

Citizens' initiative

2010/0074(COD) - 31/03/2010 - Legislative proposal

PURPOSE: to establish procedures and conditions applicable to the practical functioning of the citizens' initiative.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the Treaty on European Union (TEU) introduces **an important innovation** in the democratic functioning of the Union by providing **a citizens' initiative right whereby one million citizens** may invite the Commission to bring forward certain legislative proposals. This new provision is a significant step forward in the democratic life of the Union. It provides a singular opportunity to bring the Union closer to the citizens and to foster greater cross-border debate about EU policy issues, by bringing citizens from a range of countries together in supporting one specific issue.

The key features of the citizens' initiative are enshrined in the Treaty. In particular, the Treaty requires that the signatories of a citizens' initiative should number at least one million and that they should come from a significant number of Member States. The initiative must also be within the framework of the Commission's powers and must concern matters where citizens consider that a legal act of the Union is required in order to implement the Treaties.

However, the Treaty leaves it up to the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, to set out in a Regulation the procedures and conditions for how the citizens' initiative will function in practice.

Given the importance of this new provision of the Treaty for citizens, civil society and stakeholders across the EU and considering the complexity of some of the issues to be addressed, the Commission launched a broad public consultation with the adoption of a [Green Paper](#) on 11 November 2009. The **consultation** elicited over 300 replies from a broad range of stakeholders, including individual citizens, organisations and public authorities.

The responses to the Green Paper underlined the need for the procedures and conditions for the citizens' initiative to be simple, user-friendly and accessible to all EU citizens and that they should be proportionate to the nature of the citizens' initiative. The responses also confirmed that a number of requirements are necessary in order to ensure that the instrument remains credible and is not abused and that these requirements should ensure uniform conditions for supporting a citizens' initiative across the EU.

IMPACT ASSESSMENT: an impact assessment was not undertaken.

LEGAL BASE: Article 24(1) of the Treaty in the Functioning of the European Union (TFEU): the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, will set out in a Regulation the presentation of a citizens' initiative, within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States the citizens of which present it must come.

CONTENT: this proposal is based on the following principles:

- the conditions should ensure that citizens' initiatives are representative of a Union interest, whilst ensuring that the instrument remains easy to use.

- the procedures should be simple and user-friendly, whilst preventing fraud or abuse of the system and they should not impose unnecessary administrative burdens on the Member States.

The main aspects of the proposal are as follows:

Minimum number of Member States: the proposal fixes the minimum number of Member States at one third, drawing on other provisions of the Treaty, according to which nine or one third of Member States is sufficient to ensure the representation of a Union interest. This threshold also reflects the result of the public consultation.

Minimum number of citizens per Member State: drawing on the argument made during the consultation that a fixed percentage for all Member States would not be equitable, the proposal provides for a fixed threshold for each Member State, which is degressively proportional to the population of each State with a minimum threshold and a ceiling.

In order to ensure that these thresholds are based on objective criteria, the Commission has based them on a multiple of the number of Members of the European Parliament for each Member State. The multiple chosen is 750 in order to reflect the demands of many stakeholders to set a threshold below 0.2% of the population and to take account of concerns that the threshold in small Member States should not be too low.

Minimum age: in light of the outcome of the consultation, the proposal sets the minimum age as the age at which citizens are entitled to vote in the European Parliament elections.

Registration of proposed initiatives: the proposal provides for a mandatory system of registration of proposed initiatives on an online register made available by the Commission. Registration will not imply an endorsement of the proposed citizens' initiative by the Commission.

Procedures and conditions for the collection of statements of support: the proposal does not set any restrictions as to how statements of support should be collected. It also provides for statements of support to be collected online as long as it can be ensured that statements of support collected online are as genuine as those collected in paper format and that the Member States can check them in similar fashion. The proposal also requires that online collection systems should have adequate security features in place and that the Member States should certify the conformity of such systems with those security requirements, without prejudice to the responsibility of the organisers for the protection of personal data. Online collection should nevertheless be allowed from the outset.

Time-limit for the collection of statements of support: the proposal provides for a time-limit of 12 months for the collection of statements of support.

Decision on the admissibility of proposed citizens' initiatives: the organiser of an initiative must submit a request to the Commission for a decision on the admissibility of the initiative after having collected 300 000 statements of support from signatories coming from at least three Member States. The Commission would have two months to assess and take a decision as to whether the initiative falls within the framework of its powers and concerns a matter for which a legal act of the Union can be adopted for the purpose of implementing the Treaties.

Requirements for the verification and authentication of statements of support: the proposal leaves it up to Member States to decide on the checks to be carried out in order to verify the validity of statements of support collected for an initiative which has been declared admissible. Such checks should enable them to certify the number of statements of support received for the Member State in question and should be carried out within a time-limit of three months.

Examination of a citizens' initiative by the Commission: the Commission would have a time-limit of 4 months to examine a citizens' initiative. It would then be required to set out its conclusions on the initiative and the action it intends to take in a communication, which would be notified to the organiser as well as to the European Parliament and Council and would be made public.

Personal data protection: the requirements of Directive 95/46/EC of the European Parliament and of the Council and of Regulation (EC) No 45/2001 of the European Parliament and of the Council apply to the processing of personal data carried out in application of this Regulation. It was considered necessary to designate the organiser of a citizens' initiative as the data controller within the meaning of Directive 95/46/EC and to specify the maximum period within which the personal data collected for the purposes of a citizens' initiative may be retained. In addition, Member States would have to ensure that organisers of a citizens' initiative are liable in accordance with their civil or criminal law for infringements of the Regulation.

Revision of the annexes and review clause: the proposal provides for a review clause, which requires that the Commission should report on the implementation of the Regulation after five years. It also provides the possibility for the Commission to amend the Annexes by means of delegated acts in accordance with Article 290 of the TFEU.

BUDGETARY IMPACT: this proposal would have no impact on the budget of the European Union.