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Committee on Civil Liberties, Justice and Home Affairs

2010/0074(COD)

26.10.2010

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

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))

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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 European Citizens' Initiative (ECI) introduces a new concept of trans-national democracy and brings participatory democracy to the EU. Through the ECI, EU citizens can appeal directly to the European Commission to initiate a legal act. In a way, the Lisbon Treaty has created a fourth institutional body of the EU: one million citizens.

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.

Your rapporteurs welcome the Commission proposal, as involving civil society in policy shaping and preparations of decisions strengthens the democratic legitimacy of public institutions and brings the European Union closer to its citizens.

However, your rapporteurs believe that the citizens' initiative should be designed as pragmatically as possible, and complicated administrative procedures should be avoided. They would also like to see that as many launched initiatives as possible will be granted admissibility. In order to do that the procedural rules must be as facilitated as possible. The rapporteurs have the following main concerns and suggestions to change the proposal:

According to the rapporteurs, **the minimum age for supporting an initiative** should be 16 years in all Member States. Article 9 TEU states that all Union's citizens should receive equal attention. Active citizenship, social inclusion and solidarity of young people are crucial for the future of Europe, and decreasing the age limit would help raise awareness towards European issues among young people. Moreover, the ECI is not a decision-making instrument but only an agenda-setting initiative, and supporting an initiative is completely different from the act of voting. Furthermore, linking the minimum age to national voting age requirements would create inequality due to differences in national requirements, which is why your rapporteurs prefer the age of 16 years to be applicable in all Member States.

As for **the scope of collection**, your rapporteurs consider that it should be enough to collect signatures in one fourth of the Member States instead of one third, as in every Member State where signatures shall be collected, a lot of time and resources are required for administration and translation. Since the rapporteurs want to eliminate the risk of initiatives falling due to time limits or lack of financial support, they suggest that one fourth of the Member States should be sufficient since that number still covers a big part of the EU.

Considering that the Commission requested in its proposal a period of two months to investigate if an initiative is admissible, the time limit of one year for collecting signatures seems to be too short. Your rapporteurs suggest that **the time limit for the collection of signatures** should be extended to four years in order to ensure that also initiatives without financial support have a chance to reach one million signatures.

Regarding **the issue of admissibility**, your rapporteurs consider that there is no need to collect 300.000 signatures before the admissibility is checked by the Commission. Your rapporteurs firmly believe that 5.000 signatures should be sufficient and signatories should not need to come from more than one Member State. It takes time and resources to start collecting signatures in several Member States and before knowing if an initiative has been considered admissible, it shall not be necessary to start the process in more than one Member State. Nonetheless, in order to act as a filter for unserious initiatives, your rapporteurs reckon that the requested 5.000 signatures should be collected within 6 months; by setting this time limit, it would be possible to eliminate initiatives that are registered but never get the specified number of signatures.

Your rapporteurs also suggest that the Commission shall investigate the admissibility of an initiative within one month instead of two, so that the momentum of collecting signatures is not slowed down.

Your rapporteurs also believe that **proposals either manifestly or covertly against the values of the European Union should be considered inadmissible**.

As far as the **online collection of signatures is concerned**, your rapporteurs suggest that the Commission shall launch a central website named "citizensinitiative.eu", where all initiatives should be registered and all initiatives can be found and signed by citizens. This solution would be highly desirable for several reasons.

Firstly, because of data protection concerns, i.e. if the Commission set up and operated a central website, it would be guaranteed that rules and regulations concerning personal data protection are respected. Your rapporteurs firmly believe that it cannot be expected from any initiator of a citizens' initiative to set up and operate an online signature-collecting system, which meets all the relevant data-privacy regulations.

Moreover, by making each initiator launch his/her own website, the collection of signatures would not be uniform from a data protection point of view.

Secondly, the Commission's proposal would also be problematic as it would impose an extra burden not only on the initiators, but on Member States as well, as they should verify the conformity of the online collection systems with the regulations set out by the Commission, and they should also issue a certificate confirming the conformity concerning each website.

Thirdly, having all citizens' initiatives on one single website would make the accessibility of the initiatives much easier, as interested citizens could find, sign and follow the progress of all the initiatives quickly and without any difficulties.

