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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the citizens' initiative

{SEC(2010) 370}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Treaty on European Union introduces a whole new dimension of participatory democracy alongside that of representative democracy on which the Union is founded. It reinforces the citizenship of the Union and recognizes every citizen's right to participate in the democratic life of the Union. It enshrines the key standards of civil dialogue to which the institutions must live up to and codifies the Commission's existing practice of carrying out broad public consultations. And, above all, it 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.

It is important to underline however that the citizens' initiative is an agenda setting initiative. Whilst it does not affect the Commission's right of initiative, it will, however, oblige the Commission, as a college, to give serious consideration to the requests made by citizens' initiatives.

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.

In order to seize the opportunity provided by this new provision and give it its full potential, the procedures and conditions for the citizens' initiative need to facilitate its use whilst ensuring that the spirit of the Treaty provisions is respected.

The guiding principles for this proposal are therefore as follows:

- 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.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES

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 2009¹. The consultation elicited over 300 replies from a broad range of stakeholders, including individual citizens, organisations and public authorities. A public hearing was also held for all respondents to the Green Paper on 22 February 2010 in Brussels.

2.1. General considerations

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.

2.2. Ensuring that citizens' initiatives are representative of a Union interest

As regards the minimum number of Member States from which citizens supporting a citizens' initiative must come, many respondents agreed that one third of Member States was an appropriate threshold. There was also considerable support, mainly amongst organisations for a lower threshold, primarily for one quarter of Member States.

In addition, the responses confirmed the need for signatories of a citizens' initiative to comprise at least a minimum number of citizens coming from each of those Member States. Many respondents agreed that 0.2% of the population was an appropriate threshold. Others considered that the threshold should be lower arguing that the purpose should be to prevent abuse but that it should not be seen as a barrier to presenting an initiative. Finally, a number of respondents advocated an altogether different approach to setting the threshold, arguing that a set percentage for all Member States is not equitable, as it is much easier, for instance, to collect statements of support from 1 000 citizens (representing 0.2% of the population) in Luxembourg than 160 000 in Germany, and therefore easier to count small Member States than large ones.

2.3. Requirements for the collection and verification of statements of support

Respondents broadly support the idea of having a common set of procedural requirements for the collection and verification of statements of support so as to ensure a uniform process across the EU and to avoid organisers having to comply with different rules in each Member State.

Moreover, most respondents do not want any specific restrictions to be placed on how statements of support are collected and would like citizens of the Union to be able to sign up to an initiative anywhere – for example in the street - regardless of where they live or come from.

Respondents have almost unanimously called citizens to be allowed to support initiatives online.

¹ Green Paper on a European Citizens' Initiative - COM(2009) 622.

The consultation also confirmed that it is appropriate to set a time-limit for the collection of statements of support for an initiative. Most respondents agreed that one year would be a suitable time-limit although there were also many respondents who favoured either a longer period (18 months) or a shorter one (6 months).

In addition, respondents generally favour a mandatory system of registration of proposed initiatives on a specific website provided by the European Commission prior to launching the collection process. They believe that such registration would allow for the follow-up of on-going initiatives and would provide a tool for communication and transparency.

Lastly, respondents broadly supported fixing a minimum age for supporting a citizens' initiative and many considered that it should be linked to the age at which citizens are entitled to vote in the European Parliament elections. Some respondents, however, argued in favour of fixing the minimum age at 16, emphasising that the citizens' initiative is not an election but only an agenda-setting initiative and that having a fixed minimum age of 16 across the EU would foster greater interest and debate among young people on European issues.

2.4. Examination of initiatives by the Commission

Respondents broadly agree that a 6-month time-limit would be appropriate for the Commission to examine and come to a conclusion on an initiative.

However, the consultation gave rise to different points of view as regards the issue of admissibility of proposed initiatives.

Many respondents consider that the admissibility of a citizens' initiative should be checked before all the statements of support have been collected in order to avoid a waste of resources as well as frustration among citizens who have signed up to successful but ultimately inadmissible initiatives. Some public authorities have also expressed concern about having to use public resources in order to carry out checks for initiatives that ultimately would not be admissible.

In contrast, other respondents are against an ex-ante admissibility check arguing that the debate created across Europe by an initiative is more important than the end result. They believe that it would not be appropriate for the Commission to be able to prevent, from the outset, a public debate and campaign from taking place on a citizens' initiative even if it is not within the framework of its powers.

