

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0043/2009

3.2.2009

REPORT

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
(2008/2169(INI))

Committee on Constitutional Affairs

Rapporteur: Sylvia-Yvonne Kaufmann

(Initiative – Rule 39 of the Rules of Procedure)

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
ANNEX TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE COMMISSION PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE IMPLEMENTATION OF THE CITIZENS' INITIATIVE	8
JUSTIFICATION	13
OPINION OF THE COMMITTEE ON PETITIONS	17
RESULT OF FINAL VOTE IN COMMITTEE.....	20

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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
(2008/2169(INI))

The European Parliament,

- having regard to Article 192, second paragraph, of the EC Treaty,
 - having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on 13 December 2007,
 - having regard to the Treaty establishing a Constitution for Europe¹,
 - having regard to its resolution of 20 February 2008 on the Treaty of Lisbon²,
 - having regard to its resolution of 19 January 2006 on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union³,
 - having regard to Rules 39 and 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Petitions (A6-0043/2009),
- A. whereas the Treaty of Lisbon introduces the Citizens' Initiative, whereby citizens of the Union numbering not less than one million who are nationals of a significant number of Member States may take the initiative of 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 – Article 11(4) of the EU Treaty in the new wording ('TEU nw'),
- B. whereas one million citizens of the Union will thus obtain the same right to request the Commission to submit a legislative proposal as the Council has had since the establishment of the European Communities in 1957 (originally under Article 152 of the EEC Treaty, at present Article 208 of the EC Treaty, in future Article 241 of the Treaty on the Functioning of the European Union ('TFEU')), and the European Parliament has had since the entry into force of the Maastricht Treaty in 1993 (at present Article 192 of the EC Treaty, in future Article 225 TFEU),
- C. whereas citizens will thus play a direct role in the exercise of the European Union's sovereign power by being, for the first time, directly involved in the initiation of European legislative proposals,
- D. whereas Article 11(4) TEUnw aims to establish an individual right to participate in a

¹ OJ C 310. 16.12.2004, p. 1.

² Texts adopted, P6_TA(2008)0055.

³ OJ C 287 E, 24.11.2006, p. 306.

citizens' initiative, as a special consequence of the right to participate in the democratic life of the Union under Article 10(3) TEUnw,

- E. whereas the right of initiative is often confused with the right to petition; whereas there is a need to ensure that citizens are fully aware of the distinction between both rights, particularly since a petition is directed to Parliament while a citizens' initiative is directed to the Commission,
- F. whereas the Union's institutions and the Member States are required to establish the conditions for the smooth, transparent and effective exercise of the right of participation of the citizens of the Union,
- G. whereas the procedures and conditions for a citizens' initiative, including the minimum number of Member States from which the citizens taking the initiative must come, shall be determined by Parliament and the Council in accordance with the proper legislative procedure by means of a regulation (Article 24(1) TFEU),
- H. whereas when that regulation is adopted and implemented, the fundamental rights to equality, good administration and legal protection should be particularly safeguarded,

Minimum number of Member States

- I. whereas the 'minimum number of Member States from which such citizens must come' (Article 24(1) TFEU) must be a 'significant number of Member States' (Article 11(4) TEUnw),
- J. whereas the minimum number of Member States must not be determined arbitrarily but must be guided by the regulation's purpose and shall be interpreted with reference to other Treaty provisions, in order to avoid conflicting interpretations,
- K. whereas the purpose of the regulation is to ensure that the starting point of the European legislative process is prompted, not by national vested interests, but by the general European interest,
- L. whereas Article 76 TFEU indicates that a legislative proposal supported by a quarter of the Member States may be presumed to take sufficient account of the general European interest; whereas, therefore, such a minimum number can be considered to be unchallengeable,
- M. whereas the purpose of the regulation is fulfilled only if it is associated with a minimum number of statements of support from each of those Member States,
- N. whereas it can be concluded from Article 11(4) TEUnw, which specifies the figure of one million citizens of the Union, from a population of approximately 500 million citizens, that 1/500 of the population should be considered to be representative,

