

Citizens' initiative

2010/0074(COD) - 15/12/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 628 votes to 15, with 24 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the citizens' initiative.

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

Minimum number of signatories per Member States: Members proposed to reduce the threshold in order to facilitate the launching of initiatives and to simplify and lighten the procedure. The signatories of a citizens' initiative shall come from at least one quarter of Member States. In at least one quarter of Member States, signatories shall comprise at least the minimum number of citizens at the time of registration of the proposed citizens' initiative. Those minimum numbers shall correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750.

Requirements for organisers and for signatories: the organisers shall be citizens of the Union and be of the age to be entitled to vote in European Parliament elections. The organisers shall form a citizens' committee of at least seven persons who are residents of at least seven different Member States. The organisers shall designate one representative and one substitute ('the contact persons'), who shall perform a liaison function between the citizens' committee and the institutions of the European Union throughout the procedure and who shall be mandated to speak and act on behalf of the citizens' committee.

Registration of a proposed citizens' initiative: within two months from the receipt of the required information, the Commission shall register a proposed citizens' initiative under a unique registration number and send a confirmation to the organisers, provided that the following conditions are fulfilled:

- the citizens' committee has been formed and the contact persons have been designated;
- 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;
- the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious;
- the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Article 2 TEU.

Where it refuses to register a proposed citizens' initiative, the Commission shall inform the organisers of the reasons for such refusal and of all possible judicial and extrajudicial remedies available to them.

At any time before the submission of statements of support, the organisers may withdraw a registered citizens' initiative. If a proposed initiative is withdrawn, an indication to that effect shall be entered in the register.

The organisers shall provide, for the register and where appropriate on their website, regularly updated information on the sources of support and funding for the citizens' initiative.

After the registration is confirmed, the organisers may provide the proposed citizens' initiative in other official languages of the Union for inclusion in the register. The translation of the proposed citizens' initiative into other official languages of the Union shall be the responsibility of the organisers.

Statement of support forms: Member States shall forward to the Commission any changes to the information set out in Annex III. Taking into account that information, the Commission may adopt, by means of delegated acts, amendments to Annex III.

Procedures and conditions for the collection of statements of support: the organisers shall be responsible for the collection of the necessary statements of support from signatories for a proposed citizens' initiative which has been registered. They may collect statements of support in paper form or electronically. Statements of support, which are electronically signed using an advanced electronic signature, within the meaning of Directive 1999/93/EC shall be treated in the same way as statements of support in paper form.

Signatories shall be required to complete statement of support forms made available by the organisers. They shall indicate only the personal data that are required for the purposes of verification by the Member States, as set out in Annex III.

Online collection systems: the online collection system shall be certified in the Member State in which the data collected through the online collection system will be stored. The organisers may use one online collection system for the purpose of collecting statements of support in several or all Member States.

The organisers may only start collecting statements of support through the online collection system once it has obtained the certificate issued by the competent authorities. The organisers shall make a copy of that certificate publicly available on the website used for the online collection system.

By nine months following the entry into force of the Regulation, the Commission shall set up and thereafter maintain open-source software incorporating the relevant technical and security features necessary for compliance with the provisions of this Regulation regarding the online collection systems. The software shall be made available free of charge.

Verification and certification of statements of support by the Member States: the organisers shall submit statements of support to the relevant Member State as follows: (a) to the Member State of residence or of nationality of the signatory, (b) to the Member State that issued the personal identification number or the personal identification document provided in the statement of support.

For the purpose of the verification of statements of support, the authentication of signatures shall not be required.

Procedure for the examination of a citizens' initiative by the Commission: where the Commission receives a citizens' initiative, it shall: (a) publish the citizens' initiative without delay on its website; (b) receive the organisers at an appropriate level to allow them to explain in detail the matters raised by the citizens' initiative; (c) within three months, 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. The organisers shall be given the opportunity to present the citizens' initiative at a public hearing. The Commission and the European Parliament shall ensure that this hearing is organised at the European Parliament, if appropriate together with such other institutions and bodies of the Union as may wish to participate, and that the Commission is represented at an appropriate level.

Protection of personal data: the organisers shall ensure that personal data collected for a given citizen's initiative are not used for any purpose other than their indicated support for that initiative, and shall destroy all statements of support received for that initiative and any copies thereof at the latest one month after submitting that initiative to the Commission or 18 months after the date of registration of the proposed citizens' initiative, whichever is the earlier.

Statements of support for a given citizens' initiative and copies thereof may be retained beyond the time-limits laid down in the Regulation and if necessary for the purpose of legal or administrative proceedings relating to a proposed citizen's initiative.

Liability and sanctions: the amended text stipulates that the organisers shall be liable for any damage they cause in the organisation of a citizens' initiative in accordance with applicable national law. They shall be subject to appropriate sanctions for infringements of this Regulation and in particular for: (a) false declarations made by organisers; (b) the fraudulent use of data. Those sanctions shall be effective, proportionate and dissuasive.

Review clause: three years after the entry into force of this Regulation, and every three years thereafter, the Commission shall present a report on the implementation of this Regulation.

It shall apply from one year following the date of its entry into force.