3. MAIN ELEMENTS OF THE PROPOSAL

3.1. Minimum number of Member States (Article 7)

The proposal fixes the minimum number of Member States at one third. This draws 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. It is the threshold used in the provisions on "enhanced cooperation" which provide that "at least nine Member States" must participate². It is also used as the threshold needed to trigger the subsidiarity procedure provided for in

² Article 20 of the Treaty on European Union.

Article 7(2) of the Protocol on the application of the principles of subsidiarity and proportionality, annexed to the Treaties.

This threshold also reflects the outcome of the public consultation.

3.2. Minimum number of citizens per Member State (Article 7 and Annex I)

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 State³. The multiple chosen is 750 in order to reflect the demands of many stakeholders to set a threshold below 0.2% of the population, on the one hand, and to take account of concerns that the threshold in small Member States should not be too low, on the other. Indeed, by using a multiplication factor of 750, the threshold for over half of Member States would be lower or significantly lower than 0.2% of the population, whilst for the smaller Member States the threshold would be higher.

This system will thus allow a proportionately lower number of signatories for large countries and a proportionately higher number for small countries.

3.3. Minimum age (Article 3(2))

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.

3.4. Registration of proposed initiatives (Article 4)

The proposal provides for a mandatory system of registration of proposed initiatives on an online register made available by the Commission. This reflects the broad support expressed for this option during the consultation. Registration will not imply an endorsement of the proposed citizens' initiative by the Commission.

3.5. Procedures and conditions for the collection of statements of support (Articles 5 and 6)

The proposal does not set any restrictions as to how statements of support should be collected. This is in line with the views expressed by most stakeholders that the collection process should be free.

Moreover, in light of the responses to the consultation, the proposal also provides for statements of support to be collected online. However, in order to ensure 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 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

³ Based on the composition of the European Parliament agreed in the context of the 2007 Intergovernmental Conference.

the responsibility of the organisers for the protection of personal data. Given the need to draw up detailed technical specifications in order to implement this provision, it is proposed that the Commission should lay down these specifications by means of implementing measures. Online collection should nevertheless be allowed from the outset.

3.6. Time-limit for the collection of statements of support (Article 5(4))

The proposal provides for a time-limit of 12 months for the collection of statements of support. This reflects the need, confirmed by the responses to the Green Paper to ensure on the one hand that citizens' initiatives remain relevant and on the other hand that the collection period is sufficiently long taking into account the complexity of working throughout the European Union.

3.7. Decision on the admissibility of proposed citizens' initiatives (Article 8)

The proposal provides that 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 thresholds chosen for this admissibility check broadly correspondent to one third of the final thresholds required for presenting an initiative to the Commission. At least one million statements of support from at least one third of Member States are needed for that purpose. It can therefore be considered that one third of those thresholds provides a sufficiently representative sample in order to trigger the admissibility check.

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.

This approach reflects the need expressed during the consultation for the legal admissibility of an initiative to be checked at an earlier stage, before all statements of support have been collected and before Member States are required to verify them. However it does not provide for such admissibility to be checked at the very outset before initiatives are registered, as a major objective is to promote public debate on European issues, even if an initiative does not finally fall within the framework of the legal powers of the Commission. Moreover the approach chosen avoids giving the impression that the Commission has given a favourable opinion on an initiative per se before any statements of support have been collected. In addition, this approach would avoid an administrative burden on Member States for carrying out checks on the statements of support received for an initiative which ultimately may not be admissible.

3.8. Requirements for the verification and authentication of statements of support (Article 9)

With a view to limiting the administrative burden for Member States, the proposal leaves it up to them 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 nevertheless be appropriate in order to 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. Such an approach will, for instance, enable the Member States to carry out such checks on the basis of random samples, which is the verification system that most Member States use for national citizens' initiatives.

3.9. Examination of a citizens' initiative by the Commission (Article 11)

The proposal provides that the Commission would have a time-limit of 4 months to examine a citizens' initiative which has been formally submitted to the Commission in accordance with the provisions of the Regulation. This reflects the overall support for this approach during the consultation. The Commission 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.

