

**Committee of the Regions****CIVEX-V-007****85th plenary session****9-10 June 2010**

OPINION
of the
Committee of the Regions
on the
EUROPEAN CITIZENS' INITIATIVE

THE COMMITTEE OF THE REGIONS

- underlines the fact that the adoption of this regulation, activating the right of citizens to participate directly in the democratic life of the Union, represents a milestone in the consolidation of the principles of democracy in the EU;
- would stress the interest local and regional authorities are showing in the establishment of the citizens' initiative, as they could decide to organise and/or promote initiatives themselves, not least given their closeness to the EU public;
- underlines the key role that can be played by the Committee of the Regions, thanks in part to the instruments it has developed in the area of decentralised communication, and by regional and local authorities, which are able to communicate directly at a grassroots level;
- broadly endorses the proposal made by the Commission, while believing that improvements are possible on certain points;
- considers that it would be more appropriate that the minimum threshold be equal to a quarter of Member States, which would moreover be in line with the Treaty's other provisions, such as Article 76 TFEU;
- calls upon the institutions to consider the possibility of providing some assistance in translating the principal elements of an initiative that has been declared admissible into all the official languages of the European Union, so that all the citizens of the Union can be made aware of it;
- proposes that the Commission should be responsible for verifying the admissibility of a proposal for a citizens' initiative when it is first registered, in order to avoid organisers putting a significant amount of time and money into citizens' initiatives that then prove to be inadmissible.

Rapporteur:

Ms Sonia Masini (IT/PES)
President of the Province of Reggio Emilia

Reference document

Proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative
COM(2010) 119 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. notes that Article 11(4) of the Treaty on European Union, as amended by the Treaty of Lisbon, states 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. also notes that the first paragraph of Article 24 of the Treaty on the Functioning of the European Union, as amended by the Treaty of Lisbon, further specifies that it is the responsibility of the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, to adopt provisions relating to the procedures and practicalities of the citizens' initiative;
3. points out that, with its Green Paper on a "European Citizens' Initiative" of 11 November 2009¹, the Commission launched a broad public consultation aimed at gathering the opinions of all interested parties on the main themes to be addressed in the regulation on the citizens' initiative and highlights the major contribution made to the debate by local and regional authorities;
4. welcomes the presentation by the Commission of the Proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative²;
5. underlines the fact that the adoption of this regulation, activating the right of citizens to participate directly in the democratic life of the Union, represents a milestone in the consolidation of the principles of democracy in the EU;
6. hopes that the Parliament and the Council will waste no time in adopting the regulation on the citizens' initiative in order for the mechanism to be operational at the beginning of 2011, as foreseen by the 2009 Green Paper;
7. recalls having already emphasised the importance of providing for the right of legislative initiative, in line with the Lisbon Treaty, with a view to strengthening citizenship rights³;

¹ COM(2009) 622 final.

² COM(2010) 119 final.

³ Own-initiative opinion of the Committee of the Regions on "Citizens' rights: promotion of fundamental rights and rights derived from European citizenship"; 9.10.2008, point 58.

8. reiterates the fact that the consolidation of its own institutional role depends on the rapid implementation of those provisions of the Lisbon Treaty that are of significance to regional and local authorities, such as the citizens' initiative⁴;
9. would stress the interest local and regional authorities are showing in the establishment of the citizens' initiative, as they could decide to organise and/or promote initiatives themselves, not least given their closeness to the EU public;
10. agrees with the Commission on the need to offer the public an instrument that is easy to use, has simple procedures and can be applied with immediate effect, and to provide clear and unambiguous instructions, while also taking care to prevent possible abuses of the system;
11. considers that it is necessary to promote wide-ranging initiatives in the area of institutional communication in order to raise maximum awareness among the EU's public of their new right and, more generally, to involve them directly in the political debate on issues of general European interest that are the subject of current initiatives;
12. underlines on this note the key role that can be played by the Committee of the Regions, thanks in part to the instruments it has developed in the area of decentralised communication, and by regional and local authorities, which are able to communicate directly at a grassroots level;
13. offers its own assistance in establishing an inter institutional information point, of which the Committee should be an integral part;
14. underlines that as a partner of the other European Union institutions as well as local and regional authorities, it should be fully informed and, where appropriate, consulted at the same time as the European Parliament about the decisions by the European Commission regarding the admissibility or the follow-up of European Citizens' Initiatives, as well as any proposed changes to the conditions and rules governing this instrument;
15. reiterates its willingness to explore the possibility to support those ECIs which are most relevant to the CoR and the local and regional authorities represented in it by, for example,
 - organising hearings for ongoing or successful citizens' initiatives with the participation of the EU institutions, local and regional authorities and their associations as well as representatives of civil society,
 - producing opinions on successful citizens' initiatives that are particularly important to the CoR and local and regional authorities in view of its political priorities, or on Commission decisions regarding the outcome of such ECIs;

