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22. Is determined to play its role to the full, to discharge its responsibilities with regard to the functioning of COSAC and to continue to provide technical support to the secretariat of COSAC and the representatives of the national parliaments;

23. Recalls that the activities of the European Parliament and of the national parliaments within COSAC must be complementary and must not be fragmented or abused from outside;

24. Believes that its specialised committees should be more strongly involved in the preparation of, and representation at, COSAC meetings; considers that its delegation should be led by the chair of its Committee on Constitutional Affairs and should comprise the chairs and rapporteurs of the specialised committees dealing with the items which are on the agenda of the COSAC meeting in question; considers it essential for the Conference of Presidents and Members, after each meeting, to be informed about the progress and results of COSAC meetings;

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25. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

Implementation of the citizens' initiative

P6_TA(2009)0389

European Parliament resolution of 7 May 2009 requesting the Commission to submit a proposal for a regulation of the European Parliament and of the Council on the implementation of the citizens' initiative (2008/2169(INI))

(2010/C 212 E/14)

The European Parliament,

- having regard to Article 192, second paragraph, of the EC Treaty,
- having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on 13 December 2007,
- having regard to the Treaty establishing a Constitution for Europe ⁽¹⁾,
- having regard to its resolution of 20 February 2008 on the Treaty of Lisbon ⁽²⁾,
- having regard to its resolution of 19 January 2006 on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union ⁽³⁾,
- having regard to Rules 39 and 45 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Petitions (A6-0043/2009),

⁽¹⁾ OJ C 310, 16.12.2004, p. 1.

⁽²⁾ Texts adopted, P6_TA(2008)0055.

⁽³⁾ OJ C 287 E, 24.11.2006, p. 306.

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- A. whereas the Treaty of Lisbon introduces the citizens' initiative, whereby citizens of the Union numbering not less than one million, 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 the purpose of implementing the Treaties – Article 11(4) of the EU Treaty in the Treaty of Lisbon version ('TEU'),
- B. whereas one million citizens of the Union will thus obtain the same right to request the Commission to submit a legislative proposal as the Council has had since the establishment of the European Communities in 1957 (originally under Article 152 of the EEC Treaty, at present Article 208 of the EC Treaty, in future Article 241 of the Treaty on the Functioning of the European Union ('TFEU')), and the European Parliament has had since the entry into force of the Maastricht Treaty in 1993 (at present Article 192 of the EC Treaty, in future Article 225 TFEU),
- C. whereas citizens will thus play a direct role in the exercise of the European Union's sovereign power by being, for the first time, directly involved in the initiation of European legislative proposals,
- D. whereas Article 11(4) TEU aims to establish an individual right to participate in a citizens' initiative, as a special consequence of the right to participate in the democratic life of the Union under Article 10(3) TEU,
- E. whereas the right of initiative is often confused with the right to petition; whereas there is a need to ensure that citizens are fully aware of the distinction between both rights, particularly since a petition is directed to Parliament while a citizens' initiative is directed to the Commission,
- F. whereas the Union's institutions and the Member States are required to establish the conditions for the smooth, transparent and effective exercise of the right of participation of the citizens of the Union,
- G. whereas the procedures and conditions for a citizens' initiative, including the minimum number of Member States from which the citizens taking the initiative must come, shall be determined by Parliament and the Council in accordance with the proper legislative procedure by means of a regulation (Article 24(1) TFEU),
- H. whereas, when that regulation is adopted and implemented, the fundamental rights to equality, good administration and legal protection should be particularly safeguarded,

Minimum number of Member States

- I. whereas the 'minimum number of Member States from which such citizens must come' (Article 24(1) TFEU) must be a 'significant number of Member States' (Article 11(4) TEU),
- J. whereas the minimum number of Member States must not be determined arbitrarily but must be guided by the regulation's purpose and shall be interpreted with reference to other Treaty provisions, in order to avoid conflicting interpretations,
- K. whereas the purpose of the regulation is to ensure that the starting point of the European legislative process is prompted, not by national vested interests, but by the European common interest,
- L. whereas Article 76 TFEU indicates that a legislative proposal supported by a quarter of the Member States may be presumed to take sufficient account of the European common interest; whereas, therefore, such a minimum number can be considered to be unchallengeable,
- M. whereas the purpose of the regulation is fulfilled only if it is associated with a minimum number of statements of support from each of those Member States,

