



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Culture and Education

2010/0074(COD)

8.9.2010

DRAFT OPINION

of the Committee on Culture and Education

for 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))

Rapporteur: Róza Gräfin von Thun und Hohenstein

PA_Legam

SHORT JUSTIFICATION

Article 11(4) of the Treaty on European Union introduces an important innovation in the democratic functioning of the Union by providing a new concrete tool for civic participation and pan-European debate:

"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."

The proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative sets out the procedures and conditions for how the citizens' initiative will function in practice.

Communication, active citizenship, youth and the role of civil society as an inclusive, participatory actor in European Public Space belong to the key responsibilities of the Committee on Culture and Education.

The rapporteur welcomes the Commission proposal, as involving civil society in policy-shaping and the preparations of decisions strengthens the democratic legitimacy of public institutions, of their work and activities. However, procedures and conditions should be designed as pragmatically as possible. Moreover, complicated administrative procedures both at institutional and national levels should be avoided. The rapporteur has the following main concerns and suggestions to change the proposal:

As the citizens' initiative is a tool which should be used by the citizens themselves and its aim is to strengthen direct democracy, active citizenship, and the influence of the European citizens on the European Union policies, the initiative should be submitted to the Commission by an organising committee consisting of at least nine European citizens coming from at least nine Member States. Such procedure will ensure that every initiative will have a European character from the very beginning.

Excluding legal persons from the organising committee will protect the citizens' initiative from a possible abuse of existing business organisations, political parties and other organisations which are much stronger than a group of citizens and have more possibilities to act at the European level. The citizens' initiative should not develop into election campaigns, nor should it be used as a tool for such campaigns. Politicians have other tools to influence legislative decisions.

According to the rapporteur, it would be important for an organiser to know early enough which kind of a legal act or measure would be appropriate in order to achieve the objectives of the citizens' initiative in case it would be successful. Therefore, the Commission should provide the organiser with a first, realistic indication on appropriate measures already in the context of the admissibility check. That would avoid disappointments in case the Commission would not propose a binding legal act after all.

In addition, there is no need to wait with the admissibility check until the organising committee has collected a certain number of signatures and submitted to the Commission a request for decision on the admissibility. In order to prevent any unnecessary administrative burden, the Commission should check the admissibility of the proposed initiative right after the registration and without any delay.

The rapporteur wants to simplify the statement of support form. First of all, the Regulation should set out only those requirements which are necessary. As regards personal data, these necessary requirements should only be the name, address, nationality, date of birth and the signature. Secondly, the organising committee should be able to prepare its own statement of support form. This way, in addition to the necessary requirements set out in the Regulation, the organising committee could add in the form some additional questions or information, or for example the logo of the initiative.

For the sake of transparency, the funding sources of each citizens' initiative should be indicated in the statement of support form. It should be clear to all signatories who is financing the respective initiative.

The rapporteur also wants to stress the importance of communication activities and information campaigns, in order to raise awareness on the European Citizens' Initiative. In this context, existing programmes which promote mobility (such as the Lifelong Learning and Youth in Action programmes) and active citizenship (the Europe for Citizens programme) can play an important role. As regards collecting of signatures, the rapporteur strongly recommends the development and use of appropriate online tools that are easily accessible across the European Union.

The rapporteur would also like to give the Commission representations and the Parliament information offices in the Member States, as well as the Commission information networks, such as Europe Direct and Citizen Signpost Service, a permanent role in providing citizens with all necessary information regarding the citizens' initiative.

According to the rapporteur, the minimum age for signatories should be 16 instead of 18. Active citizenship, social inclusion and solidarity of young people are crucial for the future Europe. Legally, young people come of age when they turn 18. Despite the fact that the citizens' initiative does not have a direct effect, it may create a trans-European debate and finally dynamise the impetus of legislative decisions. Moreover, linking the minimum age to national voting age requirements is likely to create inequality, due to differences in national requirements.

AMENDMENTS

The Committee on Culture and Education calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) It is necessary to organise efficient publicity campaigns, in order to raise awareness of the European citizens' Initiative, to promote civil dialogue and to build a genuine European public space; in this context, communication activities and information campaigns have an important role to play. Therefore, the Commission should consider using the existing programmes which promote mobility (such as the Lifelong Learning and Youth in Action programmes) and active citizenship (the Europe for Citizens programme).

Or. en

Justification

Efficient communication on the citizens' initiative is crucial. The existing programmes which promote mobility (such as the Lifelong Learning and Youth in Action programmes) and active citizenship (the Europe for Citizens programme), as well as European Year for Volunteering 2011 can be useful in this context.