Participants' minimum age

- O. whereas Article 11(4) TEUnw applies to all citizens of the Union,

- P. whereas, however, any restriction of the right to democratic participation and any unequal treatment on the grounds of age must satisfy the principle of proportionality,
- Q. whereas, moreover, it is desirable to avoid conflicting interpretations, of the kind that would arise, for instance, if the minimum age for participation in European elections in a Member State were lower than the minimum age for participation in a citizens' initiative,

Procedure

- R. whereas a successful citizens' initiative requires the Commission to look into the matters it raises and decide whether and to what extent it should accordingly submit a proposal for a legal act,
- S. whereas it would be advisable for initiatives to refer to one or more appropriate legal bases for the submission of the proposed legal act by the Commission,
- T. whereas a citizens' initiative may proceed only if it is admissible, in so far as:
- it contains a request to the Commission to submit a proposal for a legal act of the Union,
 - the Union has legislative competence, and the Commission has the right to submit a proposal in the case concerned, and
 - the requested legal act is not manifestly contrary to the general principles of law as applied in European Union;
- U. whereas a citizens' initiative is successful if it is admissible in the above sense and representative, in the sense that it is supported by at least one million citizens who are nationals of a significant number of Member States,
- V. whereas it is the task of the Commission to verify whether the conditions for a successful citizens' initiative are fulfilled,
- W. whereas for the organisation of a citizens' initiative it is highly desirable to have legal certainty as to the admissibility of the initiative before collecting statements of support,
- X. whereas the task of verifying the authenticity of statements of support cannot be carried out by the Commission and should therefore be fulfilled by the Member States; whereas, however, the obligations of the Member States with regard thereto extend only to initiatives within the framework of Article 11(4) TEU and under no circumstances to initiatives that are inadmissible on the grounds stated; whereas it is therefore necessary for the Member States, even before beginning to collect statements of support, to have legal certainty as regards the admissibility of the citizens' initiative,
- Y. whereas verification of the admissibility of a citizens' initiative by the Commission is, however, restricted exclusively to the aforementioned legal questions and may on no account include considerations of political expediency; whereas this will ensure that the Commission is not free to decide, on the basis of political considerations of its own,

whether a citizens' initiative is or is not to be declared admissible,

Z. whereas it would seem appropriate for the procedure for a citizens' initiative to be divided into the following five stages:

- registering the initiative,
- collecting statements of support,
- presenting the initiative,
- a statement of its position by the Commission,
- verifying that the requested legal act is consistent with the Treaties.

The principle of transparency

AA. whereas the citizens' initiative is a means of exercising public sovereign power in the area of legislation and is subject, as such, to the transparency principle; whereas this means that the organisers of a citizens' initiative must publicly assume accountability for its funding, including the sources of that funding,

Political monitoring of the process

AB. whereas it is the political task of the Parliament to monitor the process of a citizens' initiative,

AC. whereas this responsibility concerns the implementation of the regulation on the citizen's initiative, as such, as well as the political position of the Commission with regard to the request submitted by the citizens' initiative,

AD. whereas it is important to ensure compatibility between requests submitted to the Commission by a citizens' initiative and Parliament's democratically approved priorities and proposals,

Constitutional citizens' initiatives

AE. whereas it is debatable whether Article 11(4) TEUnw includes initiatives that address Treaty amendments (constitutional citizens' initiatives),

1. Requests the Commission to submit without delay, after the Treaty of Lisbon enters into force, a proposal for a regulation on the citizens' initiative on the basis of Article 24 of the Treaty on the Functioning of the European Union;
2. Calls on the Commission to give due regard in that task to the recommendations set out in the annex to this resolution;
3. Calls for the regulation to be clear, simple and user-friendly, incorporating practical

elements related to the definition of a citizens' initiative in order that it should not be confused with the right of petition;

4. Decides to look, immediately after this regulation has been adopted, into the establishment of an effective system to monitor the process of a citizens' initiative;
5. Instructs its President to forward this resolution to the Council and the Commission.