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- N. whereas it can be concluded from Article 11(4) TEU, which specifies the figure of one million citizens of the Union, from a population of approximately 500 million citizens, that 1/500 of the population should be considered to be representative,

Participants' minimum age

- O. whereas Article 11(4) TEU applies to all citizens of the Union,
- P. whereas, however, any restriction of the right to democratic participation and any unequal treatment on the grounds of age must satisfy the principle of proportionality,
- Q. whereas, moreover, it is desirable to avoid conflicting interpretations, of the kind that would arise, for instance, if the minimum age for participation in European elections in a Member State were lower than the minimum age for participation in a citizens' initiative,

Procedure

- R. whereas a successful citizens' initiative requires the Commission to look into the matters it raises and decide whether and to what extent it should accordingly submit a proposal for a legal act,
- S. whereas it would be advisable for initiatives to refer to one or more appropriate legal bases for the submission of the proposed legal act by the Commission,
- T. whereas a citizens' initiative may proceed only if it is admissible, in so far as:
- it contains a request to the Commission to submit a proposal for a legal act of the Union,
 - the Union has legislative competence, and the Commission has the right to submit a proposal in the matters concerned, and
 - the requested legal act is not manifestly contrary to the general principles of law as applied in the Union;
- U. whereas a citizens' initiative is successful if it is admissible in the above sense and if it is representative, in the sense that it is supported by at least one million citizens who are nationals of a significant number of Member States,
- V. whereas it is the task of the Commission to verify whether the conditions for a successful citizens' initiative are fulfilled,
- W. whereas for the organisation of a citizens' initiative it is highly desirable to have legal certainty as to the admissibility of the initiative before collecting statements of support,
- X. whereas the task of verifying the authenticity of statements of support cannot be carried out by the Commission and should therefore be fulfilled by the Member States; whereas, however, the obligations of the Member States in that regard extend only to initiatives within the framework of Article 11(4) TEU and under no circumstances to initiatives that are inadmissible on the above-mentioned grounds whereas it is therefore necessary for the Member States, even before beginning to collect statements of support, to have legal certainty as regards the admissibility of the citizens' initiative,
- Y. whereas verification of the admissibility of a citizens' initiative by the Commission is, however, restricted exclusively to the above-mentioned legal grounds and may on no account include considerations of political expediency; whereas this will ensure that the Commission is not free to decide, on the basis of political considerations of its own, whether a citizens' initiative is or is not to be declared admissible,

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- Z. whereas it would seem appropriate for the procedure for a citizens' initiative to be divided into the following five stages:
- registering the initiative,
 - collecting statements of support,
 - presenting the initiative,
 - a statement of its position by the Commission,
 - verifying that the requested legal act is consistent with the Treaties.

The principle of transparency

- AA. whereas the citizens' initiative is a means of exercising public sovereign power in the area of legislation and is subject, as such, to the transparency principle; whereas this means that the organisers of a citizens' initiative must publicly assume accountability for its funding, including the sources of that funding,

Political monitoring of the process

- AB. whereas it is the political task of the Parliament to monitor the process of a citizens' initiative,
- AC. whereas this responsibility concerns the implementation of the regulation on the citizen's initiative, as such, as well as the political position of the Commission with regard to the request submitted by the citizens' initiative,
- AD. whereas it is important to ensure compatibility between requests submitted to the Commission by a citizens' initiative and Parliament's democratically approved priorities and proposals,
1. Requests the Commission to submit without delay, after the Treaty of Lisbon enters into force, a proposal for a regulation on the citizens' initiative on the basis of Article 24 of the Treaty on the Functioning of the European Union;
 2. Calls on the Commission to give due regard in that task to the recommendations set out in the annex to this resolution;
 3. Calls for the regulation to be clear, simple and user-friendly, incorporating practical elements relating to the definition of a citizens' initiative in order that it should not be confused with the right of petition;
 4. Decides to look, immediately after that regulation has been adopted, into the establishment of an effective system to monitor the process of a citizens' initiative;