Thus, your rapporteurs believe that the Commission should set up a central website, in the task of which it should involve relevant authorities of Member States in order to decide what data they need to identify and verify the identity of signatories later. The website should be constructed in such a way that when signing an initiative online the signatory would be first asked about his/her nationality, then only those fields should be filled in which are required by the relevant authorities. The reason behind this solution is that different Member States have different types of identification numbers and need different data to verify the identity of the signatories.

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs 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

Text proposed by the Commission

(3) These procedures and conditions should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative.

Amendment

(3) These procedures and conditions should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative, ***so as to encourage participation by citizens and to make the Union more accessible.***

Amendment 2

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) It is important that information campaigns concerning citizens' initiatives be organised, in order to raise citizens' awareness and to provide accurate information on this new instrument. The Commission and the European Parliament, via their respective

representations and offices in the Member States, should upon request provide citizens with information and informal advice about citizens' initiatives, notably as regards the admissibility criteria, the values and competencies of the Union and the European Treaties. A user's guide to the citizens' initiatives should be prepared in every official language of the Union and should be available online.

Justification

In order to avoid raising false expectations and misunderstanding on the nature and the scope of the ECI information campaigns become crucial. The amendment aims to improve the citizens awareness and accurate information on this new instrument.

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) It is necessary to establish the minimum number of Member States from which citizens must come. In order to ensure that a citizens' initiative is representative of a Union interest, this number should be set at ***one third*** of Member States.

Amendment

(5) It is necessary to establish the minimum number of Member States from which citizens must come. In order to ensure that a citizens' initiative is representative of a Union interest, this number should be set at ***one fifth*** of Member States.

Amendment 4

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) It is appropriate to fix a minimum age for supporting a citizens' initiative. This should be set ***as the age at which citizens are entitled to vote in the European Parliament elections.***

Amendment

(7) It is appropriate to fix a minimum age for supporting a citizens' initiative. This should be set ***at the age of 16 years.***

Justification

Article 9 TEU states that all Union's citizens should receive equal attention. Active citizenship, social inclusion and solidarity of young people are crucial for the future of Europe. Moreover, supporting an initiative is completely different from the act of voting, therefore, it would be appropriate to involve also young people. Furthermore, linking the minimum age to national voting age would create inequality due to differences in national requirements.

Amendment 5

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) A minimum organised structure is needed in order to successfully carry through a citizens' initiative. This should take the form of a citizens' committee, composed of natural persons (organisers) coming from one fifth of Member States, in order to encourage the emergence of European-wide issues and to foster reflection on those issues. For the sake of transparency and smooth and efficient communication, the citizens' committee should designate representatives to perform a liaison function between the committee and the institutions of the Union throughout the procedure.

Justification

The citizens' initiative is conceived in order to give the opportunity to citizens to participate in the democratic life of the Union. It should only be open to natural persons who establish a citizens' committee.

Amendment 6

Proposal for a regulation

Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) It is important to involve young people and to encourage them to participate in the citizens' initiatives.

Justification

In the proposal, Member States have the responsibility for checking signatures. To involve young people, we should aim at developing a system for checking signatures at EU wide level in order to ensure a common minimum age.

Amendment 7

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) In order to ensure coherence and transparency in relation to proposed citizens' initiatives, it should be mandatory to register such initiatives on a website made available by the Commission prior to collecting the necessary statements of support from citizens; proposals that are ***abusive or devoid of seriousness*** should not be registered and the Commission should reject the registration of proposals which would be manifestly against the values of the Union. The Commission should deal with registration in accordance with the general principles of good administration.

(8) In order to ensure coherence and transparency in relation to proposed citizens' initiatives, ***and to avoid a situation in which signatures are collected for a proposal which does not fall within the scope of this Regulation***, it should be mandatory to register such initiatives on a website made available by the Commission prior to collecting the necessary statements of support from citizens; proposals that are ***not citizens' initiatives in accordance with this Regulation*** should not be registered and the Commission should reject the registration of proposals which would be manifestly against the values of the Union, ***as set out in Article 2 of the Treaty on European Union. Registration is an administrative procedure aimed at selecting those initiatives that fall within the scope of this Regulation; therefore any refusal of registration should be based only on legal grounds and not, on any account, on grounds of political expediency.*** The Commission should deal with registration in accordance with the

general principles of good administration, **and should therefore be obliged to inform the organisers of an initiative of the reasons for any refusal to register an initiative and of the legal remedies available to them in that event. It should also be made clear by the Commission that registration and the collection of the required number of statements of support will not necessarily result in the Commission adopting a proposal for a legal act and that the registration of an initiative does not constitute a formal decision on competence issues.**

Justification

This concerns the abolition of the admissibility check: Commission only verifies if a certain initiative is a citizens' initiative pursuant to the Regulation. Then, the initiative should be registered and the organisers cannot be prevented from collecting signatures. But in order to be able to prevent using the initiative for provoking decisions by the Commission on competence issues, it should be explained to organisers that the registration means simply that the initiative in the Commission's view is a European citizens' initiative and not a formal decision on competence issues.