**ANNEX TO THE MOTION FOR A RESOLUTION:
RECOMMENDATIONS AS TO THE CONTENT OF THE COMMISSION
PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL ON THE IMPLEMENTATION OF THE CITIZENS' INITIATIVE**

On determining the minimum number of Member States

1. The minimum number of Member States from which the citizens taking part in the initiative must come is one quarter of the Member States.
2. This requirement is fulfilled only if at least 1/500 of the population of each of the Member States concerned supports the initiative.

On determining the minimum age of participants

3. Every citizen of the Union who has the right to vote in accordance with the legislation of his/her own Member State may participate in a citizens' initiative.

On determining the procedure

4. The procedure for a citizens' initiative comprises five stages:
 - registering the initiative,
 - collecting statements of support,
 - presenting the initiative,
 - a statement of its position by the Commission,
 - verifying that the requested legal act is consistent with the Treaties.
5. The first stage of a citizens' initiative begins with its organisers registering the initiative with the Commission and ends with the Commission's formal decision on the success of that registration. Its main features are as follows:
 - (a) A citizens' initiative must be duly registered by its organisers with the Commission. To register, each organiser shall state his or her name, date of birth, nationality and home address, and the exact wording of the citizens' initiative in one of the official languages of the European Union.
 - (b) The Commission verifies the formal admissibility of the registered citizens' initiative. A citizens' initiative is formally admissible if it satisfies the following four requirements:

- It contains a request to the Commission to submit a proposal for the adoption of a legal act of the European Union.
- The European Union has the competence under the Treaties on which the Union is based to adopt a legal act on the matters concerned.
- The Commission has the competence under the Treaties on which the Union is based to submit a proposal for a legal act on the matters concerned. The requested legal act is not manifestly contrary to the general principles of laws as applied in European Union.

In accordance with Article 41 of the Charter of Fundamental Rights of the European Union the Commission provides organisers with all due support to ensure that initiatives which are registered are admissible. The Commission also notifies the organisers of current or proposed legislative proposals on matters raised in the citizens' initiative and on successfully registered citizens' initiatives that wholly or partly concern the same matters.

- (c) Within two months of registration of the citizens' initiative the Commission must decide whether the initiative is admissible and registrable. Registration may be rejected only on legal grounds and not, on any account, on grounds of political expediency.
 - (d) The decision is addressed both to the organisers individually and to the general public. The organisers are notified of it and it is published in the Official Journal. The European Parliament, the Council and the Member States are notified of the decision immediately.
 - (e) The decision is subject to scrutiny by the Court of Justice of the European Union and the European Ombudsman in accordance with the relevant provisions of Union law. This applies *mutatis mutandis* if the Commission fails to take such a decision.
 - (f) The Commission provides on its website, accessible to the public, an index of all successfully registered citizens' initiatives.
 - (g) The organisers of a citizens' initiative may withdraw the initiative at any time. It is then considered not registered and is deleted from the above Commission index.
6. The second stage of the Citizen's Initiative covers the collecting of individual statements of support for the successfully registered initiative and official confirmation by the Member States of the result of the collection of individual statements of support. Its main features are as follows:
- (a) The Member States make provision for an effective procedure for the collection of lawful statements of support for a citizens' initiative and for official confirmation of the result of that collection.

- (b) A statement of support is lawful if it is declared within the period for collecting statements of support in accordance with the relevant legal provisions of the Member States and of EU law. The period for collecting statements of support is one year. It begins on the first day of the third month following the decision on registration of the citizens' initiative.
- (c) All supporting persons must individually state their support, as a rule by a personal signature (provided in writing or, if appropriate, electronically). The statement must as a minimum show the name, date of birth, home address and nationality of the supporting person. People who have more than one nationality shall indicate only one, which they choose freely.

The personal data is subject to data protection requirements, for which the citizens' initiative's organisers are held accountable.