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

RECOMMENDATIONS AS TO THE CONTENT OF THE COMMISSION PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE IMPLEMENTATION OF THE CITIZENS' INITIATIVE***On determining the minimum number of Member States***

1. The minimum number of Member States from which the citizens taking part in the initiative must come is one quarter of the Member States.
2. This requirement is fulfilled only if at least 1/500 of the population of each of the Member States concerned supports the initiative.

On determining the minimum age of participants

3. Every citizen of the Union who has the right to vote in accordance with the legislation of his/her own Member State may participate in a citizens' initiative.

On determining the procedure

4. The procedure for a citizens' initiative comprises five stages:
 - registering the initiative,
 - collecting statements of support,
 - presenting the initiative,
 - a statement of its position by the Commission,
 - verifying that the requested legal act is consistent with the Treaties.
5. The first stage of a citizens' initiative begins when its organisers register the initiative with the Commission and ends with the Commission's formal decision on the success of that registration. Its main features are as follows:
 - (a) A citizens' initiative must be duly registered by its organisers with the Commission. To register, each organiser shall state his or her name, date of birth, nationality and home address, and the exact wording of the citizens' initiative in one of the official languages of the European Union.
 - (b) The Commission verifies the formal admissibility of the registered citizens' initiative. A citizens' initiative is formally admissible if it satisfies the following four requirements:
 - it contains a request to the Commission to submit a proposal for the adoption of a legal act of the Union,
 - the Union has the competence under the Treaties on which the Union is based to adopt a legal act on the matters concerned,
 - the Commission has the competence under the Treaties on which the Union is based to submit a proposal for a legal act on the matters concerned,
 - the requested legal act is not manifestly contrary to the general principles of law as applied in the Union.

In accordance with Article 41 of the Charter of Fundamental Rights of the European Union the Commission provides organisers with all due support to ensure that initiatives which are registered are admissible. The Commission also notifies the organisers of current or proposed legislative proposals on matters raised in the citizens' initiative and on successfully registered citizens' initiatives that wholly or partly concern the same matters.

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- (c) Within two months of registration of the citizens' initiative the Commission must decide whether the initiative is admissible and registrable. Registration may be refused only on legal grounds and not, on any account, on grounds of political expediency.
 - (d) The decision is addressed both to the organisers individually and to the general public. The organisers receive notification thereof and it is published in the *Official Journal of the European Union*. The European Parliament, the Council and the Member States are notified of the decision immediately.
 - (e) The decision is subject to scrutiny by the Court of Justice of the European Union and the European Ombudsman in accordance with the relevant provisions of EU law. This applies *mutatis mutandis* if the Commission fails to take such a decision.
 - (f) The Commission provides on its website, accessible to the public, an index of all successfully registered citizens' initiatives.
 - (g) The organisers of a citizens' initiative may withdraw the initiative at any time. It is then considered not registered and is deleted from the above Commission index.
6. The second stage of the citizen's initiative covers the collecting of individual statements of support for the successfully registered initiative and official confirmation by the Member States of the result of the collection of individual statements of support. Its main features are as follows:
- (a) The Member States make provision for an effective procedure for the collection of lawful statements of support for a citizens' initiative and for official confirmation of the result of that collection.
 - (b) A statement of support is lawful if is declared within the period for collecting statements of support in accordance with the relevant legal provisions of the Member State in question and of EU law. The period for collecting statements of support is one year. It begins on the first day of the third month following the decision on registration of the citizens' initiative.
 - (c) All supporting persons must individually state their support, as a rule by means of a personal signature provided in writing or, if appropriate, electronically. The statement must as a minimum show the name, date of birth, home address and nationality of the supporting person. People who have more than one nationality shall indicate only one, which they choose freely.

