



EUROPEAN CITIZENS' INITIATIVE

The European Citizens' Initiative (ECI) is an important instrument of participatory democracy in the European Union, allowing one million EU citizens residing in at least one quarter of the Member States to invite the Commission to submit a proposal for a legal act to implement the EU Treaties. Since the application of Regulation (EU) No 211/2011 establishing detailed procedures and conditions for the ECI, four initiatives have been successfully submitted to the Commission.

LEGAL BASIS

- Article 11(4) of the Treaty on European Union (TEU);
- Article 24(1) of the Treaty on the Functioning of the European Union (TFEU);
- Regulation (EU) No 211/2011;
- Rules 211 and 218 of Parliament's Rules of Procedure.

BACKGROUND

Citizens' initiatives are instruments available to citizens in a majority of the Member States, be it at national, regional or local level, although they differ considerably in scope and procedure. The concept of EU citizenship, from which the European Citizens' Initiative (ECI) was derived, was first introduced in the Maastricht Treaty (1.1.3). Back in 1996, in the run-up to the Amsterdam Intergovernmental Conference, the Austrian and Italian foreign ministers proposed that a right to submit such initiatives be introduced alongside the right to petition the European Parliament, but the proposal was not retained by the Conference. Provisions for a citizens' initiative very similar to the current regime were originally included in the draft Constitutional Treaty (Article 47(4)). Although the Convention Praesidium rejected the inclusion of these provisions in the final text, concerted efforts on the part of civil society organisations allowed them to be maintained. Following the failure of the ratification process for the Constitutional Treaty, similar provisions were reinserted during the drafting of the Lisbon Treaty.

Today, the right to submit a citizens' initiative is enshrined under Title II TEU (provisions on democratic principles). Article 11(4) TEU establishes the basic framework for that right, and Article 24(1) TFEU sets out the general principles for a regulation defining concrete procedures and detailed conditions. The proposal for a regulation was the result of an extensive consultation^[1]. Negotiation and settlement of the final text took

[1]Commission Green Paper ([COM\(2009\)0622](https://eur-lex.europa.eu/COM(2009)0622)).



several months — a draft proposal was submitted to Parliament and the Council on 31 March 2010, and a political agreement was reached on 15 December 2010, enabling formal adoption of the text by Parliament and the Council on 16 February 2011. On 1 April 2011, the text agreed by the European Parliament and the Council entered into force under Regulation (EU) No 211/2011. Owing to a number of technical adaptations needed at Member State level to establish a streamlined verification process, the ECI Regulation only became applicable a year later. By 1 April 2015, and by the same date every three years thereafter, the Commission is required to present a report on the application of the ECI Regulation with a view to its possible revision. The Commission adopted such reports on 31 March 2015 as [COM\(2015\)0145](#) and on 28 March 2018 as [COM\(2018\)0157](#). These communications provided a state of play and assessment of the implementation of the ECI and spelled out a list of challenges identified after the first six years of implementation of this new legislative and institutional framework. They highlighted a number of shortcomings and took into account a number of suggestions that Parliament included in its reports, in addition to some of the substantive research carried out at its initiative^[2].

Ever since the ECI Regulation became applicable, significant concerns were raised regarding the instrument's functioning. Parliament repeatedly called for a reform of the ECI Regulation with a view to simplifying and streamlining the procedures. Finally, on 13 September 2017, the Commission presented its [legislative proposal](#) to revise the ECI^[3]. Following inter-institutional negotiations held between September and December 2018, Parliament and the Council reached a political agreement on 12 December 2018. The agreed text was adopted by Parliament on 12 March 2019 and by the Council on 9 April 2019. The final act was signed on 17 April 2019 and is awaiting publication in the Official Journal of the European Union.

The new ECI Regulation, which will repeal Regulation (EU) No 211/2011, will be applied as of 1 January 2020. The right to submit an ECI should be clearly separated from the right to submit a petition, a procedure from which it differs in many substantial respects. Petitions can be submitted by EU citizens or by natural or legal persons that are EU residents ([4.1.4](#)), and must address matters that fall within a field of activity of the EU and affect the petitioner directly. Petitions are addressed to Parliament in its capacity as the direct representative of the citizens at EU level. An ECI is a direct call for a specific EU legal instrument and it must abide by specific rules in order to qualify. What is more, it is ultimately addressed to the Commission, which is the only institution that has the right to submit legislative proposals. In this respect, the ECI is similar in nature to the right of initiative conferred on Parliament (Article 225 TFEU) and on the Council (Article 241 TFEU).

[2]'European Citizens' Initiative — First lessons of implementation', Policy Department on Citizens' Rights and Constitutional Affairs (2014), which can be accessed at:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509982/IPOL_STU\(2014\)509982_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509982/IPOL_STU(2014)509982_EN.pdf)

[3]Proposal for a regulation of the European Parliament and of the Council on the European citizens' initiative, ([COM\(2017\)0482](#)).



