



**2020/2275(INI)**

9.11.2021

## **OPINION**

of the Committee on Constitutional Affairs

for the Committee on Petitions

on engaging with citizens: the right to petition, the right to refer to the European Ombudsman and the European Citizens' Initiative (2020/2275(INI))

Rapporteur for opinion (\*): Helmut Scholz

(\*) Associated committee – Rule 57 of the Rules of Procedure

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## SUGGESTIONS

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

Recital H of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

1. ***‘whereas democratic elections to the European Parliament constitute the main bottom-up instrument for citizens to participate in the democratic life of the Union; whereas the ECI contributes to the democratic functioning of the Union; whereas the citizens of the Union have the right enshrined in Article 11(4) TEU to apply to the Commission directly to ask it to submit a proposal, within the framework of its powers, for a legal act of the Union for the purpose of implementing the Treaties; whereas the Court of Justice of the European Union has confirmed in its case law that the notion of a ‘legal act for the purpose of implementing the Treaties’ should not be interpreted restrictively and that by virtue of Article 288 TFEU such an act can mean both legislative and non-legislative measures; whereas in that same spirit, the framework of the Commission’s powers to propose a legal act should not be interpreted restrictively either’;***

Recital J of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

2. ***‘whereas the Commission has listed a number of problems relating to the implementation of Regulation (EU) 2011/211 and whereas the new Regulation (EU) 2019/788 aims to address those issues in detail with regard to the effectiveness of the ECI as an instrument, and to bring improvements to the way it operates; whereas its implementation needs to be assessed effectively and in a timely manner; whereas in any case a formal report should be presented by the Commission no later than 1 January 2024, and every four years thereafter’;***

Recital K of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

3. ***‘whereas, in order to achieve those objectives and realise the full potential of the ECI, the procedures and conditions required for the ECI should ensure that initiatives which are valid in the sense of Article 14(1) of Regulation (EU) 788/2019 are considered and responded to appropriately by the Commission; whereas the Commission is legally obliged to state the action it intends to take on a valid ECI, if any, and to state the reasons for taking or not taking action, which it should do in a clear, comprehensible and detailed manner; whereas at least one million signatures from at least a quarter of the Member States are required for an ECI to be valid and to be submitted to the Commission; whereas Regulation (EU) 2020/1042 has made the time limits for the collection, verification and examination stages more flexible in response to the COVID-19 pandemic through the introduction of temporary measures; whereas the application of those measures has been extended through Commission implementing acts; whereas this regulation is only temporary in nature and applicable only until the end of 2022, which is also the date by which the individual online collection systems***

*provided for by Article 11 of Regulation (EU) 2019/788 will be phased out’;*

Recital L of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

4. ‘whereas ***organising and supporting an ECI*** is a political right for ***the citizens of the Union*** and a unique instrument for setting the priorities for participatory democracy in the ***EU***, allowing the public to play an active role in the projects and processes that concern them; ***whereas there have been six valid ECIs to date, all of which received a response from the Commission, most recently the Minority SafePack and End the Cage Age initiatives; whereas these initiatives were the first ECIs to have been debated in Parliament after the entry into force of the new Regulation (EU) 2019/788 and in accordance with the newly introduced Rule 222(8) of Parliament’s Rules of Procedure; whereas the subsequent resolutions were adopted by Parliament in December 2020 and June 2021 respectively with overwhelming majorities of 76 % and 82 % of the votes cast***’;

First clause of Paragraph 22 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

5. ‘Calls on the Ombudsman to ***ensure that the interests of the Union*** are not undermined by ***instances of maladministration within the EU institutions, bodies, offices or agencies, in particular those related to cases of corruption or conflicts of interest, including in the context of Next Generation EU***’;

Paragraph 27 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

6. ‘Emphasises that the ECI is ***a unique instrument of participatory democracy in the EU***; stresses that the ECI represents an exceptional opportunity for ***the citizens of the Union*** to identify and articulate their aspirations and to call on the EU to ***adopt legal acts***, and that its use must be encouraged and supported by all available means; ***recalls, to that effect, the obligations incumbent on the Commission and the Member States under Regulation (EU) 2019/788, notably to raise awareness among the citizens of the Union about the existence, objectives and functioning of the ECI and to provide assistance and practical support to ECI organisers; considers, in this regard, that Parliament’s contribution to the Commission’s communication obligations should be clarified***’;

New Paragraph 27a of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be inserted as follows:

7. ‘***Regrets the Commission’s failure to thoroughly engage with the valid ECIs; believes that the Commission should instead show genuine consideration and commitment to meeting citizens’ expectations in relation to valid ECIs***’;

Paragraph 28 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

8. ‘Considers it essential that citizens be able to contribute to the exercise of the Union’s competences; ***calls on the Commission, therefore, to carry out a thorough assessment***

*of the proposals of each valid ECI, and to comply fully with its legal obligation to set out its reasons for taking or not taking action, which it should do in a clear, comprehensible and detailed manner; recalls Parliament's obligation to assess each valid ECI and the measures taken by the Commission in line with Article 16 of Regulation (EU) 2019/788 and Rule 222(9) of Parliament's Rules of Procedure, particularly when the Commission fails to put forward any such proposals or fails to implement them';*

New Paragraph 28a of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be inserted as follows:

9. *'Calls for Parliament's role to be further enhanced and for its links with civil society organisations to be enhanced with regard to specific valid ECIs and their implementation by the Commission; believes that in the specific cases that the Commission fails to publish its intentions within the given deadline in accordance with Article 15 of Regulation (EU) 2019/788, or set outs in a communication that it intends not to take action on an ECI which has met the procedural requirements, namely that the initiative respects EU primary law and is not contrary to the values of the Union as set out in Article 2 TEU and the rights enshrined in the Charter of Fundamental Rights of the EU, Parliament could decide to follow up on the ECI with a legislative own-initiative report (INL) in accordance with Rule 222 of its Rules of Procedure; urges the Commission to commit to submitting a legislative proposal following Parliament's adoption of any such INL; believes that in such a case, the Commission should carry out a thorough re-evaluation of its initial response and thereby fully respect Parliament's INL; asks that Regulation (EU) 2019/788 be amended to incentivise the Commission to table a proposal for a legal act provided that the ECI submission meets the relevant requirements';*

Paragraph 29 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

10. *'Calls on the Commission to clearly inform the public about the division of competences between the Union and the Member States to make sure that ECIs concern subjects and issues that fall within the remit of the Commission's competences to propose legal acts, and to provide practical and timely advice to the organisers on the drafting of ECIs and make adequate use of the possibility to partially register an ECI; emphasises that recently registered and ongoing ECIs have called for the EU to take more action, particularly in the fields of environmental protection, health, animal welfare, and civil and political rights, including minority rights; reiterates the need, therefore, to give the framework of the Commission's powers to propose a legal act the broadest possible interpretation';*

New Paragraph 29a of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be inserted as follows:

11. *'Asks the Commission to fully evaluate the temporary measures in Regulation (EU) 2020/1042, with particular regard to the extension of the collection periods and its impact on organisers' ability to mobilise support for their ECIs, in order to inform inter alia the review process of Regulation (EU) 2019/788; considers that if this evaluation results in positive evidence, an extension of these temporary measures could be envisaged for a longer period';*

Paragraph 30 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

12. ***‘Highlights the measures outlined in Regulation (EU) 2019/788 to improve how the citizens of the Union can exercise their right to support an ECI, given the low number of valid ECIs that have ultimately been successful in leading to the initiation of legal acts; calls for the implementation of these measures to be assessed; calls on the Commission to carry out a thorough assessment of the exercise of this right in its next EU citizenship report and to outline legislative and non-legislative measures which could be introduced to further improve the exercise of this right’;***

Third and fourth clauses of Paragraph 32 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

13. ***‘Highlights the need to establish a proper follow-up mechanism for unsuccessful ECIs in order to **effectively assess** citizens’ input, including redirecting citizens to the Committee on Petitions, as the lack of impact could lead to disengagement; underlines the role that the Committee on Petitions must play throughout hearing processes; calls on the Commission to collaborate in a timely manner with Parliament after an ECI is deemed **valid in order** to enable Parliament to make full use of the three-month period for the organisation of hearings **and prepare the plenary debates and resolutions on valid ECIs**; insists that the objective of the longer timeframe under Regulation (EU) 2019/788 by which the Commission should respond to valid ECIs is fundamentally to enable the Commission to take full account of the views and positions on the ECIs expressed during the examination phase and to take due consideration of the possible options for the proposals for legal acts’;***

Paragraph 33 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

14. ***‘Welcomes the Commission’s **commitment to improving and strengthening** the European Citizens’ Initiative Forum, **which is also a legal obligation stemming from Regulation (EU) 2019/788**; insists that the forum should provide practical guidance and legal support to the organisers and serve as a capacity-building tool to launch, support and sustain ECIs in the collection phase and promote the ECI as a tool for citizens’ involvement in the democratic life of the Union’;***

New Paragraph 33a of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be inserted as follows:

15. ***‘Calls on the Conference on the Future of Europe to give a direct voice to the citizens of the Union to discuss the effectiveness of the implementation of the ECI and its current legal framework and to promote the ECI as a useful tool to enable citizens to participate in the implementation of the public policies of the Union’.***

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

|   |   |
|---|---|
| <b>Date adopted</b>   | 9.11.2021   |
| <b>Result of final vote</b>                                     | +: 20<br>-: 1<br>0: 2   |
| <b>Members present for the final vote</b>                       | Gerolf Annemans, Damian Boeselager, Fabio Massimo Castaldo, Gwendoline Delbos-Corfield, Pascal Durand, Daniel Freund, Esteban González Pons, Giuliano Pisapia, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Helmut Scholz, Pedro Silva Pereira, Sven Simon, Antonio Tajani, Guy Verhofstadt, Loránt Vincze, Rainer Wieland |
| <b>Substitutes present for the final vote</b>                   | Gunnar Beck, Angel Dzhambazki, Alin Mituța  |
| <b>Substitutes under Rule 209(7) present for the final vote</b> | Stelios Kympouropoulos, Ljudmila Novak  |

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| <b>20</b> | <b>+</b>  |
|-----------|---|
| ID        | Gerolf Annemans, Antonio Maria Rinaldi  |
| NI        | Fabio Massimo Castaldo  |
| PPE       | Esteban González Pons, Stelios Kypourouopoulos, Ljudmila Novak, Sven Simon, Antonio Tajani, Loránt Vincze, Rainer Wieland |
| Renew     | Pascal Durand, Alin Mituța, Guy Verhofstadt   |
| S&D       | Giuliano Pisapia, Domènec Ruiz Devesa, Pedro Silva Pereira  |
| The Left  | Helmut Scholz   |
| Verts/ALE | Damian Boeselager, Gwendoline Delbos Corfield, Daniel Freund  |

| <b>1</b> | <b>-</b>    |
|----------|-------------|
| ID       | Gunnar Beck |

| <b>2</b> | <b>0</b>                               |
|----------|--|
| ECR      | Angel Dzhambazki, Jacek Saryusz Wolski |

Key to symbols:

+ : in favour

- : against

0 : abstention