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DRAFT REPORT

on the implementation of the Regulations on the European citizens' initiative
(2022/2206(INI))

Committee on Constitutional Affairs

Rapporteur: Loránt Vincze

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EXPLANATORY STATEMENT – SUMMARY OF FACTS AND FINDINGS

On 17 October 2022, the rapporteur was entrusted with the task of preparing a report on the implementation of the Regulations on the European citizens' initiative, namely Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative¹ and Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak².

According to Article 25 of Regulation (EU) 2019/788, the Commission has to periodically review the functioning of the ECI. To this effect, it must regularly present a report to the European Parliament and the Council on its application. The presentation of the first report is due no later than 1 January 2024. In order to contribute with its position to this report, Parliament has to adopt its own report already by May 2023. Since his appointment, the rapporteur has collected information through several meetings with the Commission and stakeholders.

The European Citizens' Initiative (ECI) was designed as an agenda-setting tool, which would give citizens a greater say in the decision-making of the Union. Accordingly, it is the only participative instrument at EU level, which can potentially lead to the proposal of a legal act of the Union.

The ECI is enshrined in the Treaty provisions of Title II of the Treaty on European Union (TEU) on democratic principles. Article 10(3) TEU provides for the right of every citizen to participate in the democratic life of the Union and for decisions to be taken as openly and as closely as possible to the citizen. To that end, Article 11(4) first subparagraph TEU stipulates that not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the 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 implementing the Treaties.

Pursuant to Article 11(4) second paragraph TEU, the procedures and conditions required for such a citizens' initiative are determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union. On that basis, the European Parliament and the Council adopted Regulation (EU) No 211/2011 of 16 February 2011 on the citizens' initiative (ECI Regulation), which became applicable in 2012. The ECI Regulation was revised by Regulation (EU) 2019/788 on the European citizens' initiative (revised ECI Regulation), which applies since 1 January 2020. In response to the COVID-19 pandemic, the European Parliament and the Council adopted Regulation (EU) 2020/1042 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in the revised ECI Regulation (temporary ECI Regulation), which was applicable until 31 December 2022.

According to its fifth recital, Regulation (EU) 2019/788 aims at making the ECI more

¹ OJ L 130, 17.5.2019, p. 55.

² OJ L 231, 17.7.2020, p. 7.

accessible, less burdensome and easier to use for organisers and supporters, at strengthening its follow-up as well as at facilitating the participation of as many citizens as possible in the democratic decision-making process of the Union. Accordingly, the report to be presented by the Commission has to assess the application of the revised ECI Regulation with regard to these objectives. Furthermore, it needs to be taken into account that the period to be covered by the first report was marked by the outbreak of COVID-19, which hampered the organisation of ECIs. In order to mitigate the disruptions caused by the pandemic, Regulation (EU) 2020/1042 extended the timeframes for the different stages of the ECI procedure.

Since the introduction of the ECI, the Commission has received 122 requests for ECIs, 97 of which have been registered. Under the revised ECI Regulation, the Commission has received 28 requests for ECIs, 25 of which have been registered, while two are currently being assessed. Since 2012, 20 requests have been withdrawn by the organisers before the end of the collection period, whereas 47 ECIs have not reached the threshold of one million signatures by the end of the collection period. Furthermore, 12 ECIs have benefited from an extended collection period under the temporary ECI Regulation. So far, only nine ECIs have reached the threshold of one million signatures ('Right2Water', 'One of us', 'Stop vivisection', 'Ban Glyphosate', 'Minority Safe Pack', 'End the Cage Age', 'Save bees and farmers', 'Stop Finning – Stop the trade' and 'Save Cruelty Free Cosmetics'), of which the first six have received a response from the Commission. Altogether, about 17 million citizens have supported an ECI since the introduction of this instrument in 2012. These statistics show that, while the number of admissible ECIs has increased, the number of valid ECIs remains very low.

The revised ECI Regulation has undoubtedly lowered the procedural hurdles for organisers and supporters of ECIs in several regards. Certain changes, such as introducing the possibility of a partial registration, which was also the subject of cases before the Court of Justice of the EU, have made it easier for ECIs to meet the legal requirements. However, although the procedural framework for the ECI process has been alleviated, this participatory instrument still falls short of its democratic potential.

