiatives lies with the Commission. In *One of Us*, the Commission's decided not to follow up the successful 'One of Us' citizens' initiative to end financing of activities involving the destruction of human embryos, even though the initiative had met all requirements. However, the General Court explained that the Commission has ultimate discretion on whether to execute a successful citizens' initiative or not. According to the General Court in *One of Us* the fact that the European Commission has a 'near-monopoly of legislative initiative'²¹ is grounded in Article 17(1) and Article 17 (3) TEU, and therefore Article 11(4) TEU needs to be interpreted in line with that competence of the European Commission. As Article 11(4) TEU literally provides that the European Commission can be 'invited' to submit a legislative proposal after a successful EU citizens' initiative, the General Court reasoned, the European Commission can not be obliged to initiate legislation.²² The Commission's ultimate discretion had already been implied in the 'Stop TTIP' case, but in *One of Us* the General Court insists very explicitly on this. As observed, it seems very logical to uphold the discretion for the European Commission to propose a legislative act, especially because the wording of Treaty provisions is very clear on the matter. In light of the institutional balance, it seems sound to indeed grant the Commission this power, which should, however, be taken very serious by the European Commission if it wants not to follow up a successful initiative. The *One of Us* case is now pending before the Court of Justice for appeal.²³ According to Advocate-General Bobek the appeal should be dismissed on the five specific grounds the applicants brought forward in their appeal before the Court of Justice. He underlines that '...the power of initiative, encompassing the choice to present a proposal, its objective and its content, are fundamental elements of the EU decision-making system. They form the bedrock of the independence of the Commission and its mandate to pursue the general interest of the European Union.'²⁴ He underlines the competence of the European Commission as a hard principle of the legislative procedure. That power cannot be restricted by 1 million signatures, because that is still a small percentage of the whole population. Moreover, he stresses that the Council and the European Parliament both have the competence to request the European Commission to propose legislation, according to Article 225 and Article 241 TFEU. In case of such request, the European Commission is obliged to state reasons if it does not propose

legislation on request of the Council and the European Parliament. In that sense, the EU citizens' initiative and the possibility of such request by the Council and the European Parliament are on equal footing, according to the Advocate-General. At the moment of writing it is unclear what the Court of Justice will decide in appeal, but the current line of reasoning of both the General Court and the Advocate-General points in the direction of upholding the non-binding character of an EU citizens' initiative.

As the case law currently stands, it seems that even after passing the legal admissibility test, the Commission still has full discretion on whether to follow up initiatives, but again the Commission must adequately state reasons for its decisions.

4. A new dawn? Reform of the Citizens' initiative

In September 2017, the European Commission adopted a proposal for the reform of the EU citizens' initiative²⁵, also based on the mentioned case law and criticism on the instrument, which was adopted by the European legislature. Hence, Regulation 211/2011 has been reformed due to aforementioned shortcomings of the European citizens' initiative and obstacles encountered by citizens willing to organise an initiative. The reformed regulation will enter into force on 1 January 2020 and is both more elaborate and clearer regarding the procedures. The reform aims to create awareness and to enable organisers of an initiative to register it and organise the collection of signatures more easily. The question arises whether this reform makes the citizens' initiative an effective form of direct democracy if it remains a mere window dressing. Some new elements will be discussed.

The reformed Regulation entails obligations for the Commission to make European citizens' initiatives easily and freely accessible for all citizens in all languages and for national contact points in Member States to be established. Also, it now provides that the Commission shall in general raise public awareness on the European citizens' initiative and that the European Parliament shall contribute to these activities. However, the controversial legal admissibility test remains. New, however, is that the Commission will now be able to "partially" register an initiative, instead of entirely rejecting it in cases where the Commission only has the power to propose legislation on some, but not all, of its objectives.

After the initiative has gathered the required support of 1 million citizens in a maximum 12 months, the Commission's examination of the initiative will be extended from 3 to 6 months before the Commission sets out its legal and political conclusions. It is said this will give more time for organisers to promote their initiative. Furthermore, the Commission must, if it decides to act, set out the action it intends to take in response to the initiative and set out a timeline for these actions. The reformed regulation does not lower the minimum age to support a citizens'

initiative to 16 years, as the European Parliament had proposed²⁶, but maintains the standard of those able to vote for the European Parliament. However, EU Member States are explicitly allowed to set such age at 16 years if they wish. Moreover, the reformed regulation contains an article on transparency, where funding and support of a group of organisers must be clearly registered, regularly updated and made publicly available by the Commission.