The personal data is subject to data protection requirements, for which the citizens' initiative's organisers are held accountable.
 - (d) Support for a citizens' initiative may be stated only once. Every statement of support contains a separate solemn declaration by the supporting person that they have not previously stated their support for the same citizens' initiative.
 - (e) Any statement of support may be withdrawn before the period for the collection of statements of support expires. The supporting statement is then considered not to have been made. The organisers must inform every supporting person of this option. Every statement of support by the supporting person must contain a separate declaration that they have been informed of this option.
 - (f) Every supporting person receives a copy of their statement of support from the organisers together with a copy of their solemn declaration and their declaration that they have taken note of the withdrawal option.
 - (g) Within two months and after verifying the details of the statements of support, the Member States shall provide the organisers of citizens' initiatives with official confirmation of the number of lawful statements of support, listed by nationality of the supporting persons. They shall take appropriate steps to ensure that every statement of support is confirmed only once by one of the Member States and that multiple confirmations by different Member States or different agencies of the same Member State are effectively prevented.

The personal data is subject to data protection requirements, for which the relevant authorities of the Member States are held accountable.
7. The third stage of the citizens' initiative begins when the organisers present the citizens' initiative to the Commission and ends with the Commission's formal decision on whether presentation of the initiative has succeeded. Its main features are as follows:
- (a) A citizens' initiative must be lawfully presented by the organisers to the Commission. Confirmation by the Member States of the number of statements of support must be submitted at the time of presentation.

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- (b) The Commission verifies the representativeness of the citizens' initiative as presented. A citizens' initiative is representative if:
- it is supported by at least one million citizens of the Union,
 - who include nationals of at least one quarter of the Member States,
 - the number of nationals of each Member State concerned represents at least 1/500 of that Member State's population.
- (c) Within two months of presentation of the citizens' initiative the Commission must decide whether presentation of that initiative has been successful. The decision must include a statement on whether or not the initiative is representative. Presentation of the initiative may be refused only on legal grounds and not, on any account, on grounds of political expediency.
- (d) The decision is addressed both to the organisers individually and to the general public. The organisers receive notification thereof and it is published in the *Official Journal of the European Union*. The European Parliament, the Council and the Member States are notified of the decision immediately.
- (e) The decision is subject to scrutiny by the Court of Justice of the European Union and the European Ombudsman in accordance with the relevant provisions of EU law. This applies *mutatis mutandis* if the Commission fails to take such a decision.
- (f) The Commission provides on its website, accessible to the public, an index of all successfully presented citizens' initiatives.
8. The fourth stage of the citizens' initiative covers the Commission's detailed consideration of the matters raised in the initiative and ends with the Commission's formal statement of its position on the request contained in the initiative for the submission by the Commission of a proposal for a legal act. Its main features are as follows:
- (a) A successfully presented citizens' initiative obliges the Commission to look into the content of the matters raised by the initiative.
 - (b) To that end the Commission invites the initiative's organisers to a hearing and gives them an opportunity to explain in detail the matters raised in the initiative.
 - (c) The Commission must take a decision on the request contained in the initiative within three months. If it does not intend to submit a proposal it shall explain to Parliament and to the organisers its reasons for so deciding.
 - (d) The decision is addressed both to the organisers individually and to the general public. The organisers receive notification thereof and it is published in the *Official Journal of the European Union*. The European Parliament, the Council and the Member States are notified of the decision immediately.
 - (e) If the Commission fails to take any decision on the request submitted by the citizens' initiative, this is subject to the scrutiny of the Court of Justice of the European Union and of the European Ombudsman in accordance with the relevant provisions of EU law.

The principle of transparency

9. The organisers of a successfully registered citizens' initiative shall be required, within an appropriate period of time after the conclusion of the procedure, to present to the Commission a report on the funding of the initiative, including the sources of funding (transparency report). The report shall be examined by the Commission and published together with an opinion.
10. As a general rule the Commission should begin to address the content of a citizens' initiative only after a transparency report has been presented in due form.
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