- (d) Support for a citizens' initiative may be stated only once. Every statement of support contains a separate solemn declaration by the supporting person that they have not previously stated their support for the same citizens' initiative.
- (e) Any statement of support may be withdrawn before the period for the collection of statements of support expires. The supporting statement is then considered not to have been made. The organisers must inform every supporting person of this option. Every statement of support by the supporting person must contain a separate declaration that they have been informed of this option.
- (f) Every supporting person receives a copy of their statement of support from the organisers together with a copy of their solemn declaration and their declaration that they have taken note of the withdrawal option.
- (g) Within two months and after verifying the details of the statements of support, the Member States shall provide the organisers of citizens' initiatives with official confirmation of the number of lawful statements of support, listed by nationality of the supporting persons. They shall take appropriate steps to ensure that every statement of support is confirmed only once by one of the Member States and that multiple confirmations by different Member States or different agencies of the same Member State are effectively prevented.

The personal data is subject to data protection requirements, for which the relevant authorities of the Member States are held accountable.

7. The third stage of the citizens' initiative begins when the organisers presenting the citizens' initiative to the Commission and ends with the Commission's formal decision on whether presentation of the initiative has succeeded. Its main features are as follows:

- (a) A citizens' initiative must be lawfully presented by the organisers to the Commission. The Member States' confirmations on the number of statements of support must be submitted at the time of presentation.

- (b) The Commission verifies the representativeness of the citizens' initiative as presented. A citizens' initiative is representative if:
- it is supported by at least one million Union citizens,
 - who are nationals of at least one quarter of the Member States,
 - with the number of nationals of each Member State concerned amounting to at least 1/500 of that Member State's population.
- (c) Within two months of presentation of the citizens' initiative the Commission must decide whether presentation of that initiative has been successful. The decision must include a statement on whether or not the initiative is representative. Presentation of the initiative may be rejected only on legal grounds and not, on any account, on grounds of political expediency.
- (d) The decision is addressed both to the organisers individually and to the general public. The organisers are notified of it and it is published in the Official Journal. The European Parliament, the Council and the Member States are notified of the decision immediately.
- (e) The decision is subject to scrutiny by the Court of Justice of the European Union and the European Ombudsman in accordance with the relevant provisions of Union law. This applies *mutatis mutandis* if the Commission fails to take such a decision.
- (f) The Commission provides on its website, accessible to the public, an index of all successfully presented citizens' initiatives.
8. The fourth stage of the citizens' initiative covers the Commission's detailed consideration of the matters raised in the initiative and ends with the Commission's formal statement of its position on the request in the initiative for it to submit a proposal for a legal act. Its main features are as follows:
- (a) A successfully presented citizens' initiative obliges the Commission to look into the content of the matters raised by the initiative
- (b) To that end the Commission invites the initiative's organisers to a hearing and gives them an opportunity to explain in detail the matters raised in the initiative.
- (c) The Commission must take a decision on the request by the initiative within three months. If it does not intend to submit a proposal it shall explain to Parliament and to the organisers its reasons for not doing so.
- (d) The decision is addressed both to the organisers individually and to the general public. The organisers are notified of it and it is published in the Official Journal. The European Parliament, the Council and the Member States are notified of the decision immediately.

- (e) If the Commission fails to take any decision on the request submitted by the citizens' initiative, this is subject to the judicial scrutiny of the Court of Justice of the European Union and of the European Ombudsman in accordance with the relevant provisions of EU law.

The principle of transparency

9. The organisers of a successfully registered citizens' initiative shall be required, within an appropriate period of time after the conclusion of the procedure, to present to the Commission a report on the funding of the initiative, including the sources of funding (transparency report). The report shall be examined by the Commission and published together with an opinion.
10. As a general rule the Commission should begin to address the content of a citizens' initiative only after a transparency report has been presented in due form.

JUSTIFICATION

In providing for the introduction of the European Citizens' Initiative (ECI), the Lisbon Treaty contains a significant innovation in the area of European constitutional law, one which had originally been worked out in the European Convention, in close cooperation with non-governmental organisations, and which was only included in the draft Constitution prepared by that Convention after a lengthy struggle. The ECI represents a completely new instrument to strengthen democracy in the European Union. Its introduction is a first step towards the development of supranational direct democracy and its implementation can help to promote the development of a European public space in the longer term.

