

Abstract

European Citizens' Initiative

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This thesis deals with the European Citizens' Initiative (ECI) - an instrument of participatory democracy, which for a decade has allowed European Union citizens to influence the legislative process by asking the European Commission to submit a legislative proposal. The aim of the thesis is to evaluate the implementation practice of the European Citizens' Initiative in the context of the case-law of the General Court and the Court of Justice of the EU and to analyse the new regulation on the European Citizens' Initiative. The thesis analyses reasons that led to the creation of the European Citizens' Initiative - especially the question of the existence of a democratic deficit. It analyses the embedding of the ECI in the primary law of the Union and compares it with other instruments of participatory democracy and similar institutes of the indirect legislative initiative available to the European Parliament and the Council. The thesis briefly deals with the first ECI regulation from 2011, its legislative process and its implementation at the national level.

The core part of the thesis is the analysis of the application of the regulation in practice. It provides an overview of initiatives and summarises the positions of EU institutions, civil society and academics. It also analyses several key court decisions concerning ECI. Finally, the thesis deals with the legal analysis of the new ECI regulation, which was adopted in order to eliminate the shortcomings of the first regulation that became apparent during its implementation.

The thesis concludes that the creation of the European Citizens' Initiative was the right step to address the EU's democratic deficit. It notes that the new regulation has remedied many shortcomings in the original legislation and made the ECI "more user-friendly". On the other hand, it admits that the revision has not strengthened the ECI's democratisation potential either, therefore it remains a relatively weak instrument. Firstly, because it is an indirect legislative initiative and also because it is non-binding and has some limitations (for example, it cannot directly request an amendment of primary law). The thesis suggests how the political impact of successful initiatives could be enhanced, even without changing primary law or regulation, for example, by introducing a new category of "qualified" initiative.