Amendment 2

Proposal for a regulation Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The Commission representations and the European Parliament's information offices in the Member States together with the Commission's information networks, such as Europe Direct and Citizen Signpost Service, should have a permanent role in the provision to citizens of all necessary information regarding the citizens' initiative.

Amendment 3**Proposal for a regulation****Recital 10***Text proposed by the Commission*

(10) It is appropriate to provide for statements of support to be collected in paper form as well as online. Online collection systems should have adequate security features in place in order to ensure, inter alia, that the person can be identified and that the data are securely stored. For this purpose, the Commission should be required to set out detailed technical specifications for online collection systems.

Amendment

(10) It is appropriate to provide for statements of support to be collected in paper form as well as online. ***However, in order to simplify the procedure and to make it more accessible, the use of online collection should be encouraged and appropriate internet solutions should be developed.*** Online collection systems should have adequate security features in place in order to ensure inter alia that the person can be identified and that the data are securely stored. For this purpose, the Commission should be required to set out detailed technical specifications for online collection systems.

Or. en

Justification

In a Union of 27 Member States, efficient communication is a constant challenge that requires both development and use of internet based systems which are easily accessible across the EU. In addition, online collection systems are more ecological than traditional ones.

Amendment 4**Proposal for a regulation****Article 2 – paragraph 3***Text proposed by the Commission*

3. "***Organiser***" means a ***natural or legal person or organisation*** responsible for the preparation and submission of a citizens' initiative to the Commission.

Amendment

3. "***Organising committee***" means a ***group of at least nine citizens of the Union, each from a different Member State, which is*** responsible for the preparation and submission of a citizens' initiative to the

Commission.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

The citizens' initiative is a tool which should be used by the citizens themselves. Its aim is to strengthen direct democracy, promote active citizenship and enhance the influence of the European citizens on the EU policies. A procedure with an organising committee consisting of at least nine citizens of the Union coming from at least nine Member States will ensure that every initiative will have a European character from the beginning and will be a truly citizen initiative.

Amendment 5

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

1. *The organising committee shall be comprised of members who are citizens of the Union old enough to be entitled to vote in the European elections, who are not currently serving as directly elected politicians.*

Or. en

Justification

Excluding legal persons from the organising committee will protect the citizens' initiative from the possible abuse of existing business organisations, political parties and other organisations which are much stronger than a group of citizens and have more possibilities to act on the EU level. The citizens' initiatives should not develop into election campaigns nor should they be used as a tool for such campaigns. Politicians have other tools to influence legislative decisions.

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 7

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

2. In order to be eligible to support a proposed citizens' initiative, signatories shall be citizens of the Union and shall be ***at least 16 years old.***

Or. en

Justification

Linking the minimum age to national voting age requirements is likely to create inequality, as in Austria, the minimum voting age is 16 years whereas in other Member States it is 18 years. Lowering and thereby harmonising the minimum voting age for signatories is advisable, in order to treat all citizens equally and to engage young people in EU policy making and civil dialogue.

Amendment 8

Proposal for a regulation

Article 4 – paragraph 1 - subparagraph 1

Text proposed by the Commission

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.

Amendment

1. ***Before receiving a decision on admissibility from the Commission and*** initiating the collection of statements of support from signatories for a proposed citizens' initiative, the organiser shall be required to register *that initiative* 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.

Or. en

Amendment 9

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. A proposed citizens' initiative that has been registered shall be made public in the register.

Amendment

5. A proposed citizens' initiative that has been registered shall be made public in the register. ***Once the registration has been completed, the Commission shall examine the admissibility of the proposed citizens' initiative, in accordance with Article 8.***

Or. en

Justification

There is no need to wait with the admissibility check until the organising committee has collected a certain number of signatures and submitted to the Commission a request for decision on the admissibility. In order to prevent any unnecessary administrative burden, the Commission should check the admissibility of the proposed initiative right after the registration and without any delay.

Amendment 10

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

1. The organiser shall be responsible for *collecting from signatories* the necessary statements of support for a proposed citizens' initiative which has been registered in accordance with Article 4 **and in respect of which a positive decision on admissibility has been taken.**

Or. en

Amendment 11

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

Only statement of support forms which ***contain the information required in the example provided in Annex III*** may be used for this purpose. The organiser shall complete the forms as indicated in *Annex III before* initiating the collection of statements of support from signatories. The information given in the forms shall correspond to the information contained in the register.