Some changes have been made to the role of the European Parliament in the process. Regulation now expressly states that the Council, national parliaments and civil society must be able to attend the public hearing, and that “the European Parliament shall ensure a balanced representation of relevant public and private interests” and “shall assess the political support for the initiative” after the public hearing. This seems to provide organisers with a broader stage to spread ideas and raise awareness of certain issues. In order to strengthen the political impact of successful initiatives, recent changes to Parliament’s Rules of Procedure also provide that the European Parliament “shall hold a debate” on such initiatives. Moreover, Article 16 provides that the “European Parliament shall assess the measures taken by the Commission as a result of its communication referred to in Article 15(2).” This was originally not included in the proposal but was added by the European Parliament in its amendments. This new element could prove important for the much-criticised follow-up stage, however it is unclear what such assessment would entail and would concretely mean. It is a pity that the ‘assessment’ is not concretised more in the new Regulation.

5. Direct or participatory democracy reinforcing democracy in the EU?

Even though EU citizens’ initiatives are non-binding, they allow citizens to place issues on the agenda of the European Commission. In a wider context, direct democracy can lead to empowerment and feeling heard on the one hand, but direct democracy has on the other hand also brought risks of destabilising societies. For example, referenda as Brexit in the UK, the Ukraine Trade Agreement Referendum in the Netherlands, or on the European Constitution throughout the EU have proven a potential to polarize societies and oversimplify policy choices. As opposed to the referendum, the citizens’ initiative provides an elaborate and more nuanced way for citizens to make their voice heard, as initiatives can be very comprehensive.

Direct and participatory democracy can be seen as giving a voice directly to the people, just like in Athenian democracy. But in the modern day and age, instead of Athenian men meeting at the local square, European citizens – both men and women – gather in a digital space to make their voices heard. Authors have warned that using direct democracy such as referenda “as a full alternative to the instruments and institutions representative of democracy risks creating parallel

channels of legitimation which could destabilize and delegitimize parliaments.”²⁷ The European citizens’ initiative strikes a middle ground in this, by allowing the people to enter into dialogue with the Commission, where after the Commission has the discretion to initiate legislative procedures, in which the European Parliament often has a role. This way the citizens’ initiative as direct democracy does not necessarily create a separate parallel accountability or legitimacy to parliamentary accountability. The citizens’ initiative is not a circumvention of parliamentary democracy, but merely another way to trigger legislative processes.

In the EU, citizens can have their voices heard in two ways. First, by voting for the European Parliament and secondly by a European citizens’ initiative. With the reforms, the European citizens’ initiative has not necessarily been further intertwined with Parliamentary democracy. The role for European Parliament in the process has not largely increased with the reform of the Regulation and it is unclear what the new addition of the European Parliament’s assessment of the Commission’s decisions will entail. Although it is rather vague, it offers potential new roads for the much-criticised follow-up stage dependent on how the European Parliament fulfils this role. Case law confirms that the European Commission remains in the drivers’ seat. At the same time, the General Court, imposed a clear obligation to adequately state reasons for its decisions. New cases will arrive at the General Court as well as to the Court of Justice in appeal. Although the instrument as such remains somewhat ‘soft’, it does serve an agenda-setting purpose and it is also an instrument for citizens to get attention to the topics they feel should be better regulated or regulated at all by the European Union. Therefore, it creates bonds between European citizens who are engaged in, for instance, environmental issues, and the European citizens’ initiative has also a PR function, creating more awareness of a specific problem. It is therefore more than just a paper tiger, but it would benefit from larger teeth.

6. Concluding remarks

Looking at the EU citizens’ initiative as an alternative form of democratic legitimation and as parallel to representative democracy, as is guaranteed by the European elections, the following remarks can be made. First and foremost, it is clear that the EU citizens’ initiative is an agenda-setting tool, and it will remain so, based on the Treaty provision, the reformed Regulation and the case law of the Court. Second, there is an improvement in the partial registration of initiatives, so that more initiatives can be registered and could lead to successful initiatives. However, the fact is that the European Commission will remain in the drivers’ seat. That is logical in the context of the Treaties and the separation of powers within the EU. Nevertheless, while sitting in the drivers’ seat, the Commission could be much more transparent, and in the sense of throughput legitimatisation, explain its decisions and reasoning clearer.²⁸

The European citizens' initiative did, so far, not prove to be equally strong as representative democracy in the European Union. That does not mean that it has no added value for EU citizens at all. It does, nevertheless, justify the question how direct democracy could be strengthened in the European Union, next to representative democracy. As Dougan stated, already in 2001, the European citizens' initiative 'emerges as a relatively weak instrument of direct democracy – more in the character of a popular petition than a robust public initiative – which is heavily dependent upon (potentially multiple layers of) institutional mediation in order to have any tangible impact upon the Union's decision-making processes.'²⁹ To take direct democracy at a next level, perhaps citizens assemblies could be a possibility. Especially in a time where citizens all over Europe demonstrate for sustainability and climate protection, it would be an adequate way to give EU citizens voice, also in another way.