PROCEDURE

A. Citizens' committee

As a minimum, a basic organisational structure is needed for an initiative of such magnitude. The first step in the creation of an ECI is the establishment of an organising committee, called a 'citizens' committee'. This committee must be formed by at least seven people who are residents of at least seven different Member States (but not necessarily of seven different nationalities) and who are of age to vote in the European elections. The committee must name a representative and a substitute to act as contact people for the specific ECI.

Contrary to the Commission's and Parliament's proposals, the new ECI Regulation will not lower the minimum age for supporting an ECI to 16 years, but the Member States will be allowed to set the minimum age to 16, should they choose to do so.

B. Registration

Before it can start collecting statements of support from citizens, the committee must register the initiative with the Commission. This involves submitting a document giving the title and subject matter and a short description of the initiative, outlining the legal basis proposed for legal action and providing information on the committee members and on all sources of support and funding for the proposed initiative. The organisers may provide more detailed information and other material, such as a draft of the proposed legislative document, in an annex.

The Commission has two months to decide whether to register the proposed initiative. It will not be registered if the procedural requirements have not been met or if it falls outside the framework of the Commission's powers to submit a proposal for a legal act for the purpose of implementing the Treaties. Registration will also be refused if the initiative is manifestly frivolous, abusive or vexatious, or is contrary to the values of the EU as set out in Article 2 TEU. The Commission's decision is open to judicial or extrajudicial redress. Registered initiatives are published on the Commission's web portal.

In order to make the ECI more accessible and to ensure that as many initiatives are registered as possible, the new regulation also includes the possibility to partially register initiatives.

C. Collection of statements of support

Once the initiative is registered, the organisers can start collecting statements of support. This must be done within 12 months. Statements of support can be collected on paper or electronically. If they are collected electronically, the online collection system must first be certified by the relevant national authorities. Detailed rules for the technical specifications of online collection systems are laid down in a Commission implementing regulation ([Regulation \(EU\) No 1179/2011](#)).

Regardless of whether the statements of support are collected on paper or electronically, the same data requirements apply for the purpose of verification. These requirements, defined at Member State level, are spelled out in Annex III to Regulation



(EU) No 211/2011. Nine Member States^[4] do not require signatories of statements of support to provide personal identification documents or numbers. All other Member States do require such identification. The annex specifies, for each Member State in which they are required, the types of personal identification document that may be used.

In order to be considered by the Commission, the ECI must gather one million statements of support within 12 months. Also, in order for it to qualify in a given Member State, the number of signatories in that Member State must be at least 750 multiplied by the number of MEPs elected from that Member State. The minimum number of signed statements of support is determined according to the same system of degressive proportionality used to determine the distribution of seats in the European Parliament among the Member States.

The new ECI Regulation will enable EU citizens to support an ECI regardless of where they live. It also introduces more flexibility in choosing the start date of the period for collecting signatures, within the six months following registration. Moreover, it further simplifies the personal data requirements for ECI signatories. However, Member States will still be allowed to require signatories to provide their full ID numbers.

In addition, the new regulation lays down the Commission's obligation to set up and operate a central online collection system and to phase out individual collection systems after 2022.

Finally, at the insistence of the European Parliament, the new regulation provides for enhanced support for ECI organisers by means of contact points in each Member State and an online collaborative platform offering information and assistance, practical support and legal advice about the ECI.

D. Verification and certification

Having collected the necessary number of statements of support from a sufficient number of Member States, the organisers must submit them to the competent national authorities^[5], which are tasked with certifying the statements of support compiled by the Commission based on information communicated by the Member States. The authorities given this task are typically interior ministries, electoral commissions or population registries. The national authorities have three months to certify the statements of support, but are not required to verify the signatures.

E. Submission and examination

At this stage, the organisers are asked to submit relevant certificates from the national authorities concerning the number of statements of support, and must provide information about funding received from any source, abiding by the thresholds set out in [Regulation \(EU, Euratom\) No 1141/2014 on the statute and funding of European political parties and European political foundations](#)^[6], as amended by [Regulation \(EU, Euratom\) 2018/673](#)^[7]. In principle, contributions above EUR 500 must be declared.

[4]Belgium, Denmark, Germany, Estonia, Finland, Ireland, the Netherlands, Slovakia and the United Kingdom.

[5]A list of the competent national authorities may be found at: <http://ec.europa.eu/citizens-initiative/public/authorities-verification>

[6]OJ L 317, 4.11.2014, p. 1.

[7]OJ L 114 I, 4.5.2018, p. 1.



Having received the submission, the Commission is required to publish it in a register immediately, and to meet with the organisers at the appropriate level to allow them to explain the details of their request. After an exchange of views with the Commission, the organisers are given an opportunity to present the initiative at a public hearing held by Parliament. The hearing is organised by the committee responsible for the subject matter of the ECI (Rule 211 of Parliament's Rules of Procedure).