Amendment 8

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) *The organiser of a proposed* citizens' initiative **should be responsible for the collection of the necessary statements of support from citizens.**

Amendment

(9) *Once a proposal is registered as a* citizens' initiative, statements of support from citizens **may be submitted by the organisers.**

Justification

The amendment to Recital 9 reinforces the position that the registration is only aimed at deciding whether a European citizens' initiative is on the table or not. If it is so, organisers do not have to comply with any other requirements (admissibility, etc.) but they are free to exercise their right under the Treaty, namely to collect signatures in favour of an initiative.

Amendment 9

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) ***In order to put modern technology to good use as a tool of participatory democracy, it*** is appropriate to provide for statements of support to be collected *online as well as* in paper form. Online collection systems should have adequate security features in place in order to ensure, inter alia, that the person ***is eligible to sign and signs only once***, and that the data are securely stored. ***The detailed technical specifications should be worked out at an expert level and be regularly adapted to technical developments. he power to adopt*** detailed technical specifications for online collection systems ***should therefore be delegated to the Commission.***

Amendment 10

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The statements of support should be collected in a way that is citizen-friendly and which incorporates the necessary safeguards for data protection. At the same time, it should not impose an excessive burden on the organisers.

Amendment 11

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) It is appropriate for Member States to verify the conformity of online collection systems with the requirements of this Regulation. **deleted**

Justification

Since the Commission should set up and manage a central website, the verification of conformity by Member States is no longer required.

Amendment 12

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) It is appropriate to ensure that statements of support for a citizens' initiative are collected within a specific time-limit. In order to ensure that proposed citizens' initiatives remain relevant, whilst taking account of the complexity of collecting statements of support across the European Union, that time-limit should not be longer than **12 months** from the date of registration of the proposed initiative.

(12) It is appropriate to ensure that statements of support for a citizens' initiative are collected within a specific time-limit. In order to ensure that proposed citizens' initiatives remain relevant, whilst taking account of the complexity of collecting statements of support across the European Union, that time-limit should not be longer than **24 months** from the date of registration of the proposed initiative.

Amendment 13

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) It is crucial that transparency be maintained throughout the whole process. Therefore, any financial or political support received should be indicated in

the statement of support form relating to each citizens' initiative. Funding by political parties and European political groups should not be permitted.

Amendment 14

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) It is appropriate that the Commission should take a decision on the admissibility of proposed initiatives at a sufficiently early stage. The organiser should therefore request such a decision after it has collected 300.000 statements of support for the proposed initiative from signatories coming from at least three Member States.

Amendment

deleted

Amendment 15

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) The Commission should, within a period of **two months** after receiving a request from the organiser, adopt a decision on its admissibility. A proposed citizens' initiative should be considered admissible if it falls within the framework of the powers of the Commission and concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties.

Amendment

(14) The Commission should, within a period of **one month** after receiving a request from the organiser, adopt a decision on its admissibility. A proposed citizens' initiative should be considered admissible if it falls within the framework of the powers of the Commission and concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties. ***The Commission may consult the European Parliament on the importance and pertinence of the proposed citizens' initiative, before starting to draw up the***

draft legislative text based on it.

Justification

The Commission should investigate the admissibility of an initiative within one month instead of two, so that the momentum of collecting signatures is not slowed down.

Amendment 16

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) *It* is appropriate to provide that, where a citizens' initiative has received the necessary statements of support from signatories **and provided it is considered admissible**, each Member State should be responsible for the verification and certification of statements of support collected from citizens coming from that State. Taking account of the need to limit the administrative burden for Member States, they should, within a period of three months, carry out such verifications on the basis of appropriate checks and should issue a document certifying the number of valid statements of support received.

