Basic information

2010/0074(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Citizens' initiative Repealed by 2017/0220(COD) **Subject** 1 European citizenship 1.20 Citizen's rights 8.30 Treaties in general	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	LAMASSOURE Alain (PPE) GURMAI Zita (S&D)	03/05/2010 03/05/2010
	Shadow rapporteur KAMALL Syed (ECR) SCHOLZ Helmut (GUE/NGL) MESSERSCHMIDT Morten (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture and Education	THUN UND HOHENSTEIN Róża (PPE)	20/05/2010
JURI Legal Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	GÖNCZ Kinga (S&D) WIKSTRÖM Cecilia (ALDE)	10/05/2010 10/05/2010
PETI Petitions (Associated committee)	WALLIS Diana (ALDE) HÄFNER Gerald (Verts/ALE)	01/06/2010 01/06/2010

Council of the European Union

Council configuration	Meetings	Date

	General Affairs	3022	2010-06-14
	General Affairs	3060	2010-12-14
	General Affairs	3010	2010-04-26
	Education, Youth, Culture and Sport	3066	2011-02-14

European Commission	Commission DG	Commissioner
	Secretariat-General	ŠEFČOVIČ Maroš

Key events

Date	Event	Reference	Summary
31/03/2010	Legislative proposal published	COM(2010)0119	Summary
21/04/2010	Committee referral announced in Parliament, 1st reading		
26/04/2010	Debate in Council		Summary
14/06/2010	Debate in Council		Summary
17/06/2010	Referral to associated committees announced in Parliament		
30/11/2010	Vote in committee, 1st reading		Summary
03/12/2010	Committee report tabled for plenary, 1st reading	A7-0350/2010	
15/12/2010	Decision by Parliament, 1st reading	T7-0480/2010	Summary
15/12/2010	Results of vote in Parliament		
15/12/2010	Debate in Parliament		
14/02/2011	Act adopted by Council after Parliament's 1st reading		
16/02/2011	Final act signed		
16/02/2011	End of procedure in Parliament		
11/03/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0074(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2017/0220(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 024-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed

Committee dossier	AFCO/7/02669

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	CULT	PE445.900	27/10/2010	
Committee opinion	LIBE	PE448.978	27/10/2010	
Committee draft report		PE445.836	28/10/2010	
Amendments tabled in committee		PE452.836	16/11/2010	
Committee opinion	PETI	PE450.890	25/11/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0350/2010	03/12/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0480/2010	15/12/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00065/2010/LEX	16/02/2011	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0119	31/03/2010	Summary
Document attached to the procedure	SEC(2010)0370	31/03/2010	Summary
Commission response to text adopted in plenary	SP(2011)1477	23/02/2011	
Follow-up document	COM(2015)0145	31/03/2015	Summary
Follow-up document	COM(2018)0157	28/03/2018	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2010)0119	13/05/2010	
Contribution	CZ_SENATE	COM(2010)0119	27/05/2010	
Contribution	EL_PARLIAMENT	COM(2010)0119	07/06/2010	
Contribution	IT_CHAMBER	COM(2010)0119	11/06/2010	

Contribution	CY_PARLIAMENT	COM(2010)0119	14/06/2010	
Contribution	PT_PARLIAMENT	COM(2010)0119	02/07/2010	
Contribution	IT_CHAMBER	COM(2018)0157	26/02/2019	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N7-0079/2010 OJ C 323 30.11.2010, p. 0001	21/04/2010	Summary
CofR	Committee of the Regions: opinion	CDR0167/2010	10/06/2010	
EESC	Economic and Social Committee: opinion, report	CES0993/2010	14/07/2010	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2011/0211
OJ L 065 11.03.2011, p. 0001 Summary

Corrigendum to final act 32012R0211R(01)
OJ L 094 30.03.2012, p. 0049 Summary

Delegated acts

Reference	Subject
2013/2716(DEA)	Examination of delegated act
2013/2797(DEA)	Examination of delegated act
2014/2661(DEA)	Examination of delegated act
2015/2647(DEA)	Examination of delegated act
2018/2800(DEA)	Examination of delegated act
2019/2619(DEA)	Examination of delegated act

Citizens' initiative

2010/0074(COD) - 28/03/2018 - Follow-up document

The Commission presented a report on the application of Regulation (EU) No 211/2011 on the citizens' initiative.