The legal bases for the ECI can be found in the future Article 11(4) of the Treaty on European Union (EU Treaty, new version – EU Treaty n.v.) and in the future Article 24(1) of the Treaty on the Functioning of the European Union (FEU Treaty). The conditions and procedures for the ECI are to be laid down by means of a regulation adopted under the ordinary legislative procedure.

I. What is the ECI?

Following the entry into force of the Lisbon Treaty, all European Union legislative acts, whether regulations, directives or decisions, will as a matter of principle be adopted jointly by the European Parliament and the Council, on the basis of a Commission proposal (see Article 289 FEU Treaty). In other words, in almost all cases the submission of a Commission proposal is a prerequisite for the adoption of a European legislative act (see Article 17(2) EU Treaty n.v.).

With the establishment of the European Economic Community in 1957, the Member States had already given the Council the right to 'request the Commission to undertake any studies [it] considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals' (original Article 152 EEC Treaty, current Article 208 EC Treaty, future Article 241 FEU Treaty). Then, 35 years later, through the introduction of the codecision procedure in the Maastricht Treaty, they also gave the European Parliament the power to request the Commission to submit legislative proposals (see current Article 192 EC Treaty, future Article 225 FEU Treaty).

This right to request legislative proposals, which the two institutions which make up the legislative authority now enjoy, is to be extended to all Union citizens by means of the ECI: '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'. On this basis, Union citizens themselves can for the first time become directly involved in the European legislative process. They will be placed on the same footing as the two institutions which make up the legislative authority as regards the right to request legislative proposals.

II. As regards the substance of the right to participate in the ECI

In accordance with Article 11(4) EU Treaty (n.v.), Union citizens may take a citizens'

initiative. As a specific consequence of the right to participate in the democratic life of the Union laid down in Article 10(3) EU Treaty (n.v.), this provision seeks to establish the individual right of each Union citizen to take part in the ECI.

There are two ways in which Union citizens can take part in an ECI: as organisers, or as supporters. The work of organising an ECI involves submitting an application for registration of the initiative to the Commission, conducting publicity campaigns and, if necessary depending on how Member States design the procedures, gathering statements of support and explaining the nature of the initiative to the Commission. Union citizens can support an ECI by making a formal statement that they endorse the aim of the initiative and the corresponding request being made to the Commission. The right to participate in the ECI thus embraces both the right to organise and the right to support an ECI.

III. As regards the differences between the ECI and a petition to the European Parliament

Pursuant to Article 24(2) in conjunction with Article 227 FEU Treaty (currently Article 21(1) in conjunction with Article 194 EC Treaty) and pursuant to Article 44 of the Charter of Fundamental Rights of the European Union, every Union citizen, every natural person resident in the Union and every legal person with a registered office in the Union has the right to address a petition to the European Parliament. The right to participate in the ECI, pursuant to Article 11(4) EU Treaty (n.v.), thus supplements and complements the European right to submit a petition; however, it does not replace it and is not identical to it.

Although the outcome of an ECI or a petition may be similar – for example, both may lead, at the instigation of several persons, to the adoption of a European Union legislative act – they differ fundamentally in terms of their function and, accordingly, their addressees and the conditions governing their submission.

The difference in the addressees is immediately obvious. Whereas petitions are addressed to the European Parliament, ECIs are addressed to the Commission. The European right of petition is granted to Union citizens in their capacity as persons directly or indirectly affected by the exercise of the European Union's sovereign powers and offers them the possibility, in that capacity, to address Parliament directly in order to inform it about a given state of affairs and call for that state of affairs to be remedied. In contrast, for the first time the ECI enables Union citizens to participate directly in the exercise of the European Union's sovereign powers by giving them the possibility, like the Council or the European Parliament, to request the Commission to submit a legislative proposal.

As a result, the conditions governing the use of these two legal instruments also differ. The right of petition is restricted to matters which directly affect the petitioner or petitioners, whereas no such restriction applies to the participants in an ECI, and nor would such a restriction make sense. Instead, like all persons exercising European powers, the participants in an ECI are required to foster the European general interest and to comply with European law. No such requirement must be met when submitting a petition.