⁴ R/CdR 79/2010, Appendix I.

16. points out that in the context of the regulation and its implementation, special care must be taken to uphold the principles of equality, transparency, sound administration and access to justice;
17. broadly endorses the proposal made by the Commission, while believing that improvements are possible on certain points;
18. Without prejudice to the European citizens' initiative, the CoR highlights the need to promote at local and regional level initiatives which foster transparency, collaboration and the involvement of Europeans in public policies, in line with the principle of participatory democracy;

On the minimum number of Member States

19. notes that, according to the Treaties, the initiative must come from "a significant number of Member States" (Article 11(4) TEU) and that this provision is based on the need to ensure that the initiative is the expression of a common European interest;
20. believes that the provision of a minimum threshold equal to a third of the Member States is too high, given the need to encourage citizens to exercise their right to participate directly in the democratic life of the Union;
21. considers that it would be more appropriate that the minimum threshold be equal to a quarter of Member States, which would moreover be in line with the Treaty's other provisions, such as Article 76 TFEU;

On the minimum age of signatories

22. agrees that the minimum age for signatories to an initiative should correspond to the minimum age required in order to have the right to vote in European elections;

On the registration of proposed initiatives and the collection of statements of support

23. agrees with the provision for a mandatory system of registration of proposed initiatives on an online register;
24. also agrees with the European Parliament that no decision on the admissibility of a citizens' initiative should include considerations of political expediency⁵;

⁵ Resolution of the European Parliament 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 (A6-0043/2009), recital Y.

25. would therefore argue that the Commission should refuse to register proposals only in cases where they are "manifestly abusive" or "manifestly counter to the values of the Union", as the reference in the draft regulation to the concept of "improperness" may seem inappropriate;
26. welcomes the provision of a common *set* of procedural requirements for the collection and verification of statements of support;
27. welcomes the arrangements for an on-line system for the collection of statements of support for an initiative;

On the principle of transparency and administrative cooperation

28. agrees with the Commission on the need to ensure transparency as to the sources of financing and support available to organisers of initiatives;
29. stresses that the presentation of initiatives should be open to all citizens and organisations and not limited in practice to large organisations;
30. hopes therefore that arrangements will be made to offer practical and technical assistance to those wishing to organise an initiative;
31. would argue in particular that it would be appropriate to establish an information point for citizens' initiatives, in which the Committee should be fully involved;
32. also calls upon the institutions to consider the possibility of providing some assistance in translating the principal elements of an initiative that has been declared admissible into all the official languages of the European Union, so that all the citizens of the Union can be made aware of it;

On the admissibility of proposals

33. proposes that the Commission should be responsible for verifying the admissibility of a proposal for a citizens' initiative when it is first registered, in order to avoid organisers putting a significant amount of time and money into citizens' initiatives that then prove to be inadmissible;
34. would underscore the requirement that admissibility criteria be established in general terms and in a clear and transparent way and that they be adequately publicised, so as to limit the number of inadmissible proposals presented;
35. welcomes the requirements whereby the proposal a) must relate to a subject on which EU legislation could be adopted in line with the Treaties and b) must fall within the scope of the Commission's remit to make a proposal;