Towards a revised citizens' initiative (2015-2018): following the Commission's first report, adopted on 31 March 2015, and a European Parliament resolution calling for a revision of the regulation, the Commission adopted on 13 September 2017 a proposal for a new regulation on the European Citizens' Initiative (ECI) aimed at making it more accessible, less burdensome and easier to use for organisers and supporters.

The European Parliament and the Council are currently examining the proposal and the three institutions have undertaken to give it **priority treatment** in the legislative process in order to ensure substantial progress and, where possible, delivery before the 2019 European elections. The Commission requests that it be adopted by the **end of 2018**, so that it can enter into force in January 2020.

Improvements to the functioning of the ECI: within the current legal order, the Commission has already taken various non-legislative measures to introduce practical improvements in the implementation of the ECI instrument. In particular, it has:

- provided free of charge hosting servers for organisers' online collection systems,
- reinforced advice and support to (potential) organisers and communication activities,
- improved the user-friendliness of the online collection software that organisers can choose to use,
- decided where appropriate to partially register initiatives.

Another important new element of the proposal is the creation of an **online collaborative platform** to support the exchange of good practice between ECI practitioners, in particular via a discussion forum and other support and training tools and mechanisms. **The first version of the platform is planned to go public in April 2018** and the Commission will increase its communication and awareness-raising activities on the ECI instrument through a communication campaign starting in 2018.

The Commission has included a number of improvements, in particular the transmission of the initiative, when it is received, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, a **more inclusive public hearing** at the European Parliament to ensure balanced representation of all stakeholders concerned by the initiative, and extension of the examination phase from three to five months to allow more time for debate and allow it to feed into the Commission's response.

Overview and follow-up of ECI: since the previous report on the application of the ECI in March 2015, the Commission has received 17 requests for registration of proposed citizens' initiatives, of which 15 have been accepted and two refused (‘Stop Brexit’ and ‘British friends - stay with us in the EU’). In addition, two initiatives whose registration had initially been refused during the previous three-year period were finally registered by the Commission following court decisions (‘Stop TTIP’ and ‘Minority SafePack’).

The Commission will continue to follow up on successful initiatives wherever appropriate, and will be open about its detailed reasons where that is not the case, in line with its 10 political priorities. The Commission has committed to **follow up actions in three of the four successful initiatives** and has announced or adopted legislative proposals for two of them:

- following the initiative **'Ban glyphosate and protect people and the environment from toxic pesticides'**, the Commission intends to present a legislative proposal by May 2018, in particular with a view to increasing the transparency of scientific assessments and the decision-making process. The Commission will also strengthen its efforts to continuously and measurably reduce the risks associated with pesticide use;

- as regards the ‘**Stop vivisection**’ initiative, the Commission adopted a Communication announcing actions in four directions; i.e. accelerating progress in the Three Rs (to replace, reduce and refine animal use) through knowledge sharing; developing, validating and implementing new alternative approaches to animal testing; enforcing compliance with the Three Rs principle and aligning relevant sector legislation; engaging in a dialogue with the scientific community;
- in response to the initiative ‘**Water and sanitation are a human right! Water is a public good, not a commodity**’, several follow-up actions have been implemented since the adoption of the Commission Communication in March 2014. On 1 February 2018, the Commission adopted a proposal for a revision of the Drinking Water Directive, including an obligation for Member States to ensure that vulnerable and marginalised groups have access to water. The **European Pillar of Social Rights** proclaimed on 17 November 2017 by the European Parliament, the Council and the Commission also assumes that everyone has the right to access essential quality services, including water and sanitation.

The ECI instrument, as shown by the **9 million statements of support** collected by the various initiatives so far, fosters citizen participation across the continent and contributes to the emergence of pan-European debates and involvement in the democratic life of the EU. By involving citizens directly and allowing them to put forward their ideas on issues that matter to them, the ECI adds value to the EU law-making process and contributes to bringing citizens closer to the Union.

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.

