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Committee on Constitutional Affairs

2014/2257(INI)

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DRAFT REPORT

on the European Citizens' Initiative
(2014/2257(INI))

Committee on Constitutional Affairs

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CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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The European Parliament,

- having regard to Article 11(4) of the Treaty on European Union and to Article 24(1) of the Treaty on the Functioning of the European Union,
 - having regard to the report of the Committee on Constitutional Affairs on the proposal for a regulation of the European Parliament and of the Council on the citizens' initiative (COM(2010)0119 – C7-0089/2010 – 2010/0074(COD)),
 - having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative,
 - having regard to the public hearing of 26 February 2015 on the citizens' initiative, organised by the Committee on Constitutional Affairs in association with the Committee on Petitions,
 - having regard to the study by Parliament's Policy Department C entitled 'European Citizens' Initiative – First lessons of implementation', issued in 2014,
 - having regard to the decision of the European Ombudsman of 4 March 2015 closing her own-initiative inquiry concerning the Commission (OI/9/2013/TN),
 - having regard to the European Parliamentary Research Service study of February 2015 entitled 'Implementation of the European Citizens' Initiative',
 - having regard to the Commission report of 1 April 2015 on the European Citizens' Initiative,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Legal Affairs and the Committee on Petitions (A8-0000/2015),
- A. whereas the European Citizens' Initiative is an extraordinary and innovative tool of participatory democracy in the European Union, whose potential must be exploited fully and enhanced in order to achieve the best results;
- B. whereas, three years on from the entry into application of Regulation 211/2011 on 1 April 2012, it is necessary to evaluate its implementation in order to identify any shortcomings and to propose viable solutions for its prompt review;
- C. whereas the majority of organisers of European Citizens' Initiatives (ECIs) have encountered a number of difficulties in setting up an ECI, in relation to both practical and legal aspects, and whereas the organisers of several rejected ECIs have

consequently submitted complaints to the Court of Justice against the Commission's decision, as has emerged from extensive contact with civil society and from research on ECIs;

- D. whereas a number of institutions, NGOs, think tanks and civil society groups have considered the various deficiencies in the organisation of ECIs and have proposed improvements;
1. Stresses that the Citizens' Initiative is an exceptional opportunity for citizens to identify and articulate their aspirations and to ask for EU action, and that it must be encouraged, improved and supported; further stresses that the use of one's mother tongue is a civic right, and that all activities connected with an ECI may therefore be undertaken in one's mother tongue;
 2. Calls on the Commission to provide as much guidance as possible – especially of a legal nature – to organisers of ECIs via the Europe Direct Contact Centre, so that they are aware of the possibilities open to them and will not fail by proposing an ECI that is outside the Commission's powers, or else to assign the task of giving advice to another independent company or body so as to avoid a possible conflict of interest within the Commission itself; notes, however, that under the Treaty of Lisbon the issues raised by ECIs may not correspond entirely to the Commission's jurisdiction; takes the view, furthermore, that the Commission should consider setting up a dedicated ECI office in each Member State;
 3. Stresses the need to provide more detailed guidelines on the interpretation of legal bases and more information on data protection obligations in each Member State in which the organisers run their campaigns, and on the possibility for organisers to take out insurance;
 4. Stresses that under the terms of Article 4 of Regulation 211/2011, in the event of a refusal by the Commission to register an ECI, 'the Commission shall inform the organisers of the reasons for such refusal and of all possible judicial and extrajudicial remedies available to them'; acknowledges, in this connection, the many complaints from organisers about not receiving detailed and exhaustive reasons for the rejection of their ECIs, and invites the Commission to provide as many elements as possible in order to explain the reasons and guide organisers to a possible solution;
 5. Invites the Commission to consider the possibility of registering only part of an initiative in the event that the entire ECI does not fall within the Commission's powers, and to give the organisers, at the time of registration, an indication as to which part they could register;
 6. Calls on the Commission to improve the user-friendly character of its software for the online collection of signatures and to offer its servers for the storage of online signatures for free on a permanent basis;
 7. Invites the Commission to reconsider the automatic start of the signature collection period following the registration of an ECI and to allow the organisers to decide when it should begin;

8. Welcomes the European Economic and Social Committee's proposal to provide free translations of ECI texts so as to reduce the cost of organising an ECI, and invites it to set up the necessary operational framework;
9. Deems it too complicated for organisers to provide different personal data in support of ECIs in the 28 Member States, as laid down in Regulation 211/2011 on the basis of the various national provisions, and suggests that consideration be given to establishing an EU digital citizenship; calls on the Commission, therefore, to explore this issue in its digital agenda;
10. Acknowledges the delicate problem of organisers' personal liability with regard to data protection when collecting signatories' personal data, and proposes that the range of data required be reduced, or liability extended to volunteer campaigners, and that the wording of Article 13 of Regulation 211/2011, on liability, be changed to make it clear that personal liability is not unlimited; proposes, to this end, that inspiration be drawn from Article 3 of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, with a view to establishing that organisers are responsible for acts which are 'unlawful and committed intentionally or with at least serious negligence';
11. Proposes that the period for Member States to certify the online collection system be extended to two months (instead of one month) and the collection period for statements of support for organisers to 18 months (instead of 12 months);
12. Invites the Member States to be flexible in their verification when they receive statements of support for an ECI which are just above the threshold of 1 million signatures, with a view to allowing its submission;
13. Calls on the Commission to revise the wording of Article 10(c) of Regulation 211/2011 to allow proper follow-up to a successful ECI, including a parliamentary debate in plenary followed by a vote on the ECI; urges the Commission to start preparing a legal act on successful ECIs within 12 months of their acceptance;
14. Takes the view that, in order to emphasise the political dimension of ECIs, a public hearing held under the terms of Article 11 of Regulation 211/2011 should be structured in such a way as to allow organisers to engage in a dialogue with Members of the European Parliament; stresses that hearings on ECIs should be organised by a neutral committee that does not have the main responsibility for their subject-matter;
15. Invites the Commission to explore the possibility of funding ECIs through the EU budget, via European programmes such as the Europe for Citizens programme and the Rights, Equality and Citizenship programme, given that there is a real need for financial support for the organisation of ECIs and that numerous amendments to the EU budget have been submitted to this end;
16. Welcomes the Commission's report of 1 April 2015 on the ECI and calls on it to ensure that, in its revision of this instrument, all the appropriate legal measures are implemented when an ECI is deemed to have been completed successfully;

17. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.