36. would stress however that the adoption by the Union of a legislative act in sectors that do not fall within its exclusive remit must also comply with the principle of subsidiarity, as provided under Article 5(3) of the Treaty on European Union;
37. would also stress that every EU act must uphold the fundamental rights and freedoms enshrined in the EU Charter of Fundamental Rights, the European Convention on the Protection of Human Rights and Fundamental Freedoms, and the general principles of the Union;
38. argues therefore that it would be appropriate to make specific mention of two further conditions of admissibility, namely, that the proposal should c) uphold the fundamental rights and freedoms enshrined in the Charter of Fundamental Rights of the European Union and d) comply with the principle of subsidiarity;
39. would refer to its own experience in evaluating subsidiarity and offers the Commission its assistance in assessing whether proposals comply with that principle;
40. would stress the need to notify the organiser of the initiative of the decision on admissibility and to publish it in the Official Journal of the European Union;
41. points out that decisions on the admissibility of proposals for an initiative are subject to judicial review by the Court of Justice, under Articles 263 and 265 TFEU, and would like specific mention of this right to judicial review to be made in the regulation;
42. shares the Commission's concern that the administrative and financial cost of checking and certifying statements of support for initiatives declared admissible be kept to a minimum, and notes on this point that in many Member States this procedure will involve local and regional authorities;

On the examination of an initiative by the Commission

43. agrees with the proposal that the Commission should examine any initiative presented officially within the terms of the regulation and adopt a communication containing its conclusions on the initiative, the action it intends to take and its reasons, within four months;
44. points out in this respect that should the Commission fail to respond within the deadline set, it would be possible to bring an action before the Court of Justice under Article 265 TFEU, and hopes that this right to judicial review will be given specific mention in the regulation;
45. underlines the requirement that every initiative signed by at least one million citizens must be given serious consideration by the Commission;

46. believes that the communication on the initiative adopted by the Commission, as well as being sent to the organisers, the European Parliament and the Council, should be published in the Official Journal of the European Union and sent to the Committee of the Regions, the European Economic and Social Committee and national parliaments.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 4(3)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>Registration of a proposed citizens' initiative</p> <p>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.</p> <p>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").</p> <p>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.</p> <p>3. Proposed citizens' initiatives which can be reasonably regarded as improper because they are abusive or devoid of seriousness will not be registered.</p> <p>4. The Commission shall reject the registration of proposed citizens' initiatives which are manifestly against the values of the Union.</p> <p>5. A proposed citizens' initiative that has been registered shall be made public in the register.</p>	<p>Registration of a proposed citizens' initiative <u>and decision on its admissibility</u></p> <p>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.</p> <p>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").</p> <p>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.</p> <p>2. <u>The Commission shall, within a period of two months from the receipt of the registration referred to in paragraph 1, taking a decision on admissibility. The proposed citizens' initiative shall be considered admissible if it satisfies the following conditions:</u></p> <p><u>a. it concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties;</u></p> <p><u>b. it falls within the framework of the</u></p>

	<p><u>powers of the Commission to make a proposal;</u></p> <p>c. <u>it respects the fundamental values and principles of the European Union and the EU's set of fundamental rights as expressed in the EU Charter of Fundamental Rights;</u></p> <p>d. <u>it is compatible with the subsidiarity principle.</u></p> <p>3. Proposed citizens' initiatives which be reasonable regarded as improper because they that are manifestly abusive or devoid of seriousness, or are against the values of the Union, will not be registered are not admissible.</p> <p>4. The Commission shall reject the registration of proposed citizens' initiatives which are manifestly against the values of the Union.</p> <p>4. <u>The decision referred to in paragraph 2 shall be notified to the organiser of the proposed citizens' initiative and shall be made public.</u></p> <p>5. A proposed citizens' initiative that has been registered <u>declared to be admissible</u> shall be made public in the register.</p> <p>6. <u>Key elements of an admissible citizens' initiative shall be translated by the services of the European Commission into all official EU languages.</u></p>
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Reason

The admissibility of an initiative can just as well be verified when it is registered in accordance with Article 4. It does not seem reasonable to register an initiative and collect 300 000 signatures – from at least three Member States – and only then to reject it having realised, for example, that the EU does not actually have legislative competence in that policy area. This amendment therefore combines Articles 4 and 8 of the proposed Regulation.

Amendment 2
Article 7(1)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
Minimum number of signatories per Member State 1. The signatories of a citizens' initiative shall come from at least one third of Member States.	Minimum number of signatories per Member State 1. The signatories of a citizens' initiative shall come from at least one third <u>one quarter</u> of Member States.