An essential feature for the success of ECIs is the possibility to collect statements of support online. According to Article 11(7) of Regulation (EU) 2019/788, the recourse to individual online collection systems will no longer be possible for ECIs registered after the end of 2022. In the future, organisers will thus have to use the central online collection system, for which the Commission is responsible. While this collection system received some criticism in the beginning, its functioning has been improved over the years. Those improvements include the possibility for organisers to provide information to citizens on the progress of their collection campaign and to customise the features of the system. There is a risk, however, that the phasing out of the individual online collection systems might have a negative effect on the possibility of organisers to use online collection systems adapted to their special needs. It would therefore be appropriate for the Commission to start a reflection process on the usefulness of reintroducing the possibility for organisers to use individual online collection systems.

Considering the threshold of at least one million citizens of the Union from at least one quarter of the Member States together with the national quorum, it is clear that managing an ECI is a demanding and costly process. It is therefore very difficult for individual citizens to manage ECIs without the support of associations with well-developed organisational capacity

and financial means. Moreover, depending on whether they receive support from such associations or not, there are important differences between ECIs concerning their available financial resources. There is therefore a need of financial support for the organisation of ECIs, which reach the threshold of one million signatures.

Furthermore, there is a disproportion between the huge effort and resources necessary to organise ECIs and their weak legal effects, even if the required threshold of one million signatures is reached. This imbalance is to be reduced since it constitutes a major cause of deterring citizens from using this instrument. Therefore, it would be useful to establish a proper dialogue with organisers about their goals and how to achieve them, which could already be initiated during the collection period. This would allow for a serious and effective assessment of citizens' input. For that purpose, the extension of the period to reply to valid ECIs from three to six months is helpful, as it enables the Commission to take full account of the views and positions expressed during the examination phase.

Pursuant to Article 15(3) of Regulation (EU) 2019/788, the Commission is legally obliged to set out in a communication its legal and political conclusions, the action it intends to take, if any, and its reasons for taking or not taking action. In order to realise the full potential of this participatory instrument, valid ECIs need to be considered and responded to appropriately by the Commission. It is therefore essential for the Commission to carry out a thorough assessment of each valid ECI, and to comply fully with its legal obligation to set out its reasons for taking or not taking action, which must be done in a clear, comprehensible and detailed manner. It would also be advisable if the Commission engaged better with valid ECIs even after it has issued its communication, thereby increasing the possibility of legislative follow-up in the long term.

According to Article 14(3) of Regulation (EU) 2019/788, Parliament has to assess the political support for a valid ECI. Moreover, Article 16 of Regulation (EU) 2019/788 requires Parliament to assess the measures taken by the Commission following its communication. The political impact of the ECI could be increased if every valid ECI were to be followed by a vote on a parliamentary resolution. In the same way, the scrutiny of the Commission's action could be enhanced if every communication of the Commission were also to be followed by a vote on a parliamentary resolution.

Last but not least, despite the improvements brought about by the revision of the ECI Regulation, the ECI mechanism continues to be characterised by little visibility. Therefore, there is a constant need to raise awareness for this participatory instrument, in particular through its promotion in social media and its inclusion in civic education curricula, in order to reach as many citizens as possible, especially young people.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of the Regulations on the European citizens' initiative (2022/2206(INI))

The European Parliament,

- having regard to Article 10(3) of the Treaty on European Union (TEU),
 - having regard to Article 11(4) TEU and to the first paragraph of Article 24 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative¹ (revised ECI Regulation),
 - having regard to Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak² (temporary ECI Regulation),
 - having regard to Rule 222 of its Rules of Procedure,
 - having regard to its resolution of 7 July 2021 on Citizens' dialogues and Citizens' participation in the EU decision-making³,
 - having regard to its resolution of 9 March 2022 on engaging with citizens: the right to petition, the right to refer to the European Ombudsman and the European Citizens' Initiative⁴,
 - having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0000/2023),
- A. whereas Article 10(3) TEU states that every citizen has the right to participate in the democratic life of the Union and that decisions must be taken as openly and as closely as possible to the citizen;
- B. whereas, pursuant to Article 11(4) TEU, not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the 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

¹ OJ L 130, 17.5.2019, p. 55.

² OJ L 231, 17.7.2020, p. 7.

³ OJ C 99, 1.3.2022, p. 96.

