DRAFT 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))

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

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’;

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, the procedures and conditions required for the ECI should ensure that valid initiatives are considered and responded to appropriately by the Commission; 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’;

Paragraph 27 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:
5. ‘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’;

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

6. ‘Considers it essential that citizens be able to contribute to the exercise of the Union’s competences; considers it key, therefore, that valid ECIs should lead to the initiation of concrete proposals for both legislative and non-legislative acts referred to in Article 288 TFEU; recalls Parliament’s obligation to assess 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’;

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

7. ‘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 EU 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, human and animal health, and civil and political rights’;

New Paragraph 29a - draft report of the Committee on Petitions touching upon the exclusive competences of AFCO:

8. ‘Asks the Commission to fully assess experiences with the introduction of 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’;

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

9. ‘Calls on the Commission to outline the legislative and non-legislative measures which could be introduced 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 providing for the initiation of legal acts; calls for a thorough assessment of the exercise of this right in the next EU citizenship report’;
Paragraph 32 of the draft report of the Committee on Petitions touching upon the exclusive competences of AFCO should be changed as follows:

10. ‘Highlights the need to establish a proper follow-up mechanism for unsuccessful ECIs in order to take citizens’ input seriously, 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:

11. ‘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’.