Or. en

Justification

The intention is not to restrict the organisers with a certain form but give them the possibility to use their own forms, nevertheless providing the information required in the model presented by the Commission.

Amendment 12

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

4. *Statements* of support shall be collected *only* after the date of **the positive decision on admissibility in respect of** the proposed initiative and within a period that shall not exceed 12 months.

Or. en

Amendment 13

Proposal for a regulation Article 6 – paragraph 4 – point d

Text proposed by the Commission

(d) the system can generate individual statements of support in a form **complying with the model set out** in Annex III, in order to allow for the control by *the* Member States, in accordance with Article 9(2).

Amendment

(d) the system can generate individual statements of support in a form **which contains the information required in the example provided** in Annex III, in order to allow for the control by Member States, in accordance with Article 9(2).

Or. en

Amendment 14

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. Signatories shall be considered *as coming* from the Member State **which issued the identification document** indicated in their statement of support.

Amendment

3. Signatories shall be considered *to come* from the Member State **in which they have their address**, *as* indicated in their statement of support.

Or. en

Amendment 15

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. After *having collected 300.000 statements of support in accordance with Article 5 from signatories coming from at least three Member States, the organiser shall submit to the Commission a request for a decision on the* admissibility of the proposed citizens' initiative. For this purpose the organiser shall use the form set out in Annex V.

Amendment

1. After *the citizens' initiative has been registered*, the Commission *shall examine its* admissibility *without delay*.

Or. en

Justification

There is no need to wait with the admissibility check until the organising committee has collected a certain number of signatures and submitted to the Commission a request for decision on the admissibility. In order to prevent any unnecessary administrative burden, the Commission should check the admissibility of the proposed initiative right after the registration and without any delay.

Amendment 16

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. The decision referred to in paragraph 2 shall be notified to the organiser of the proposed citizens' initiative and shall be made public.

Amendment

3. The decision referred to in paragraph 2 shall be notified to the organiser of the proposed citizens' initiative and shall be made public. *It shall indicate which legal act or measure the Commission considers is appropriate to achieve the objectives of the citizens' initiative in the event that that initiative is successful.*

Or. en

Justification

It is important for an organising committee to know early enough which kind of a legal act or measure would be appropriate in order to achieve the objectives of the citizens' initiative in case it would be successful. Therefore, the Commission should provide the organiser with a first, realistic indication on appropriate measures already in the context of the admissibility check.

Amendment 17

Proposal for a regulation

Article 9 – paragraph 1 - subparagraph 1

Text proposed by the Commission

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.

Amendment

1. After having collected the necessary statements of support from signatories in accordance with Articles 5 and 7, 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.

Or. en

Amendment 18

Proposal for a regulation

Article 21

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The review should be done earlier. Two years seems enough in order to assess the first initiatives.

Amendment 19

**Proposal for a regulation
Annex II – point 5**

Text proposed by the Commission

Amendment

5. The full name, postal address and e-mail address of *the organiser or, in the case of a legal entity or organisation, its legal representative*;

5. The full name, postal address and e-mail address of *each member of the organising committee*;

Or. en

Amendment 20

**Proposal for a regulation
Annex III – box 2 – point 4 a (new)**

Text proposed by the Commission

Amendment

4a. Funding sources*:

Or. en

Justification

For the sake of transparency, the funding sources of each citizens' initiative should be indicated in the statement of support form. It should be clear to all signatories who is financing the respective initiative.

Amendment 21

**Proposal for a regulation
Annex III – box 3 – point 4**

Text proposed by the Commission

Amendment

4. Date *and place* of birth*:

4. Date of birth*:

Date of birth: Place and country:

Justification

Information on place of birth is not needed. Rapporteur proposes to delete it in order to simplify the form.

Amendment 22

**Proposal for a regulation
Annex III – box 3 – point 6**

Text proposed by the Commission

Amendment

6. Personal identification number *: *deleted*

Type of identification number/identity document:*

National identity card: Passport: Social security:

Member State, which issued the identification number/identity document:*

Or. en

Amendment 23

**Proposal for a regulation
Annex V**

Text proposed by the Commission

Amendment

Annex deleted

Or. en

Amendment 24

**Proposal for a regulation
Annex VIII - point 6**

Text proposed by the Commission

Amendment

6. Full name, postal address and e-mail

6. Full name, postal address and e-mail

address of *the organiser or, in the case of a legal entity or organisation, its legal representative.*

address of *each member of the organising committee.*

Or. en