Citizens' initiative

2010/0074(COD) - 31/03/2010 - Document attached to the procedure

The Commission presents a staff working document on the outcome of the public consultation on the Green Paper on a European Citizens' Initiative which accompanies the proposal for a Regulation on the citizens' initiative. The consultation elicited 329 replies from a broad range of stakeholders, including 160 individual citizens, 133 organisations and 36 public authorities. Many interesting and innovative ideas and suggestions were put forward by stakeholders.

The responses broadly 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 needed 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.

Citizens' initiative

2010/0074(COD) - 26/04/2010

The Council held an **orientation debate** on a proposal for a regulation aimed at making operational the "citizens' initiative", one of the most visible innovations of the Treaty of Lisbon.

In the light of the debate, it asked the Permanent Representatives Committee to oversee further work on the draft regulation so as to enable a general approach to be defined at the Council's meeting on 14 June 2010.

The Treaty of Lisbon introduces 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 and encouraging greater cross-border debate about EU issues.

The "citizens' initiative" will enable citizens to invite the Commission to bring forward legislative proposals on a specific issue if the signatories to such a request number at least one million and come from a significant number of Member States. The proposal sets out the procedures and conditions for how the citizens' initiative will function in practice.

The Council's debate focused on the following issues:

- registration of a proposed initiative and admissibility;
- the minimum number of signatories per member state;
- procedures and conditions for the collection of statements of support;
- online collection systems.

Citizens' initiative

2010/0074(COD) - 14/06/2010

The Council reached **agreement** on a general approach on a draft regulation aimed at making it possible for EU citizens to call for legislative proposals to be made on a specific issue.

It asked the presidency to start negotiations with the European Parliament, on the basis of the general approach, so as to enable the regulation to be adopted at first reading.

The initiative, one of the main innovations of the Treaty of Lisbon, will enable citizens to ask the Commission to bring forward legislative proposals if the signatories to such a demand number at least one million and come from a significant number of Member States.

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.

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.

Citizens' initiative

2010/0074(COD) - 21/04/2010 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative.

The proposal was sent to the EDPS on the same day as it was adopted. The EDPS was informally consulted prior to the adoption of the proposal. The EDPS welcomed this informal consultation and is pleased to see that most of his remarks have been taken into account in the final proposal.

In general, **the EDPS is satisfied** with the way in which the issue of data protection is addressed in the proposed Regulation. On a detailed level the EDPS has a few suggestions for adjustments. The EDPS is particularly pleased with Article 12 which is solely dedicated to data protection and which clarifies responsibilities and retention periods. The EDPS wishes to underline that full respect for data protection rules contributes considerably to the reliability, strength and success of this important new instrument. Although generally satisfied with the proposal, **the EDPS still sees room for further improvements**.

In order to further improve the proposal, the EDPS recommends that the legislator:

- amends Article 6 in such a way that the organiser is **obliged to request certification of the security of the online collection system** before he starts collecting the statements of support. In addition, such certification procedures should not constitute an unnecessary administrative burden for the organiser. The EDPS furthermore recommends clarifying the relation between the notification procedure of Article 18 of Directive 95/46/EC and the certification procedure of Article 6 of the proposed Regulation;
- assesses the necessity of the publication of the postal and e-mail address of the organiser of an initiative, and to clarify the text of Article 4 of the proposal (**registration of proposed initiatives**), should such publication be envisaged;
- deletes the request for the personal identification number and the non-mandatory information fields from the model form in Annex III;
- adds a **standard privacy statement** to the model form contained in Annex III which ensures compliance with Article 10 of Directive 95/46/EC;
- clarifies what is meant by the 'appropriate checks' in Article 9(2) which have to be performed by the competent authority when verifying the authenticity of statements of support;
- adds another paragraph to Article 12 ensuring that **personal data collected by the organiser is not used for any other purpose** than its indicated support of the given citizens' initiative and that data received by the competent authority is used only for the purpose of verifying the authenticity of statements of support for a given citizens' initiative.

Citizens' initiative

2010/0074(COD) - 14/12/2010

The Council **endorsed an agreement reached with the European Parliament and the Commission** on a draft regulation on the citizens' initiative, aimed at making it possible for EU citizens to call for legislative proposals to be made on a specific issue.