Amendment

(15) ***In the absence of a competent Union electoral authority, it*** is appropriate to provide that, where a citizens' initiative has received the necessary statements of support from signatories, each Member State should be responsible for the verification and certification of statements of support collected from citizens coming from that State. Taking account of the need to limit the administrative burden for Member States, they should, within a period of three months, carry out such verifications on the basis of appropriate checks, ***which may be based on random sampling***, and should issue a document certifying the number of valid statements of support received.

Amendment 17

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) It is of the utmost importance that organisers of a citizen's initiative provide a declaration of any financial means used to support and promote the initiative, in order to ensure full transparency.

Amendment 18

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) The Commission should examine a citizens' initiative and set out its conclusions and the actions it envisages to take in response to it, within a period of **four** months.

Amendment

(17) The Commission should examine a citizens' initiative and set out its conclusions and the actions it envisages to take in response to it, within a period of **three** months.

Justification

To ensure and maintain high levels of citizen participation, it is crucial to count on a quick procedure. It is therefore considered that the European Commission shall be able to fully formulate its own conclusions about the initiative and the actions it intends to undertake within a period of three months.

Amendment 19

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The European Parliament may take any appropriate action within its powers in order to ensure that the voice of the citizens is heard.

Amendment 20

Proposal for a regulation Recital 18

Text proposed by the Commission

Amendment

(18) Directive 95/46/EC of the European

(18) Directive 95/46/EC of the European

Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data is fully applicable to the processing of personal data carried out in application of this Regulation. In this respect, it is appropriate to clarify that the organiser of a citizens' initiative and the competent authorities of the Member States are the data controllers within the meaning of Directive 95/46/EC and to specify the maximum period within which the personal data collected for the purposes of a citizens' initiative may be retained. In **their** capacity as data **controllers, organisers need** to take all the appropriate measures to comply with the obligations imposed by Directive 95/46/EC, in particular those relating to the lawfulness of the processing, the security of the processing activities and the provision of information and the rights of data subject to access to his/her personal data as well as the correction and erasure of his/her personal data.

Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data is fully applicable to the processing of personal data carried out in application of this Regulation. In this respect, it is appropriate to clarify that **in the event of paper-based collection** the organiser of a citizens' initiative and the competent authorities of the Member States are the data controllers within the meaning of Directive 95/46/EC and to specify the maximum period within which the personal data collected for the purposes of a citizens' initiative may be retained. In **the event of online collection, in its** capacity as data **controller, the Commission needs** to take all the appropriate measures to comply with the obligations imposed by Directive 95/46/EC, in particular those relating to the lawfulness of the processing, the security of the processing activities and the provision of information and the rights of data subject to access to his/her personal data as well as the correction and erasure of his/her personal data.

Justification

The Commission should set up a central website in order to guarantee the protection of personal data in case of online collection. All initiatives should be registered and possible to sign on this website. Otherwise, an extra burden would be put on the initiators.

Amendment 21

Proposal for a regulation

Article 2 – point 1

Text proposed by the Commission

1. "Citizens' initiative" means an initiative, submitted to the Commission in accordance with the present Regulation, inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where

Amendment

1. "Citizens' initiative" means an initiative, submitted to the Commission in accordance with the present Regulation, 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 the purpose of implementing the Treaties, which has received the support of at least one million eligible signatories coming from at least *one third* of all Member States;

citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties, which has received the support of at least one million eligible signatories coming from at least *one fifth* of all Member States;

Amendment 22

Proposal for a regulation Article 2 – point 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. "**Organisers**" means natural *persons forming a citizens' committee* responsible for the preparation and submission of a citizens' initiative to the Commission.

Amendment 23

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. *Organisers shall form a citizens' committee coming from at least one fifth of the Member States. Organisers shall be citizens of the Union and at least 16 years old.*

Amendment 24

Proposal for a regulation Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the organiser is a legal person or an organisation it shall be established in a

Amendment

deleted

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.

Justification

Only natural persons should be organiser of citizens initiative in order to avoid possible abuse of existing business organisations, political parties, etc.

Amendment 25

**Proposal for a regulation
Article 3 – paragraph 2**

Text proposed by the Commission

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.***

Amendment

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.***

Justification

Article 9 TEU states that all Union's citizens should receive equal attention. Active citizenship, social inclusion and solidarity of young people are crucial for the future of Europe. Moreover, supporting an initiative is completely different from the act of voting, therefore, it would be appropriate to involve also young people. Furthermore, linking the minimum age to national voting age would create inequality due to differences in national requirements.