The similarities between the ECI and a petition to the European Parliament can certainly be taken into account when drawing up the conditions and procedures governing the initiative. On no account, however, should the intrinsic differences be allowed to become blurred.

IV. As regards the minimum number of Member States

Pursuant to Article 11(4) EU Treaty (n.v.), the Union citizens who support a European Citizens' initiative (ECI) must be nationals of a significant number of Member States. However, what is meant by 'a significant number' is not made clear and is instead to be laid down, pursuant to Article 24(1) FEU Treaty, by the legislator, who thus initially has a broad measure of leeway.

The purpose of this stipulation should, however, influence the figure established. The purpose behind the stipulation that the supporters of an ECI should come from several different Member States is to ensure that the starting point in the European legislative process is not an issue which reflects the specific interests of a single Member State, but rather one which is sufficiently consistent with the European general interest. For that reason, the exclusive right to propose legislation rests, as a matter of principle, with the Commission.

However, pursuant to Article 76 FEU Treaty legal acts dealing with matters relating to the area of freedom, security and justice may also be adopted on the initiative of a quarter of the Member States. Accordingly, the Treaty itself gives a clue as to the number of Member States whose involvement would be sufficient to meet the requirement that the European general interest has been properly taken into account. When laying down provisions governing the implementation of the ECI, the legislator should take care not to contradict this interpretation.

Admittedly, the requirement that the supporters of an ECI should be nationals of a substantial number of Member States makes little sense if it is not combined with a requirement stipulating the minimum number of supporters who must come from each of those Member States. Valuable guidance in this matter is provided by Article 11(4) EU Treaty itself, which, by setting a figure of one million Union citizens, contains an interpretation to the effect that 1/500 of the population should be regarded as sufficiently representative. This interpretation can also be the relevant criterion concerning representativeness of the individual Member States.

V. As regards the procedure for the ECI

In addition to the minimum number of Member States from which the supporters of an ECI must come, the regulation also has to govern the procedure for the ECI. The procedure has a purely practical function, which is to ensure that the individual right to take part in an ECI can be exercised as effectively as possible and that full use is made of the democratic nature of the ECI as a form of direct exercise of public authority. Each individual component of the procedure must be measured against this yardstick as this is the only way of taking into account the paramount political importance of this new instrument for involving citizens in shaping the European Union.

The ECI procedure should be broken down into four stages that derive directly from Article 11(4) EU Treaty (n.v.): registration – gathering – submission – consideration. In the first stage ("registration"), the Commission is informed about the content and the organisers of an ECI. The second stage ("gathering") involves collecting the individual statements of support for the citizens' initiative; given that the Commission does not have the necessary capacity to do so, this task has to be carried out by the Member States. In the third stage ("submission"), the Commission is then informed of the Member States' findings, and in the final stage ("consideration") the Commission adopts a position on the matters raised by the ECI.

Before adopting a position on an ECI, the Commission must check in particular whether the legal requirements of Article 11(4) EU Treaty (n.v.) have been met in the case in question, i.e. the admissibility and representativeness of the initiative. For reasons of transparency, this should not be done as part of the Commission's political appraisal of the ECI, but should happen at an earlier stage in order to avoid any suspicion of being swayed by political considerations. The sufficient representativeness of the ECI (at least one million supporters from a significant number of Member States) can thus only logically be checked during the third stage as part of the decision on the success of the presentation of the initiative.

The admissibility of the ECI - i.e. whether its contents satisfy the legal requirements - should, on the other hand, be checked at as early a stage in the procedure as possible, in order to ensure legal certainty on this point both for those organising an ECI and for the Member States which are responsible for collecting the statements of support. This examination should thus already be conducted during the first stage as part of the decision on whether the ECI has been successfully registered.

Each stage of the procedure must end with a formal decision, each of which can be legally challenged by the organisers. Both the Commission's decisions on the success of the application and the submission, and the Member States' confirmations of the individual expressions of support must also, if required, be subject to legal review.