The agreement was reached on 30 November 2010. The Parliament is expected to approve the agreed text at first reading on 15 December 2010. The Council will adopt the regulation without further discussion once the agreed text has been finalised.

The main elements of the compromise are as follows:

- a proposed initiative must fall within an area of EU competence and be consistent with the Union's values;
- the required "significant number" of Member States is defined as at least one quarter of EU Members, and a key is established for calculating the number of supporters necessary from each Member State;
- support for a proposed initiative can be expressed in either paper form or electronically;
- the draft regulation contains provisions on the verification of signatures and in order to prevent potential abuses;
- once an initiative is registered, the organisers will have 12 months during which to collect the required one million signatures. They will also be required to submit information on funding and support.

The regulation will be applicable one year after entry into force in order to allow Member States and the Commission to take the necessary measures to implement it.

Citizens' initiative

2010/0074(COD) - 31/03/2015 - Follow-up document

The Commission presents a report on the application of Regulation (EU) No 211/2011 on the citizens' initiative.

The Commission's analysis is supported by the ongoing feedback received from stakeholders, including organisers of citizens' initiatives (ECI), directly or via the Ombudsman's own-initiative inquiry, and the European Parliament's study.

State of play: since April 2012, the Commission has received 51 requests for registration of proposed citizens' initiatives. 31 of them were registered. Three initiatives are currently collecting statements of support.

18 initiatives have reached the end of their collection period. Among those 18, **three initiatives have reached the required number of statements of support** and were submitted to the Commission:

- **'Right2Water'** called on the Commission for "legislation implementing the human right to water and sanitation as recognised by the United Nations and promoting the provision of water and sanitation as essential public services for all".
- **'One of us'** called for "the EU to end the financing of activities which presuppose the destruction of human embryos, in particular in the areas of research, development aid and public health".
- The third initiative, **'Stop vivisection'**, called for the Commission to "abrogate directive 2010/63/EU on the protection of animals used for scientific purposes and to present a new proposal that does away with animal experimentation and instead makes compulsory the use - in biomedical and toxicological research - of data directly relevant for the human species." It was submitted on 3 March 2015 and is awaiting a reply by the Commission by 3 June 2015.

Assessment of implementation: the fact that two initiatives have managed to complete the full lifecycle of an ECI, and that a third one is now awaiting a formal reply, confirms that the necessary procedures and mechanisms are in place to ensure that the ECI is operational.

The Commission considers that **improvements are possible** regarding the following points:

- **the lack of legal personality of the citizens' committees**: several committees have reported concerns about liability and obstacles e.g. to raising funds and managing data protection, especially in view of the fact that they reside in at least seven different countries.
- **registration**: a large number of proposed ECIs are manifestly outside the scope of the Commission's competences.
- **requirements for signatories**: divergences between the personal data required from signatories by different Member States remain an issue of concern, and there is need to make the ECI tool more accessible;
- **the timeline of an ECI's lifecycle**: organisers have less than 12 months to collect on line and there is the lack of a specific time limit for the submission of a successful initiative to the Commission;
- **the verification of translations** of the proposed initiatives provided by its organisers has proved to be a cumbersome process;
- **online collection**: stakeholders remain critical with regard to the complexity of the current certification procedure and are not fully satisfied with the features offered by the Commission software. Moreover, the Commission hosting has been offered as a temporary and exceptional service;
- both **public hearings organised at the European Parliament**, no stakeholders or experts other than the ECI organisers themselves were invited to actively participate;
- some ECI organisers consider that there is **insufficient dialogue** and interaction with the Commission at different stages of the ECI's lifecycle.

In conclusion, the Commission considers it still too early to assess the long-term impacts of the ECI on the EU institutional and legislative process. It is committed to continue monitoring and discussing a range of ECI issues identified in the report, in close cooperation with the various stakeholders and institutions, with a view to improving the legislation.

The outcome of the on-going Commission's study on the issue of online collection will further guide the Commission position on this important matter, but it will continue to provide its exceptional hosting service to organisers free of charge as long as needed.

Citizens' initiative

2010/0074(COD) - 16/02/2012 - Corrigendum to final act

The corrigendum to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative concerns only the French version.