Amendment 26

**Proposal for a regulation
Article 4 – title**

Text proposed by the Commission

Registration of a proposed citizens' initiative

Amendment

Registration ***and admissibility*** of a proposed citizens' initiative

Amendment 27

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Except in the cases foreseen in paragraphs 3 and 4, the Commission shall register without delay the proposed initiative under a unique registration number and send a confirmation to the organiser.

Amendment

2. The Commission shall, within one month from the request for registration referred to in paragraph 1, take a decision on admissibility. The proposed citizens' initiative shall be considered admissible and therefore registered if it satisfies the following conditions:

- it cannot be reasonably regarded as improper because it is abusive or devoid of seriousness;**
- it does not run counter to the values of the Union;**
- it concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties; and**
- it falls within the framework of the powers of the Commission to make a proposal.**

Amendment 28

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. Proposed citizens' initiatives which can be reasonably regarded as improper because they are abusive or devoid of seriousness will not be registered.

Amendment

deleted

Amendment 29

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. The Commission shall reject the registration of proposed citizens' initiatives which are manifestly against the values of the Union.

Amendment

4. The Commission shall reject the registration of proposed citizens' initiatives which are manifestly against the values of the Union, ***as set out in Article 2 of the Treaty on European Union. The Commission's reasons for rejecting the registration of an initiative shall be well-founded and shall be published on the website set up by it for that purpose.***

Justification

Transparency will undoubtedly prove educational and prevent the multiplication of inadmissible or ludicrous initiatives.

Amendment 30

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. ***The decision on admissibility shall be notified to the organisers of the*** proposed citizens' initiative ***and*** shall be made public in the register ***and on the website provided by the Commission.***

It shall also include an indication as to which legal act or measures the Commission considers that it is appropriate to take if one million statements of support are collected in favour of that citizens' initiative. The Commission may always modify that indication at the moment when it adopts its decision on whether or not to go forward with a citizens' initiative.

Amendment 31

Proposal for a regulation
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall inform the organiser of the reasons why registration of the proposed citizens' initiative has been rejected.

Amendment 32

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

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 ***and declared admissible*** in accordance with Article 4.

Amendment 33

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The organiser shall also submit to the competent authorities a declaration of any financial support it may have received or enjoyed from any interest group or representatives of interest groups, throughout the entire duration of the collection of statements of support, so as to ensure full transparency throughout the entire life cycle of the citizen's initiative.

Amendment 34

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. All statements of support shall be collected after the date of registration of the proposed initiative and within a period that shall not exceed **24 months**.

Amendment 35

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. Where statements of support are collected electronically, the data obtained through the online collection system shall be stored ***in the territory of a Member State***. The model for the statement of support forms may be adapted for the purpose of the electronic collection.

Amendment

1. Where statements of support are collected electronically, the data obtained through the online collection system shall be stored ***centrally by the Commission or by the European Parliament***. The model for the statement of support forms may be adapted for the purpose of the electronic collection.

Justification

The Commission should set up a central website in order to guarantee the protection of personal data. All initiatives should be registered and possible to sign on this website. Otherwise, an extra burden would be put on the initiators.

Amendment 36

Proposal for a regulation Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Data submitted by signatories through the online collection system must be checked, stored and destroyed in accordance with the Union's rules on

data protection and the right to privacy.

Justification

Signatories are providing personal data which must be protected from any possible form of misuse.

Amendment 37

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the online collection system complies with the provisions referred to in paragraph 4, the relevant competent authority shall within one month issue a certificate in accordance with the model set out in Annex IV. Until such a time as the technical specifications mentioned in paragraph 5 have been adopted, the competent authority shall apply the appropriate national technical specifications for assessing the conformity of the online collection system with paragraph 4.

deleted

Member States shall recognize the certificates issued by the competent authorities of other Member States.

Justification

Since the Commission should set up and manage a central website, the verification of conformity by Member States is no longer required.

Amendment 38

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

Text proposed by the Commission

Amendment

a. only natural persons may submit a

a. only natural persons ***eligible to sign*** may

statement of support form online;

submit a statement of support form online;

Amendment 39

Proposal for a regulation

Article 6 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

ba. the fact that each person submits only one statement can be verified;

Amendment 40

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. Within 12 months following the entry into force of this Regulation, the Commission shall adopt technical specifications for the implementation of paragraph 4, in accordance with the regulatory procedure laid down in Article 19(2).

