Citizens' initiative

2010/0074(COD) - 16/02/2011 - Final act

PURPOSE: to establish the procedures and conditions required for a citizens' initiative.

LEGISLATIVE ACT: Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative.

CONTENT: following an agreement with the European Parliament in first reading, the Council adopted this Regulation on the European citizens' initiative, one of the main innovations under the Treaty of Lisbon, which will enable citizens to ask the Commission to bring forward legislative proposals under certain conditions. The Treaty of Lisbon introduced a new dimension of participatory democracy, alongside that of representative democracy on which the EU is founded, with the aim of bringing the EU closer to its citizens by encouraging more cross-border debate about EU issues.

The Regulation sets out the procedures and conditions for implementing the citizens' initiative.

The Citizens initiative is defined as an initiative submitted to the Commission in accordance with this Regulation, inviting the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. **The initiative must receive the support of at least one million eligible signatories coming from at least one quarter of all Member States.**

Requirements for organisers and for signatories: the organisers must be citizens of the Union and be of the age to be entitled to vote in elections to the European

Parliament. They should form a citizens' committee of at least seven persons who are residents of at least seven different Member States. Organisers who are Members of the European Parliament shall not be counted for the purposes of reaching the minimum number required to form a citizens' committee.

Eligible signatories shall be citizens of the Union and shall be of the age to be entitled to vote in elections to the European Parliament.

Registration of a proposed citizens' initiative: prior to initiating the collection of statements of support from signatories for a proposed citizens' initiative, the organisers shall be required to register it with the Commission, providing the information set out in the Regulation, in particular on the subject matter and objectives of the proposed citizens' initiative. That information shall be provided in one of the official languages of the Union, in an online register made available for that purpose by the Commission. Within two months from the receipt of the information, the Commission shall register a proposed citizens' initiative under a unique registration number and send a confirmation to the organisers, provided certain conditions are fulfilled. In particular, the proposed citizens' initiative must not manifestly fall outside the framework of the Commission's powers, nor be manifestly abusive, frivolous or vexatious, nor contrary to the values of the Union. Where it refuses to register a proposed citizens' initiative, the Commission shall inform the organisers of the reasons and of all possible judicial and extrajudicial remedies available.

Procedures and conditions for the collection of statements of support: the organisers shall be responsible for the collection of the statements of support using only forms which comply with the models set out in the Regulation and which are in one of the language versions included in the register. The organisers may collect statements of support in paper form or electronically. The Regulation contains **special provisions where statements of support are collected online**. Signatories may only support a

given proposed citizens' initiative once. All statements of support shall be collected after the date of registration of the proposed citizens' initiative and within a period not exceeding 12 months.

Minimum number of signatories per Member State : 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 set out, at the time of registration of the proposed citizens' initiative, in the text. Those minimum numbers shall correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750. Signatories shall be considered as coming from the Member State which is responsible for the verification of their statement of support.

Verification and certification by Member States of statements of support: after collecting the necessary statements of support, the organisers shall submit the statements of support, in paper or electronic form, to the relevant competent authorities for verification and certification. For that purpose the organisers shall use the form set out in the Regulation and shall separate those statements of support collected in paper form, those which were electronically signed using an advanced electronic signature and those collected through an online collection system. Within three months the competent authorities shall verify the statements of support and deliver to the organisers free of charge a certificate in accordance with the model set out in the Regulation certifying the number of valid statements of support for the Member State concerned. The regulation contains provisions on the verification of signatures and in order to prevent potential abuses.

Submission of a citizens' initiative to the Commission: after obtaining the certificates the organisers may submit the citizens' initiative to the Commission, accompanied by information regarding any support and funding received for that initiative. That information shall be published in the register. The amount of support and funding received from any source in excess of which information is to be provided shall be identical to that set out in Regulation (EC) No 2004/2003 on political parties at European level and the rules regarding their funding

Procedure for the examination of a citizens' initiative by the Commission: the Commission must (i) publish the citizens' initiative without delay in the register; (ii) receive the organisers at an appropriate level to allow them to explain in detail the matters raised by the citizens' initiative;(iii) 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.

Public hearing: 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.

The Regulation contains provisions on the protection of personal data, the liability of organisers, penalties, competent authorities in Member States and delegated acts.

Review: by 1 April 2015, and every three years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of the Regulation.

ENTRY INTO FORCE: 31 March 2010

APPLICATION: from 1 April 2012.

DELEGATED ACTS: the Commission may adopt, by means of delegated acts, amendments to the Annexes to this Regulation within the scope of the relevant provisions of this Regulation. The power to adopt the delegated acts shall be conferred on the Commission for an indeterminate period of time.The

delegation of power may be revoked at any time by the European Parliament or by the Council.The European Parliament or the Council may object to the delegated act within a period of two months from the date of notification (this period may be extended by two months). If either of the two institutions objects to a delegated act, it shall not enter into force.