3.10. Personal data protection (Article 12)

The proposal seeks to ensure that data protection is fully assured, in the organisation and follow-up of a citizens' initiative, by all the relevant actors - organiser, Member States and the Commission. The requirements of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁴ and of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁵ apply to the processing of personal data carried out in application of this Regulation. However, it was considered necessary, for the avoidance of all doubt, 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, although the provisions of Chapter III of Directive 95/46/EC on judicial remedies, liability and sanctions are fully applicable as regards the data processing carried out in application of this Regulation, it was also considered necessary to provide that Member States ensure that organisers of a citizens' initiative are liable in accordance with their civil or criminal law for infringements of the Regulation.

3.11. Revision of the annexes and review clause (Articles 16 and 21)

Given the absence of any experience at EU level with this form of participatory democracy instrument, the proposal provides for a review clause, which requires that the Commission should report on the implementation of the Regulation after five years.

In addition, bearing in mind that certain technical adjustments may need to be made to the Annexes of the Regulation, in particular in light of experience, the proposal provides the possibility for the Commission to amend the Annexes by means of delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union. Indeed the Commission considers that such adjustments would not warrant a full legislative proposal and that the use of delegated powers is therefore justified.

⁴ OJ L 281, 23.11.1995, p. 31.

⁵ OJ L 8, 12.1.2001, p. 1.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the citizens' initiative

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 24, first paragraph, thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee⁶,

Having regard to the opinion of the Committee of the Regions⁷,

After having consulted the European Data Protection Supervisor⁸,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Treaty on European Union reinforces the citizenship of the Union and enhances further the democratic functioning of the Union by providing inter alia that every citizen shall have the right to participate in the democratic life of the Union and that not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, 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.
- (2) The Treaty on the Functioning of the European Union provides that the European Parliament and the Council should adopt the provisions for the procedures and conditions required for such a citizens' initiative.
- (3) These procedures and conditions should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative.
- (4) They should also ensure that citizens of the Union are subject to similar conditions for supporting a citizens' initiative regardless of the Member State from which they come.

⁶ OJ C , , p. .

⁷ OJ C , , p. .

⁸ OJ C , , p. .

- (5) It is necessary to establish the minimum number of Member States from which citizens must come. In order to ensure that a citizens' initiative is representative of a Union interest, this number should be set at one third of Member States.
- (6) For that purpose, it is also appropriate to establish the minimum number of citizens coming from each of those Member States. In order to ensure similar conditions for citizens to support a citizens' initiative, these minimum numbers should be degressively proportional to the size of each Member State. For the purpose of clarity they should be set out for each Member State in an Annex to the present Regulation.
- (7) It is appropriate to fix a minimum age for supporting a citizens' initiative. This should be set as the age at which citizens are entitled to vote in the European Parliament elections.
- (8) In order to ensure coherence and transparency in relation to proposed citizens' initiatives, it should be mandatory to register such initiatives on a website made available by the Commission prior to collecting the necessary statements of support from citizens; proposals that are abusive or devoid of seriousness should not be registered and the Commission should reject the registration of proposals which would be manifestly against the values of the Union. The Commission should deal with registration in accordance with the general principles of good administration.
- (9) The organiser of a proposed citizens' initiative should be responsible for the collection of the necessary statements of support from citizens.
- (10) It is appropriate to provide for statements of support to be collected in paper form as well as online. Online collection systems should have adequate security features in place in order to ensure, *inter alia*, that the person can be identified and that the data are securely stored. For this purpose, the Commission should be required to set out detailed technical specifications for online collection systems.
- (11) It is appropriate for Member States to verify the conformity of online collection systems with the requirements of this Regulation.
- (12) It is appropriate to ensure that statements of support for a citizens' initiative are collected within a specific time-limit. In order to ensure that proposed citizens' initiatives remain relevant, whilst taking account of the complexity of collecting statements of support across the European Union, that time-limit should not be longer than 12 months from the date of registration of the proposed initiative.
- (13) It is appropriate that the Commission should take a decision on the admissibility of proposed initiatives at a sufficiently early stage. The organiser should therefore request such a decision after it has collected 300.000 statements of support for the proposed initiative from signatories coming from at least three Member States.
- (14) The Commission should, within a period of two months after receiving a request from the organiser, adopt a decision on its admissibility. A proposed citizens' initiative should be considered admissible if it falls within the framework of the powers of the Commission and concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties.