5. Within *the* 12 months following the entry into force of this Regulation, the Commission shall ***undertake in conjunction with the European Data Protection Supervisor an evaluation enabling it to*** adopt technical specifications for the implementation of paragraph 4, in accordance with the regulatory procedure laid down in Article 19(2). ***That evaluation shall be forwarded to the European Parliament, together with the proposals.***

Amendment 41

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The signatories of a citizens' initiative shall come from at least ***one third*** of

1. The signatories of a citizens' initiative shall come from at least ***one fifth*** of

Member States.

Member States.

Amendment 42

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. In ***one third*** of Member States, signatories shall comprise at least the minimum number of citizens set out in Annex I.

Amendment

2. In ***one fifth*** of Member States, signatories shall comprise at least the minimum number of citizens set out in Annex I.

Amendment 43

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 as coming from the Member State ***where they have their permanent residence.***

A signatory who is not a national of the Member State in which he or she permanently resides may choose to be considered as coming either from the Member State in which he or she permanently resides or from the Member State of which he or she is a national.

A signatory permanently resident in a third country shall be considered as coming from the Member State of which he or she is a national.

Amendment 44

Proposal for a regulation Article 8

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Article 8

deleted

Decision on the admissibility of a proposed citizens' initiative

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.

2. The Commission shall, within a period of two months from the receipt of the request referred to in paragraph 1, take a decision on admissibility. The proposed citizens' initiative shall be considered admissible if it satisfies the following conditions:

a. it concerns a matter where a legal act of the Union can be adopted for the purpose of implementing the Treaties; and

b. it falls within the framework of the powers of the Commission to make a proposal.

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

Justification

It is intended to reduce registration and admissibility in one step. Therefore Article 8 is not necessary as Article 4 is dealing with registration and admissibility.

Amendment 45

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, and provided that the Commission has decided that a proposed citizens' initiative is admissible in accordance with **Article 4**, 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 46

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The organiser shall submit statements of support to the Member State ***that issued the identification document indicated therein.***

Amendment

The organiser shall submit statements of support to the Member State ***where the signatories have their permanent residence.***

A signatory who is not a national of the Member State in which he or she permanently resides may choose to be considered as coming either from the Member State in which he or she permanently resides or from the Member State of which he or she is a national.

Where signatories have their permanent residence in a third country, the organiser shall submit statements of support to the Member State of which they are nationals.

Amendment 47

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. The competent authorities shall, within a period that shall not exceed three months, verify the statements of support provided on the basis of **appropriate** checks, and deliver to the organiser a certificate in accordance with the model set out in Annex VII, certifying the number of valid statements of support for that Member State.

Amendment

2. The competent authorities shall, within a period that shall not exceed three months, verify the statements of support provided on the basis of **sample** checks, and deliver to the organiser a certificate in accordance with the model set out in Annex VII, certifying the number of valid statements of support for that Member State. **The percentage of invalid signatures in the sample will be deducted from the overall number of statements of support. A certificate will only be issued if the remaining number of statements of support exceeds one million.**

Justification

This article aims to make verification faster. If for example an ECI raises 1.5 million signatories the verifying authority may randomly check 5000 samples taken from the whole. If it results from those 5000 that 500 (or 10%) are false, incomplete or non-verifiable, then it may be extrapolated onto the entire collection of signatures, assuming that 10% of the 1.5 million signatories are false. Moreover, such a sample-check correction system also counters the argument put forth by the Commission that the ID number is needed for a thorough check of validity of the signatories.

Amendment 48

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

a. publish the citizens' initiative without delay on its website;

Amendment

a. publish the citizens' initiative without delay on its website, **in all the official languages of the Union**;

Justification

All the EU citizens should be able to understand the content of the proposed citizens' initiative in order to support it, after its approval by the European Commission. This could be achieved only if the initiatives are translated to all the official languages of the European Union, upon publication on the website of the European Commission.

Amendment 49

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

b. examine the citizens' initiative and, within **4 months**, set out in a communication its conclusions on the initiative, the **action it intends** to take, **if** any, **and** its reasons for **doing so**.