20.1.2009

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Constitutional Affairs

with recommendations to the Commission on guidelines for a proposal for a regulation of the European Parliament and of the Council on the implementation of the Citizen's Initiative (2008/2169(INI))

Rapporteur: Carlos Carnero González

(Initiative – Rule 39 of the Rules of Procedure)

SUGGESTIONS

The Committee on Petitions calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas it is important to have regard to the provisions contained in the Lisbon Treaty relating to the Citizens' Initiative, which are designed to enable European citizens to play a more significant direct role in influencing European legislative acts which are required for the purpose of implementing the Treaties,
- B. whereas the right to petition has existed since the Treaty of Maastricht, and whereas Parliament has developed a series of procedures designed to respond to this important right of all EU citizens and residents, notably as regards matters bearing on the application of EU law by national and local authorities and the impact of such law on individuals and their local communities,
 1. Calls for the regulation on the implementation of the Citizens' Initiative, laying down the conditions for the exercise of the right in that regard, to be clear, simple and user-friendly, incorporating practical elements related to the definition of a Citizens Initiative in order that it should not be confused with the right of petition;
 2. Expresses its concern that, according to the proposals currently circulated by those supporting the Citizens' Initiative, many practical examples shown are in fact current campaign-type petitions, some of which are already registered in Parliament as petitions, without bearing any specific relation to the Citizens' Initiative as defined in the Treaty;

3. Consequently, draws attention to the need to ensure that citizens are fully aware of this distinction, given that the right to petition is directed towards the European Parliament and the Citizens' Initiative to the Commission;
4. Notes in addition that Parliament, exercising its own right of legislative initiative, may decide to launch this procedure and to act upon recommendations based on petitions received by its competent committee;
5. Calls for its Committee on Petitions to be given responsibility to monitor the implementation of the regulation on the Citizens' Initiative by ensuring that proposals made by citizens are considered at meetings of the Committee on Petitions to which other related committees with a sectoral responsibility for the policy area concerned are invited and at which the Commission should be called upon to give an opinion;
6. Believes that such measures may better ensure compatibility between proposals addressed to the Commission in the first instance by citizens and the European Parliament's democratically approved priorities and proposals;
7. Considers that Parliament should be able to pronounce on the suitability of a Citizens' Initiative, associated with any suggestions and recommendations made, before the Commission proceeds with the detailed elaboration of a legislative text based on the Citizens' Initiative;
8. Recognises that questions of eligibility need to be addressed, and in that context considers that flexibility should be shown with regard to what precisely constitutes the “several Member States” from which the one million-plus signatures should be drawn; similarly, in line with the practice used for petitions, considers that the possibility of supporting a Citizens' Initiative should be open to all EU citizens.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	19.1.2009
Result of final vote	+: 21 -: 0 0: 0
Members present for the final vote	Sir Robert Atkins, Margrete Auken, Inés Ayala Sender, Victor Boştinaru, Simon Busuttil, Alexandra Dobolyi, Glyn Ford, Cristina Gutiérrez-Cortines, David Hammerstein, Marian Harkin, Carlos José Iturgaiz Angulo, Marcin Libicki, Miguel Angel Martínez Martínez, Manolis Mavrommatis, Mairead McGuinness, Marie Panayotopoulos-Cassiotou, Nicolae Vlad Popa, Kathy Sinnott
Substitute(s) present for the final vote	Carlos Carnero González, Marie-Hélène Descamps, Henrik Lax

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.1.2009
Result of final vote	+: 15 -: 4 0: 0
Members present for the final vote	Richard Corbett, Jean-Luc Dehaene, Andrew Duff, Anneli Jäätteenmäki, Aurelio Juri, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Jo Leinen, Íñigo Méndez de Vigo, Ashley Mote, József Szájer, Riccardo Ventre, Johannes Voggenhuber, Bernard Wojciechowski
Substitute(s) present for the final vote	Costas Botopoulos, Klaus-Heiner Lehne, Gérard Onesta, Sirpa Pietikäinen, Mauro Zani