Reason

The ECI should be an instrument which is accessible to citizens and therefore the threshold should not be set too high. One quarter of Member States as a requirement (i.e. seven in the current EU of 27 Member States) is in line with the proposal by the European Parliament.

Amendment 3
Article 7(2)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
In one third of Member States, signatories shall comprise at least the minimum number of citizens set out in Annex I.	In one <u>quarter</u> third of Member States, signatories shall comprise at least the minimum number of citizens set out in Annex I.

Reason

As the European Citizens' Initiative should be an instrument which is accessible to Europeans, the threshold should not be so high. The requirement that signatories should come from a quarter of Member States (in other words, currently seven out of the 27 EU Member States) is in line with the European Parliament's proposal. Logically therefore, the same should apply to Article 7(2).

Amendment 4
Article 8

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
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	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

<p>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.</p> <p>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:</p> <p>a. it concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties; and</p> <p>b. it falls within the framework of the powers of the Commission to make a proposal.</p> <p>3. The decision referred to in paragraph 2 shall be notified to the organiser of the proposed citizens' initiative and shall be made public.</p>	<p>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.</p> <p>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:-</p> <p>a. it concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties; and</p> <p>b. it falls within the framework of the powers of the Commission to make a proposal.</p> <p>3. The decision referred to in paragraph 2 shall be notified to the organiser of the proposed citizens' initiative and shall be made public.</p>
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Reason

Consequence of the amendment to recommendation 1.

Amendment 5
Article 9

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>Provisions for the verification and certification of statements of support by the Member States</p> <p>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.</p>	<p>Provisions for the verification and certification of statements of support by the Member States</p> <p>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, <u>attaching a list of expenses and the sources of funding used.</u></p>

<p>The organiser shall submit statements of support to the Member State that issued the identification document indicated therein.</p> <p>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.</p> <p>3. The certificate provided for in paragraph 2 shall be issued free of charge.</p>	<p>The organiser shall submit statements of support to the Member State that issued the identification document indicated therein.</p> <p>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.</p> <p>3. The certificate provided for in paragraph 2 shall be issued free of charge.</p>
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Reason

According to Article 4, the organiser is required to state in advance the sources of funding which will cover the expense of the initiative. It could well be the case however that not all eventual sources of funding are known at this stage of the process. A report should therefore be submitted at the end of the process, detailing the final expenditure and sources of funding to ensure that principles of information and transparency are complied with. A simple form should be drawn up and included as an Annex to the Regulation to ensure that this requirement can be complied with easily.

Brussels, 10 June 2010.

The President
of the Committee of the Regions

Mercedes Bresso

The Secretary-General
of the Committee of the Regions

Gerhard Stahl

III. PROCEDURE

Title	Regulation of the European Parliament and of the Council on the citizens' initiative
Reference(s)	COM (2010) 119 final
Legal basis	Rule 41 of the Rules of Procedure
Procedural basis	Rapporteur-general
Date of Council referral	27 April 2010
Date of Parliament referral	2 June 2010
Date of Bureau/President's decision	17 May 2010
Commission responsible	CIVEX
Rapporteur	Ms Sonia Masini (IT/PES)
Analysis	5 May 2010
Discussed in commission	-
Date adopted by commission	-
Result of the vote in commission	-
Date adopted in plenary	10 June 2010
Previous Committee opinions	<ul style="list-style-type: none"> - White Paper on Multilevel Governance (CdR 89/2009) - Own-initiative opinion of 9 October 2008 on "Citizens' rights: promotion of fundamental rights and rights derived from European Citizenship" (CdR 78/2008) - Opinion of 19 June 2008 on "Communicating Europe in Partnership" (CdR 295/2007) - Opinion of 7 February 2008 on "Promoting the active citizenship of young people through education" (CdR 173/2007) - Opinion of 27 June 2006 on the "Plan D for Democracy, Dialogue and Debate and the White Paper on a European communication policy" (CdR 52/2006) - Opinion of 14 December 2000 on "New forms of governance: Europe, a framework for citizens' initiative" (CdR 182/2000)