Amendment

b. examine the citizens' initiative and, within **three months**, set out in a communication its conclusions on the initiative, **as well as the appropriate proposal on the matter where citizens have indicated that a legal act is required. Should the Commission decide** to take **some alternative action, or not to take** any **action, it shall state** its reasons for **its decision in a communication**.

Justification

In order to create a stronger duty for the Commission to give a follow up to citizens' initiatives. To ensure and maintain high levels of citizen participation, it is crucial to count on a quick procedure. It is therefore considered that the European Commission shall be able to fully formulate its own conclusions about the initiative and the actions it intends to undertake within a period of three months.

Amendment 50

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. The communication referred to in paragraph 1(b) shall be notified to the organiser of the citizens' initiative as well as to the European Parliament and the Council and shall be made public.

Amendment

2. The **list of citizens' initiatives tabled, as well as the** communication referred to in paragraph 1(b), shall be notified to the organiser of the citizens' initiative as well as to the European Parliament and the Council and shall be made public.

Justification

In order to create a stronger duty for the Commission to give a follow up to citizens' initiatives.

Amendment 51

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall deliver a public annual report to the European Parliament and the Council on the implementation of citizens' initiatives, indicating inter alia the number of initiatives submitted, their admissibility and the follow-up given by the Commission to each initiative.

Justification

In order to create a stronger duty for the Commission to give a follow up to citizens' initiatives.

Amendment 52

Proposal for a regulation
Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. With regard to citizens' initiatives in respect of which one million statements of support have been collected, the European Parliament can at any time call on the Commission to explain the actions it intends to take or, as the case may be, the decision not to take any action, and the reasons for doing so. In exercising its powers the European Parliament can at any time hold hearings of the organisers or adopt a resolution. The organisers may also present a petition to the European Parliament on the subject, if the criteria

for doing so are met.

Justification

In order to respond to citizens' expectation and avoid frustration, it is important that the European Parliament offers other options and take a debate to clarify the Commission decision.

Amendment 53

**Proposal for a regulation
Article 13 – point b**

Text proposed by the Commission

Amendment

***b. non-conformity with the requirements
for online collection systems;*** ***deleted***

Justification

We support the idea of one single, central website operated by the Commission instead of websites set up by each initiator; like this data protection regulations will always be met.

Amendment 54

**Proposal for a regulation
Article 15**

Text proposed by the Commission

Amendment

The Commission may adopt, by means of delegated acts in accordance with Articles 16, 17 and 18, amendments to the Annexes of this Regulation.

The Commission may adopt, by means of delegated acts in accordance with Articles 16, 17 and 18, amendments to *all* the Annexes to this Regulation ***apart from Annexes II and III.***

Justification

There are provisions in these two annexes that need to be examined by Parliament. These two annexes must be excluded therefore from the scope of delegated acts and comitology.

Amendment 55

Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The delegated act **may** be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

Amendment

The delegated act **shall** be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

Amendment 56

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

The Commission shall inform the other Member States thereof.

Amendment

The Commission shall inform the other Member States **and the European Parliament** thereof.

Amendment 57

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.

Amendment 58

Proposal for a regulation Annex II – point 4

Text proposed by the Commission

Amendment

4. The legal base of the Treaties which would allow the Commission to act; **deleted**

Justification

Expecting citizens launching an initiative to know the legal base of the Treaties which would allow the Commission to act is not realistic. On the contrary, it is the Commission's job to examine an initiative and its compatibility with the Treaties and then to inform the organisers as to its admissibility, giving them precise reasons for its decision and publishing it.

Amendment 59

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 the organiser;

Amendment 60

Proposal for a regulation Annex III – Box 2 – point 5 a (new)

Text proposed by the Commission

Amendment

5a. Financial and political support received in respect of the proposed citizens initiative*:

Amendment 61 Proposal for a Regulation

Annex III – Box 3

Text proposed by the Commission

Amendment

Box 3: (to be completed by signatory)

Box 3: (to be completed by signatory)

1. Name of signatory:
First name*:.....Family name*:
2. Address:
Street:
Postcode: City*:
Country*:
3. E-mail address:
4. Date and place of birth*:
Date of birth: Place and country:
5. Nationality*:
**6. Personal identification number*:
Type of identification number/identity
document:
National identity card: Passport: Social
security:
Member State, which issued the
identification number/identity document*:**
7. I hereby certify that the information
provided in this form is correct and that I
have only supported this proposed citizens'
initiative once*.
Date and signature of the signatory* ♦:
.....