- (15) It is appropriate to provide that, where a citizens' initiative has received the necessary statements of support from signatories and provided it is considered admissible, each Member State should be responsible for the verification and certification of statements of support collected from citizens coming from that State. Taking account of the need to limit the administrative burden for Member States, they should, within a period of three months, carry out such verifications on the basis of appropriate checks and should issue a document certifying the number of valid statements of support received.
- (16) Organisers should ensure that all the relevant conditions set out in this Regulation are met prior to submitting a citizens' initiative to the Commission.
- (17) The Commission should examine a citizens' initiative and set out its conclusions and the actions it envisages to take in response to it, within a period of four months.
- (18) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁹ is fully applicable to the processing of personal data carried out in application of this Regulation. In this respect, it is appropriate to clarify that the organiser of a citizens' initiative and the competent authorities of the Member States are the data controllers 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 their capacity as data controllers, organisers need to take all the appropriate measures to comply with the obligations imposed by Directive 95/46/EC, in particular those relating to the lawfulness of the processing, the security of the processing activities and the provision of information and the rights of data subject to access to his/her personal data as well as the correction and erasure of his/her personal data.
- (19) The provisions of Chapter III of Directive 95/46/EC on judicial remedies, liability and sanctions are fully applicable as regards the data processing carried out in application of this Regulation. In addition Member States should ensure that organisers of a citizens' initiative are liable under their civil or criminal law for infringements of this Regulation and related matters.
- (20) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹⁰ is fully applicable to the processing of personal data carried out by the Commission in application of this Regulation.
- (21) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union for the purpose of amending the Annexes to this Regulation.
- (22) The measures necessary for the implementation of the Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹¹.

⁹ OJ L 281, 23.11.1995, p. 31.

¹⁰ OJ L 8, 12.1.2001, p. 1.

¹¹ OJ L 184, 17.7.1999, p. 23.

- (23) The Commission should report on the implementation of this Regulation five years after its entry into force.
- (24) This Regulation respects fundamental rights and observes the principles enshrined in the Charter of Fundamental Rights of the European Union, in particular Article 8 thereof, which states that everyone has the right to the protection of personal data concerning him or her,

HAVE ADOPTED THIS REGULATION:

Article 1
Subject-matter

This Regulation establishes the procedures and conditions required for a citizens' initiative as provided for in Article 11 of the Treaty on European Union and Article 24 of the Treaty on the Functioning of the European Union.

Article 2
Definitions

For the purpose of this Regulation the following definitions shall apply:

1. "Citizens' initiative" means an initiative, submitted to the Commission in accordance with the present Regulation, inviting the Commission, within the framework of its powers, 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, which has received the support of at least one million eligible signatories coming from at least one third of all Member States;
2. "Signatories" means citizens of the Union that have supported a given citizens' initiative by completing a statement of support for that initiative;
3. "Organiser" means a natural or legal person or organisation responsible for the preparation and submission of a citizens' initiative to the Commission.

Article 3
Requirements for the organiser and for signatories

1. Where the organiser is a natural person, that person shall be a citizen of the Union and be of the age to be entitled to vote in the European elections.

Where the organiser is a legal person or an organisation it shall be established in a Member State. Organisations which do not have legal personality under the applicable national law shall have representatives that have the capacity to undertake legal obligations on their behalf and assume liability.

2. In order to be eligible to support a proposed citizens' initiative, signatories shall be citizens of the Union and shall be of the age to be entitled to vote in the European elections.

Article 4

Registration of a proposed citizens' initiative

1. Prior to initiating the collection of statements of support from signatories for a proposed citizens' initiative, the organiser shall be required to register it with the Commission, providing the information set out in Annex II, in particular on the subject-matter and objectives as well as on the sources of funding and support for the proposed citizens' initiative.

This 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 (hereafter "the register").

2. Except in the cases foreseen in paragraphs 3 and 4, the Commission shall register without delay the proposed initiative under a unique registration number and send a confirmation to the organiser.
3. Proposed citizens' initiatives which can be reasonably regarded as improper because they are abusive or devoid of seriousness will not be registered.
4. The Commission shall reject the registration of proposed citizens' initiatives which are manifestly against the values of the Union.
5. A proposed citizens' initiative that has been registered shall be made public in the register.

