



2014/2257(INI)

16.7.2015

OPINION

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

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

Rapporteur: Sylvia-Yvonne Kaufmann

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SUGGESTIONS

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

1. Underlines the fact that the Citizens' Initiative is the first tool of participatory democracy that confers the right for EU citizens, based on at least one million statements of support from at least one-quarter of the EU Member States, to take the initiative – thereby underpinning their new political prerogative – and ask the Commission to submit, within the framework of its powers, an appropriate proposal on matters on which citizens consider that a legislative act is necessary to implement the treaties;
2. Welcomes the Commission's Report on the European Citizens' Initiative (ECI) of 31 March 2015, which acknowledges that there is still room to improve the ECI and identifies a number of possible issues with a view to improving the instrument; welcomes also the European Ombudsman's own-initiative inquiry into the functioning of the European Citizens' Initiative, which puts forward 11 concrete proposals to improve the ECI process;
3. Considers it essential that citizens can contribute to the exercise of the legislative prerogatives of the Union and be involved directly in the initiation of legislative proposals;
4. Notes that more than six million EU citizens have participated in a Citizens' Initiative, that there were 51 requests to launch an initiative, of which only three initiatives, namely 'Right2Water', 'One of Us' and 'Stop Vivisection', were deemed admissible, and that six ECI organisers, corresponding to 30 % of all rejections, have challenged the Commission's refusal before the European Court of Justice, showing that much still needs to be done to make sure that the ECI lives up to its full potential; points to the various practical difficulties which the organisers have encountered since the entry into force of the regulation in April 2012 and to the fact that the number of initiatives is declining;
5. Calls for a review of the dual role of the Commission, which could give rise to a conflict of interest, bearing in mind that a number of ECI organisers acknowledge the significance and value of its input; calls, in this connection, on the Commission to consider Parliament also as a decision maker, particularly since it is the only institution whose members are directly elected by EU citizens;
6. Calls on the Commission to ensure comprehensive support, including non-binding legal advice – for example, by creating a clearly identified point of contact responsible for the Citizens' Initiative in the Commission representations and Europe Direct information centres in all Member States with the task of providing information and the necessary advice and assistance for Citizens' Initiatives – taking into account the difficulty faced by organisers in identifying the relevant treaty and legal provisions on which to base a valid initiative; stresses, however, that in the case of rejection the Commission should explain its political choices to the public in a detailed, transparent and comprehensible manner, and at the same time inform the organisers of the relevant legal considerations;

7. Calls on the Commission to consider the possibility of registering only part of an initiative where an ECI does not fall entirely within the Commission's remit; considers that, for such a registration, a prior consultation with the applicant citizens' committee would be appropriate;
8. Calls on the Commission, furthermore, to improve its internet portal in order to make it more comprehensible and user-friendly, especially with regard to the information on its competences and the support that can be obtained for a successful application; considers that the Commission should, in addition to providing a clear list of its competences, clarify the registration procedure, given that the registration of a large number of the submitted citizens' initiatives was rejected on the grounds that they manifestly fell outside the framework of the Commission's competence; calls on the Commission, in this connection, to engage actively, providing the organisers of European Citizens' Initiatives with detailed guidelines on the interpretation of the relevant legal provisions;
9. Stresses the need to explore the possibility of a harmonised and more efficient procedure for submitting statements of support, as it is unacceptable that EU citizens should be excluded from supporting Citizens' Initiatives owing to differing personal data submission requirements in the Member States; calls, therefore, on the Commission to propose simpler data submission requirements across all Member States in order to make it easier to sign an ECI, irrespective of the country of residence; suggests, in order to facilitate the signing process, that consideration be given to a mobile application, the redesigning of the Online Collection Software, and, in particular, the possibility of using digital signatures as a means of identification, bearing in mind also the needs of persons with disabilities; calls on the Member States, as a matter of urgency, to review the requirement of providing a personal identification number for a statement of support, with a view to the possible removal of this requirement, as such a requirement could represent an unnecessary bureaucratic burden for the collection of statements of support and also an unnecessary way of checking the identity of a signatory;
10. Calls on the Commission to use all public communication channels to raise awareness, and to take the necessary measures to ensure the transparency, of the ECI and facilitate communication relating to current ECIs, for example by creating applications with information, notifications and the possibility of online signing; emphasises that active popular participation in European citizens' initiatives also crucially depends on their being publicised in the Member States, and therefore suggests that Member States' national parliaments should mention the European Citizens' Initiative on their official websites;
11. Underlines its position that the automatic link between the registration of a Citizens' Initiative and the starting date of the twelve-month period for the collection of statements of support should be removed and that the ECI organisers should have a chance to determine the date for the launch of their ECI, within three months of its registration by the Commission;
12. Notes also that the collection period for statements of support could be extended to 18 months;
13. Notes that liability issues have arisen for the organisers of Citizens' Initiatives owing to the fact that citizens' committees lack legal personality and that this problem could only be solved by revising the regulation; calls on the Commission to explore the possibility of

giving legal personality to the citizens' committees referred to in Article 3(2) of the regulation; calls, in addition, for risk reduction measures to be taken in order to encourage ECI committee members to take concrete initiatives;

14. Welcomes the European Economic and Social Committee's willingness to provide free translation services for initiators, thereby facilitating the dissemination of Citizens' Initiatives in all official languages, particularly in so far as native language use is a civil right; recognises therein a significant contribution to supporting citizens by enabling them to promote their concerns more effectively among the EU population;
15. Underlines the importance of the institutional balance in the process of evaluation of applications after registration, following the submission of an ECI to the Commission as provided for in Article 9 of the regulation; calls on the Commission, therefore, to explore the possibility of involving the relevant European institutions and bodies, such as the European Parliament, the European Ombudsman, the ECOSOC and the Committee of the Regions;
16. Notes the important role of the European Ombudsman in investigating the handling of ECI requests by the Commission, and especially cases of refusal to register an ECI;
17. Calls on the Commission to submit an appropriate and timely proposal for the revision of the Regulation on the Citizen's Initiative and Commission Implementing Regulation (EU) No 1179/2011, with a view to meeting the expectations of European citizens, and making the Citizen's Initiative easier to use in order to enable it to fully unfold its potential.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	13.7.2015
Result of final vote	+: 17 -: 2 0: 4
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Julia Reda, Evelyn Regner, Pavel Svoboda, József Szájer, Axel Voss, Tadeusz Zwiefka
Substitutes present for the final vote	Angel Dzhambazki, Evelyne Gebhardt, Heidi Hautala, Sylvia-Yvonne Kaufmann, Virginie Rozière
Substitutes under Rule 200(2) present for the final vote	Ángela Vallina, Bogdan Brunon Wenta