⁴ OJ C 347, 9.9.2022, p. 110.

the purpose of implementing the Treaties;

- C. whereas, pursuant to Article 11(7) of the revised ECI Regulation, the possibility of collecting statements of support through an individual online collection system is limited to ECIs registered before the end of 2022 and is therefore not available for ECIs registered thereafter;
- D. whereas, pursuant to Article 15(2) of the revised ECI Regulation, the Commission is legally obliged to set out in a communication its legal and political conclusions on a valid ECI, the action it intends to take, if any, and its reasons for taking or not taking action;
- E. whereas Articles 14(3) and 16 of the revised ECI Regulation contain a legal obligation for Parliament to respectively assess the political support for the ECI and the measures taken by the Commission as a result of its communication;
- F. whereas, pursuant to recital 5 thereof, the purpose of the revised ECI Regulation is to make the ECI more accessible, less burdensome and easier to use for organisers and supporters, to strengthen its follow-up and to facilitate the participation of as many citizens as possible in the democratic decision-making process of the Union;
- G. whereas, pursuant to Article 25 of the revised ECI Regulation, the Commission has to periodically review the functioning of the ECI and present a report to Parliament and the Council on the application of the Regulation; whereas its first report is due no later than 1 January 2024 and will cover a period marked by the COVID-19 pandemic;
- H. whereas the temporary ECI Regulation, which was applicable until the end of 2022, extended the time limits for the different stages of the ECI process in response to the COVID-19 pandemic;
- I. whereas the Commission has received 122 ECI requests since the introduction of the ECI instrument, 97 of which have been registered; whereas the Commission has received 28 ECI requests under the revised ECI Regulation, 25 of which have been registered, while two are currently being assessed;
- J. whereas to date, only nine ECIs have reached the threshold of one million signatures ('Right2Water', 'One of Us', 'Stop vivisection', 'Ban glyphosate', 'Minority SafePack', 'End the Cage Age', 'Save bees and farmers', 'Stop Finning – Stop the Trade' and 'Save Cruelty Free Cosmetics'), the first six of which have received a response from the Commission; whereas the 'Minority SafePack' initiative was the first ECI to be debated in Parliament based on the revised ECI Regulation;

Main conclusions

- 1. Points out that the ECI is the only tool for participatory democracy at EU level that can potentially lead to a proposal for a legal act of the Union; considers it essential to involve citizens, in particular young people, in the democratic life of the Union; recalls, therefore, that the use of the ECI instrument must be enhanced by all available means;
- 2. Stresses that the online collection of statements of support is fundamental for the

success of ECIs; welcomes the improvements made by the Commission to its central online collection system, including the possibility of customising its features and providing statistics to citizens; is concerned, however, that phasing out individual online collection systems might have a negative effect on the possibility for organisers to use online collection systems tailored to their needs;

3. Welcomes the Commission's swift response in extending the collection periods for ECIs following the outbreak of the COVID-19 pandemic;
4. Highlights that organising an ECI is a demanding and costly process; acknowledges that it is very difficult for individual citizens to manage ECIs without being supported by associations with strong organisational capacity and financial means; notes that there are major differences between the financial resources available to different ECIs; underlines, therefore, the need for financial support for the organisation of ECIs;
5. Points to the imbalance between the huge amount of effort and extensive resources necessary to organise ECIs and their weak legal effects, even if the required threshold of one million signatures is reached, which may deter citizens from launching ECIs;
6. Welcomes the longer time frame for responding to valid ECIs under the revised ECI Regulation, which enables the Commission to take full account of the views and positions on the ECIs expressed during the examination phase;
7. Regrets the weak legal impact of valid ECIs; stresses that, for the objectives of the revised ECI Regulation to be achieved and the full potential of this instrument to be realised, the Commission needs to appropriately consider and respond to valid ECIs;
8. Recalls Parliament's obligation to assess each valid ECI and the measures taken by the Commission in line with Rule 222(8) and (9) of its Rules of Procedure, particularly when the Commission fails to put forward or implement proposals;

Recommendations

9. Underlines the need to continue to raise awareness of this participatory instrument, in particular by promoting it on social media and including it in civic education curriculums, in order to reach as many citizens as possible, especially young people;
10. Invites the Commission to start a reflection process on the usefulness of reintroducing the option for organisers to use individual online collection systems;
11. Calls on the Commission to provide financial support for ECIs that reach the threshold of one million signatures;
12. Calls on the Commission to establish a proper dialogue with organisers about their goals and the best possible means to achieve them, in order to assess citizens' input seriously and effectively; points out that such a dialogue could already be initiated during the collection period;
13. Invites the Commission 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;

14. Calls on the Commission to engage better with valid ECIs even after it has issued its communication, thereby increasing the possibility of legislative follow-up in the long term;
15. Recommends that every valid ECI and every Commission communication setting out its legal and political conclusions on a specific ECI be followed by a vote on a parliamentary resolution, which would require the modification of Rule 222(8) and (9) of Parliament's Rules of Procedure;

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16. Instructs its President to forward this resolution to the Council and the Commission.