Article 5

Procedures and conditions for the collection of statements of support

1. The organiser shall be responsible for the collection of the necessary statements of support from signatories for a proposed citizens' initiative which has been registered in accordance with Article 4.

Only statements of support forms which comply with the model set out in annex III may be used for this purpose. The organiser shall complete the forms as indicated in annex III prior to initiating the collection of statements of support from signatories. The information given in the forms shall correspond to the information contained in the register.

2. The organiser may collect statements of support in paper form or electronically. Where statements of support are collected electronically, Article 6 shall apply.
3. Signatories shall be required to complete statement of support forms made available by the organiser.

Signatories may only support a given proposed citizens' initiative once.

4. All statements of support shall be collected after the date of registration of the proposed initiative and within a period that shall not exceed 12 months.

Article 6
Online collection systems

1. Where statements of support are collected electronically, the data obtained through the online collection system shall be stored in the territory of a Member State. The model for the statement of support forms may be adapted for the purpose of the electronic collection.
2. Prior to initiating the collection of statements of support from signatories, the organiser shall ensure that the online collection system used for that purpose complies with the provisions of paragraph 4. The organiser may, at any time, ask the relevant competent authority of the Member State in which the data collected is or will be stored, to certify that the online collection system complies with those provisions. The organiser shall, in any case, request that certification prior to submitting statements of support for verification in accordance with Article 9.
3. Where the online collection system complies with the provisions referred to in paragraph 4, the relevant competent authority shall within one month issue a certificate in accordance with the model set out in Annex IV. Until such a time as the technical specifications mentioned in paragraph 5 have been adopted, the competent authority shall apply the appropriate national technical specifications for assessing the conformity of the online collection system with paragraph 4.

Member States shall recognize the certificates issued by the competent authorities of other Member States.

4. Online collection systems shall have adequate security and technical features in place in order to ensure that:
 - a. only natural persons may submit a statement of support form online;
 - b. the identity of the person can be verified;
 - c. the data provided online is securely stored, in order to ensure, inter alia, that it may not be modified or used for any other purpose than its indicated support of the given citizens' initiative and to protect personal data against accidental or unlawful destruction or accidental loss, alteration or unauthorized disclosure or access.
 - d. the system can generate individual statements of support in a form complying with the model set out in Annex III, in order to allow for the control by the Member States, in accordance with Article 9(2).
5. Within 12 months following the entry into force of this Regulation, the Commission shall adopt technical specifications for the implementation of paragraph 4, in accordance with the regulatory procedure laid down in Article 19(2).

Article 7

Minimum number of signatories per Member State

1. The signatories of a citizens' initiative shall come from at least one third of Member States.
2. In one third of Member States, signatories shall comprise at least the minimum number of citizens set out in Annex I.
3. Signatories shall be considered as coming from the Member State which issued the identification document indicated in their statement of support.

Article 8

Decision on the admissibility of a proposed citizens' initiative

1. After having collected 300.000 statements of support in accordance with Article 5 from signatories coming from at least three Member States, the organiser shall submit to the Commission a request for a decision on the admissibility of the proposed citizens' initiative. For this purpose the organiser shall use the form set out in Annex V.
2. The Commission shall, within a period of two months from the receipt of the request referred to in paragraph 1, take a decision on admissibility. The proposed citizens' initiative shall be considered admissible if it satisfies the following conditions:
 - a. it concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties; and
 - b. it falls within the framework of the powers of the Commission to make a proposal.
3. The decision referred to in paragraph 2 shall be notified to the organiser of the proposed citizens' initiative and shall be made public.

Article 9

Provisions for the verification and certification of statements of support by the Member States

1. After having collected the necessary statements of support from signatories in accordance with Articles 5 and 7, and provided that the Commission has decided that a proposed citizens' initiative is admissible in accordance with Article 8, the organiser shall submit the statements of support, in paper or in electronic form, to the relevant competent authorities provided for in Article 14 for verification and certification. For this purpose the organiser shall use the form set out in Annex VI.

The organiser shall submit statements of support to the Member State that issued the identification document indicated therein.
2. The competent authorities shall, within a period that shall not exceed three months, verify the statements of support provided on the basis of appropriate checks, and

deliver to the organiser a certificate in accordance with the model set out in Annex VII, certifying the number of valid statements of support for that Member State.