The new ECI Regulation will extend the time period in which the Commission is required to respond to a valid initiative from three to six months. In a communication setting out its legal and political conclusions on each initiative, the Commission will have to provide a formal list of actions it intends to take and a clear timeline for their implementation. Moreover, in an effort to ensure full transparency, the regulation makes it a requirement for the organisers to report regularly on the sources of funding and other support provided. It also makes it a requirement for the Commission to make a contact form available on the register and on the ECI public website so that citizens can submit a complaint relating to the completeness and correctness of such information.

Parliament's role is further enhanced through the new ECI Regulation and amendments to its Rules of Procedure^[8]. In order to strengthen the political impact of successful initiatives, following the public hearing, Parliament can hold a plenary debate and adopt a resolution in order to assess political support for the initiative. Finally, Parliament will scrutinise the actions taken by the Commission in response to the initiative, which are also outlined in specific Commission communications.

CURRENT INITIATIVES

Several organisations had attempted to launch initiatives similar to the ECI before this instrument was adopted in law and detailed procedures were established. In 2007, the European Disability Forum launched one of the first such pilot initiatives, in which it claimed to have collected 1.2 million signatures. After the ECI Regulation was adopted in 2010, but before it had entered into force, Greenpeace claimed to have received 1 million signatures calling for a moratorium on genetically modified organism (GMO) crops. However, neither of these initiatives can be considered an ECI.

Since 1 April 2012, over 68 ECIs have been launched. Of these, 21 were refused registration in principle on the grounds that they fell outside the scope of the Commission's competence to propose an act, and 15 were withdrawn by their organisers. Currently, 14 initiatives have been registered. To date, only four initiatives have reached the requisite number of signatures (Right2Water, One of Us, Stop Vivisection and Ban Glyphosate) and have been submitted to the Commission, of which only one, Ban Glyphosate, has been submitted since 2014. Parliament organised hearings with the representatives of each initiative, which were held on 17 February 2014, 10 April 2014, 24 April 2015 and 20 November 2017, respectively. The Commission provided a reply setting out its legal and political conclusions with regard to all four of them. Six ECIs have been the subject of legal action before the

[8]European Parliament decision of 31 January 2019 on amendments to Parliament's Rules of Procedure affecting Chapters 1 and 4 of Title I; Chapter 3 of Title V; Chapters 4 and 5 of Title VII; Chapter 1 of Title VIII; Title XII; Title XIV and Annex II (Texts adopted, P8_TA(2019)0046).



General Court of the EU, which found in its most recent judgment, T-646/13 '*Minority SafePack v Commission*', that the Commission failed to comply with its obligation to explain in detail and justify its reasons to refuse to register an ECI, and in judgment T-754/14 '*Michael Efler and others v Commission*', on the 'Stop TTIP' initiative, the Court clarified that acts that can be subject to an ECI can extend to other acts such as decisions to open trade negotiations.

ROLE OF THE EUROPEAN PARLIAMENT

The ECI instrument has been of major interest to Parliament. Before the entry into force of the Lisbon Treaty, Parliament adopted a [resolution](#)^[9] containing a detailed proposal for the implementation of the ECI. After the entry into force of the Lisbon Treaty, Parliament was actively involved in the negotiation of the ECI Regulation. Parliament contributed successfully to making the ECI a more accessible and citizen-friendly instrument of participatory democracy. It obtained, inter alia, a reduction in the minimum number of Member States from which the statements of support have to come to one quarter; it insisted that the verification of admissibility must be carried out at the pre-registration stage; and it pressed for the provisions allowing all EU citizens and residents, regardless of nationality, to be granted the right to sign an ECI.

Parliament made a number of political calls to simplify and streamline the procedures for running an ECI, as well as to enhance its impact. Parliament adopted a [resolution on the ECI review process](#) on 28 October 2015^[10], calling inter alia for the revision of the regulation with a view to simplifying the personal data requirements and providing funding to support the organisation of ECIs. In 2017, the Committee on Constitutional Affairs launched an own-initiative legislative report with a view to just such a genuine revision of the ECI Regulation. In September 2017, based on Parliament's requests and a public consultation, the Commission eventually issued its [proposal for a new regulation on the ECI](#). The Committee on Constitutional Affairs adopted its [report](#) on the Commission's proposal on 20 June 2018, which was then followed by a plenary vote on 5 July 2018 to start inter-institutional negotiations on the new ECI Regulation.

On 12 December 2018, Parliament and the Council reached a political agreement. On 17 April 2019, the agreed text was signed, and it is now awaiting publication in the Official Journal of the European Union^[11]. It will repeal Regulation (EU) No 211/2011 and will be applied as of 1 January 2020.

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[9]European Parliament resolution of 7 May 2009 requesting the Commission to submit a proposal for a regulation of the European Parliament and of the Council on the implementation of the citizens' initiative, OJ C 212 E, 5.8.2010, p. 99.

[10]European Parliament resolution of 28 October 2015 on the European Citizens' Initiative, OJ C 355, 20.10.2017, p. 17.

[11]Information on the entire legislative procedure is available at: [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2017/0220\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2017/0220(COD)&l=en)