1. Name of signatory:
First name*:.....Family name*:
2. Address:
Street:
Postcode: City*:
Country*:
3. E-mail address:
4. Date and place of birth*:
Date of birth: Place and country:
5. Nationality*:
**6. I hereby certify that the information
provided in this form is correct and that I
have only supported this proposed citizens'
initiative once*.
Date and signature of the signatory* ♦:
.....**

Amendment 62

Proposal for a regulation Annex IV

Text proposed by the Commission

Amendment

ANNEX IV

deleted

Certificate confirming the conformity of an online collection system with Regulation xxxx/xxxx

[...] (name of competent authority) of
[...] (name of Member State), hereby

certifies that the online collection system [...] (website address) used for the electronic collection of statements of support for citizens' initiative having the registration number [...] complies with the relevant provisions of Regulation xxxx/xxxx.

Date, signature and official stamp of the competent authority:

Justification

The Commission's proposal that each initiator should set up his/her own website would place an extra burden not only on the initiators, but on Member States as well, as they should verify the conformity of the online collection systems with the regulations set out by the Commission, and they should also issue a certificate confirming the conformity concerning each website. To avoid this burden, we believe that the Commission should launch a central website to store all the initiatives.

Amendment 63

Proposal for a regulation Annex VI

Text proposed by the Commission

Form for the submission of statements of support to the Member States' competent authorities

1. Full name, postal address and e-mail address of the organiser ***or, in the case of a legal entity or organisation, its legal representative****:
2. Title of citizens' initiative*:
3. Commission registration number*:
4. Date of registration*:
5. Date of request for a decision on admissibility*:
6. Number of signatories coming from [name of MS]*:
7. Annexes*:
(Include all statements of support from signatories ***having specified a personal identification number issued by the same Member State. If applicable, include the relevant certificate(s) certifying that the conformity of the online collection system***

Amendment

Form for the submission of statements of support to the Member States' competent authorities

1. Full name, postal address and e-mail address of the organiser *:
2. Title of citizens' initiative*:
3. Commission registration number*:
4. Date of registration*:
5. Date of request for a decision on admissibility*:
6. Number of signatories coming from [name of MS]*:
7. Annexes*:
(Include all statements of support from signatories)

with Regulation xxxx/xxxx)

8. Date and signature of the organiser*:
*: mandatory fields

8. Date and signature of the organiser*:
*: mandatory fields

Justification

Some EU Member States do not issue identity cards for their citizens, therefore, the usage of citizenship would be more suitable. Moreover, since the Commission should set up and manage a central website, the verification of conformity by Member States is no longer required.

Amendment 64

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

Text proposed by the Commission

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.***

Amendment

6. Full name, postal address and e-mail address of the organiser.

PROCEDURE

Title	Citizens' initiative	
References	COM(2010)0119 – C7-0089/2010 – 2010/0074(COD)	
Committee responsible	AFCO	
Opinion by Date announced in plenary	LIBE 21.4.2010	
Rapporteur Date appointed	Cecilia Wikström 10.5.2010	Kinga Göncz 10.5.2010
Date adopted	26.10.2010	
Result of final vote	+: 48 -: 0 0: 1	
Members present for the final vote	Sonia Alfano, Rita Borsellino, Emine Bozkurt, Simon Busuttill, Philip Claeys, Carlos Coelho, Cornelis de Jong, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Tanja Fajon, Hélène Flautre, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Ágnes Hankiss, Salvatore Iacolino, Teresa Jiménez-Becerril Barrio, Juan Fernando López Aguilar, Clemente Mastella, Véronique Mathieu, Nuno Melo, Louis Michel, Claude Moraes, Jan Mulder, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Rui Tavares, Valdemar Tomaševski, Wim van de Camp, Axel Voss, Renate Weber, Tatjana Ždanoka	
Substitute(s) present for the final vote	Alexander Alvaro, Edit Bauer, Andrew Henry William Brons, Anna Maria Corazza Bildt, Nadja Hirsch, Monika Hohlmeier, Ádám Kósa, Wolfgang Kreissl-Dörfler, Jean Lambert, Stavros Lambrinidis, Petru Constantin Luhan, Mariya Nedelcheva, Joanna Senyszyn, Cecilia Wikström	