3. The certificate provided for in paragraph 2 shall be issued free of charge.

Article 10

Submission of a citizens' initiative to the Commission

After having obtained the certificates provided for in Article 9(2), and provided that all relevant procedures and conditions set out in this Regulation have been complied with, the organiser may submit the citizens' initiative to the Commission.

For the purpose of this article, the organiser shall make use of the form set out in Annex VIII and shall submit the completed form together with copies, in paper or electronic form, of the certificates referred to in the first paragraph above.

The Commission may request the originals of those certificates.

Article 11

Procedure for the examination of a citizens' initiative by the Commission

1. Where the Commission receives a citizens' initiative in accordance with Article 10 it shall:
 - a. publish the citizens' initiative without delay on its website;
 - b. examine the citizens' initiative and, within 4 months, set out in a communication its conclusions on the initiative, the action it intends to take, if any, and its reasons for doing so.
2. The communication referred to in paragraph 1(b) shall be notified to the organiser of the citizens' initiative as well as to the European Parliament and the Council and shall be made public.

Article 12

Protection of personal data

In processing personal data pursuant to the Regulation, the organiser of a citizens' initiative and the competent authorities of the Member State shall respect Directive 95/46/EC and the national provisions adopted pursuant thereto.

For the purposes of their respective processing of personal data, the organiser of a citizens' initiative and the competent authorities designated in accordance with Article 14(2) shall be considered as data controllers in accordance with Article 2(d) of Directive 95/46/EC.

The organiser shall destroy all statements of support received for a given citizens' initiative and any copies thereof at the latest one month after submitting that initiative to the Commission in accordance with Article 10 or 18 months after the date of registration of a proposed citizens' initiative, whichever is the earlier.

The competent authority shall destroy all statements of support and copies thereof that it has received for the purpose of carrying out the verification in accordance with Article 9(2), at the latest one month after issuing the certificate referred to therein.

The organiser shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.

Article 13

Liability

Member States shall ensure that organisers resident or established on their territory shall be liable under their civil or criminal law for infringements of this Regulation and in particular for:

- a. false declarations made by organisers;
- b. non-conformity with the requirements for online collection systems;
- c. the fraudulent use of data.

Article 14

Competent authorities within the Member States

1. For the purpose of the implementation of Article 6(3), Member States shall designate competent authorities responsible for issuing the certificate provided for therein.
2. For the purpose of the implementation of Article 9(2), each Member State shall designate one competent authority responsible for coordinating the process of verification of statements of support and for delivering the certificates provided for therein.
3. Not later than three months after the entry into force of this Regulation, Member States shall forward the names and addresses of the competent authorities to the Commission.
4. The Commission shall make the list of competent authorities publicly available.

Article 15

Amendment of the Annexes

The Commission may adopt, by means of delegated acts in accordance with Articles 16, 17 and 18, amendments to the Annexes of this Regulation.

Article 16
Exercise of the delegation

1. The powers to adopt the delegated acts referred to in Article 15 shall be conferred on the Commission for an indeterminate period of time.
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 17 and 18.

Article 17
Revocation of the delegation

1. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council.
2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.
3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

Article 18
Objections to delegated acts

1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.
2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Article 19

Committee

1. For the purpose of the implementation of Article 6(5), the Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 20

Notification of national measures

Each Member State shall notify to the Commission the specific provisions it adopts in order to implement this Regulation.

The Commission shall inform the other Member States thereof.

Article 21

Review clause

Five years after the entry into force of this Regulation, the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation.

Article 22

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Minimum number of signatories per Member State

Austria	14250
Belgium	16500
Bulgaria	13500
Cyprus	4500
Czech republic	16500
Denmark	9750
Estonia	4500
Finland	9750
France	55500
Germany	72000
Greece	16500
Hungary	16500
Ireland	9000
Italy	54750
Latvia	6750
Lithuania	9000
Luxembourg	4500
Malta	4500
Netherlands	19500
Poland	38250
Portugal	16500
Romania	24750
Slovakia	9750
Slovenia	6000
Spain	40500
Sweden	15000
United Kingdom	54750

ANNEX II

Required information for registering a proposed citizens' initiative

The following information shall be provided in order to register a proposed citizens' initiative on the Commission's register:

1. The title of proposed citizens' initiative in no more than 100 characters;
2. The subject-matter, in no more than 200 characters;
3. The description of the objectives of the proposal on which the Commission is invited to act, in no more than 500 characters;
4. The legal base of the Treaties which would allow the Commission to act;
5. The full name, postal address and e-mail address of the organiser or, in the case of a legal entity or organisation, its legal representative;
7. All sources of funding and support for the proposed initiative at the time of registration.