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2. Report by the Ministers of Foreign Affairs to the European Council on European Union, 1978 Bull. 1/79.
3. 2014/2257(INI).
4. H. VAN EIJKEN and J. W. VAN ROSSEM, « Prisoner disenfranchisement and the right to vote in elections to the European Parliament: Universal suffrage key to unlocking political citizenship? », 2016, *European Constitutional Law Review*, p. 114; S. PLATON, « The Right to Participate in the European Elections and the Vertical Division of Competences in the European Union », *European Papers*, vol. 3, 2018, No 3, Special Section – EU Citizenship, Federalism and Rights edited by D. Kochenov, p. 1245.
5. Joined Cases C-300/04 *Eman and Sevinger v College van Burgemeester en Wethouders van Den Haag* EU:C:2006:545, [2006] ECR I-8055.
6. Case C-145/04 *Spain v UK* EU:C:2006:543, [2004] ECR I-7902.
7. See Article 1-47 of the Treaty establishing a Constitution for Europe.
8. According to Article 11(2) TEU: "The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society".
9. Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, OJ L 65, 11.3.2011, pp. 1-22
10. A. KARATZIA, "The European Citizens' Initiative and the EU institutional balance: On realism and the possibilities of affecting EU lawmaking" (2017) 54 *Common Market Law Review*, Issue 1, pp. 177-208. M. DOUGAN, "What are we to make of the citizens' initiative?", *Common Market Law Review* (2011) 48, pp. 1807-1848.
11. A. KARATZIA, "Revisiting the Registration of European Citizens' Initiatives: The Evolution of the Legal Admissibility Test" (2018), *Cambridge Yearbook of European Legal Studies*, pp. 147-178.
12. See also: A. KARATZIA, "European Citizens' Initiative: General Court rules on the Commission's obligation to give reasons for refusing to register proposals" on: <http://eulawanalysis.blogspot.com/2017/02/european-citizens-initiative-general.html>, last accessed: 23 October 2019.
13. Case T-646/13, *Bürgerausschuss für die Bürgerinitiative Minority SafePack – one million signatures for diversity in Europe v European Commission*.
14. Case T-754/14, *Stop TTIP*, ECLI:EU:T:2017:323, par. 47.
15. As cited in the judgement of the General Court: Case T-754/14, *Stop TTIP*, ECLI:EU:T:2017:323.
16. Case T-754/14, *Stop TTIP*, ECLI:EU:T:2017:323, par. 43.
17. See for an overview: <https://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/follow-up/2012/000003/nl?lg=nl>, last accessed 19 October 2019.
18. COM (2017) 753: Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast). At the moment of writing the Directive is under discussion at the Council in first reading.

- [19.](#) On page 5 of the Working Program of the European Commission “We will also come forward with a legislative proposal on minimum quality requirements for reused water and a revision of the Directive on drinking water following up on the REFIT evaluation and the European Citizens’ Initiative ‘Right2Water’”.
- [20.](#) Communication from the Commission on the European Citizens’ Initiative “Ban glyphosate and protect people and the environment from toxic pesticides.”
- [21.](#) Case T-561/14, *One of Us*, ECLI:EU:T:2018:210, par. 110.
- [22.](#) Case T-561/14, *One of Us*, ECLI:EU:T:2018:210, par. 111.
- [23.](#) C-418/18 P, *Pupnick*, ECLI:EU:C:2019:640.
- [24.](#) C-418/18 P, *Pupnick*, ECLI:EU:C:2019:640, par. 49.
- [25.](#) COM (2017) 482 Proposal for a Regulation on the European Citizens’ Initiative
- [26.](#) Report by the European Parliament on the European Citizens’ Initiative, (2014/2257(INI)).
- [27.](#) G. MARTINICO, “Preserving Constitutional Democracy from Populism – The Case of Secession Referendums”, *National Journal of Constitutional Law*; Scarborough, vol. 39, Iss. 2, (Apr 2019): 139.
- [28.](#) F. MENDEZ, R. ZWICKY and D. KÜBLER, *Taking stock of the European citizens’ initiative: democratic potential and possible institutional trajectories* in D. LEVI-FAUR AND F. VAN WAARDEN: “Democratic empowerment in the European Union”, Edward Elgar (2018), pp. 63-83.
- [29.](#) M. DOUGAN, “What are we to make of the citizens’ initiative?”, *Common Market Law Review* (2011) 48, pp. 1807-1848, p. 1844.

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