Organisers may provide more detailed information on the subject, objectives and background to the proposed citizens' initiative in an annex. They may also, if they wish, submit a draft legislative text.

ANNEX III

Statement of support form

Box 1: *(to be pre-completed by the organiser)*

1. Commission registration number*:
2. Date of registration*:
3. Web address of the proposed citizens' initiative on the Commission register*:

Box 2: *(to be pre-completed by the organiser)*

1. Title of proposed citizens' initiative*: *(maximum 100 characters)*
2. Subject-matter*: *(the subject should be as clear as possible) (maximum 200 character)*
3. Description of the main objectives of the proposed citizens' initiative*: *(maximum 500 characters)*
4. Name and address of organiser*:
5. Website of the proposed citizens' initiative:

Box 3: *(to be completed by signatory)*

1. Name of signatory:
First name*:.....Family name*:
2. Address:

Street:
Postcode: City*:
Country*:
3. E-mail address:
4. Date and place of birth*:
Date of birth: Place and country:
5. Nationality*:
6. Personal identification number*:
Type of identification number/identity document*:
National identity card: ☐ Passport: ☐ Social security: ☐
Member State, which issued the identification number/identity document*:
7. I hereby certify that the information provided in this form is correct and that I have only supported this proposed citizens' initiative once*.
Date and signature of the signatory*♦:

*: *mandatory fields*

♦: *signature not required when form is submitted electronically*

ANNEX IV

Certificate confirming the conformity of an online collection system with Regulation xxxx/xxxx

[...] (name of competent authority) of [...] (name of Member State), hereby certifies that the online collection system [...] (website address) used for the electronic collection of statements of support for citizens' initiative having the registration number [...] complies with the relevant provisions of Regulation xxxx/xxxx.

Date, signature and official stamp of the competent authority:

ANNEX V

Form for the request of a decision on the admissibility of a proposed citizens' initiative

1. Title of citizens' initiative*:
2. Commission registration number*:
3. Date of registration*:
4. Number of statements of support received*:
5. Number of signatories per Member States*:

	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	IT	CY	LV	LT	LU
Number of signatories															
	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	TOTAL		
Number of signatories															

6. I hereby declare that the information provided in this form is correct.

Date and signature of the organiser*:

*: mandatory fields

ANNEX VI

Form for the submission of statements of support to the Member States' competent authorities

1. Full name, postal address and e-mail address of the organiser or, in the case of a legal entity or organisation, its legal representative*:
2. Title of citizens' initiative*:
3. Commission registration number*:
4. Date of registration*:
5. Date of request for a decision on admissibility*:
6. Number of signatories coming from [name of MS]*:
7. Annexes*:
(Include all statements of support from signatories having specified a personal identification number issued by the same Member State.
If applicable, include the relevant certificate(s) certifying that the conformity of the online collection system with Regulation xxxx/xxxx)
8. Date and signature of the organiser*:

*: mandatory fields

ANNEX VII

Certificate confirming the number of valid statements of support collected for [...] (*name of Member State*)

[...] (name of competent authority) of [...](name of Member State), after having made the necessary verifications required by Article 8 of Regulation xxxx/xxxx, hereby certifies that [...] statements of support for citizens' initiative having the registration number [...] are valid in accordance with the provisions of that Regulation, and that they have been collected within the time-limit provided for in that Regulation.

Date, signature and official stamp of the competent authority:

ANNEX VIII

Form for the submission of a citizens' initiative to the Commission

1. Title of citizens' initiative*:
2. Commission registration number*:
3. Date of registration*:
4. Number of eligible statements of support received*: *(must be over 1 million)*
5. Number of signatories certified by Member States*:

	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	IT	CY	LV	LT	LU
Number of signatories															
	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	TOTAL		
Number of signatories															

6. Full name, postal address and e-mail address of the organiser or, in the case of a legal entity or organisation, its legal representative.
7. I hereby declare that the information provided in this form is correct.

Date and signature of the organiser*:
8. Annexes*:
Include all certificates

*: mandatory fields

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL

Proposal for a Regulation of the European Parliament and of the Council establishing the procedures and conditions required for a citizens' initiative

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

- Commission's policy coordination and legal advice
- Relations with civil society, openness and information

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

- 25.01.02.11.03: Meetings (committee)
- 25.01.02.11.05: Information systems

3.2. Duration of the action and of the financial impact:

From 2010 onwards. Unlimited

3.3. Budgetary characteristics : *n/a*

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1 Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year 2010	2011	2012	2013	2014 and later
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Administrative expenditure not included in reference amount¹²

Human resources and associated expenditure (NDA)	8.2.5	a	0.244	0.244	0.244	0.244	0.244
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	b	0.540	0.150	0.110	0.110	0.110

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+b	0.784	0.394	0.354	0.354	0.354
TOTAL PA including cost of Human Resources		a+b	0.784	0.394	0.354	0.354	0.354

4.1.2. Compatibility with Financial Programming

n/a

4.1.3. Financial impact on Revenue

n/a

4.2. Human Resources FTE

n/a

5. CHARACTERISTICS AND OBJECTIVES**5.1. Need to be met in the short or long term**

Implementation of the provisions of Article 24 Treaty on the Functioning of the European Union on the citizens' initiative.

During the first year, a website including a register will be set up to implement Article 4 on the registration of proposed citizens' initiatives. It will then need to be maintained.

During the first two years, a committee composed of representatives from all the Member States will meet four times in order to assist the Commission in adopting technical specifications for the implementation of Article 6(4) on online collection systems.

5.2 Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

n/a

¹² Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

5.3 Objectives, expected results and related indicators of the proposal in the context of the ABM framework

n/a

5.4. Method of Implementation (indicative)

Centralised management directly by the Commission

6. MONITORING AND EVALUATION

6.1. Monitoring system

The day-to-day management of the register will require permanent monitoring by Commission staff. The number of requests for registration of proposed initiatives is likely to be high. Commission staff will need to filter initiatives which can be reasonably regarded as improper.

6.2. Evaluation

A public consultation in the form of a Green Paper has been carried out. Five years after the entry into force of the Regulation, the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation.

7. ANTI-FRAUD MEASURES

n/a

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

n/a

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year 2010	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015 and later
Officials or temporary staff ¹³ (XX 01 01)	AD	1	1	1	1	1	1
	AST	1	1	1	1	1	1

¹³ Cost of which is NOT covered by the reference amount.

TOTAL	2	2	2	2	2	2
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8.2.2. *Description of tasks deriving from the action*

1 AD: in charge of coordination of activities relating to citizens' initiatives, monitoring of the register, dealing with relevant questions from services and citizens and follow-up and monitoring of the implementation of the Regulation.

1 AST: Management of the register - Helpdesk

8.2.3. *Sources of human resources (statutory)*

Posts to be redeployed using existing resources within the managing service
(**internal redeployment**)

8.2.4. *Other Administrative expenditure included in reference amount*

n/a

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	2010	2011	2012	Year 2013	Year 2014	Year 2015 and later
Officials and temporary staff (XX 01 01)	0.244	0.244	0.244	0.244	0.244	0.244
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	0.244	0.244	0.244	0.244	0.244	0.244

Calculation– *Officials and Temporary agents*

2 staff costing 122.000€ each per year

Calculation– *Staff financed under art. XX 01 02*

NA

8.2.6 Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	2010	2011	2012	2013	2014	2015 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees	0.040	0.040					0.080
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems	0.500	0.110	0.110	0.110	0.110	0.110	1.050
2. Total Other Management Expenditure (XX 01 02 11)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0.540	0.150	0.110	0.110	0.110	0.110	1.130

Calculation - *Other administrative expenditure not included in reference amount*

Two meetings per year with 27 participants and an average cost of 740€ per participant and meeting

Information system development: in 2010: 500.000€ needed in order to develop and set up of the system, 2011 and following years: need to maintain and make necessary adaptations to the system.

The needs for human and administrative resources shall be covered within the allocation already granted for managing this action and/or redeployed within the DG, complemented as the case may be by any additional allocation that might be granted to the managing DG in the framework of the annual allocation procedure in the light of budgetary constraints.