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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the European citizens' initiative**

(Text with EEA relevance)

{SWD(2017) 294 final}

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The European Citizens' Initiative (ECI) is a right enshrined in the Treaty on European Union (TEU). Article 11, para 4 TEU provides that *"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"*. This instrument aims to enhance citizens' participation in the democratic life of the European Union by allowing them to request the Commission directly to submit a proposal for legal acts of the Union for the purpose of implementing the Treaties.

In accordance with Article 24 of the Treaty on the Functioning of the European Union (TFEU), the rules and procedures for the ECI instrument were laid down by the Regulation (EU) No 211/2011 on the citizens' initiative of 16 February 2011<sup>1</sup>. This Regulation entered into application in April 2012. The legal framework for the ECI is complemented by Commission Implementing Regulation (EU) No 1179/2011 of 17 November 2011 laying down technical specifications for online collection systems pursuant to Regulation (EU) No 211/2011<sup>2</sup>.

In its first report on the application of the Regulation adopted in 2015<sup>3</sup>, the Commission listed a number of challenges arising from the implementation of the Regulation in the first three years since its entry into application. In this report, the Commission made a commitment to implement measures to improve the functioning of the ECI instrument and to further analyse the impact of these challenges. To this end, the Commission launched several technical studies over the past years to analyse these challenges and issues such as the online collection systems for the ECI and the simplification of data requirements for signatories.

Following the adoption of the Commission report in 2015, the ECI instrument has been subject to a review process over the past two years. Other EU institutions, bodies and civil society stakeholders have also assessed and evaluated the instrument, identifying shortcomings in the way the ECI instrument operates and obstacles encountered by organisers for launching citizens' initiatives. In particular, the European Parliament resolution<sup>4</sup> identified a number of challenges and called for the revision of Regulation (EU) No 211/2011, the Commission Implementing Regulation (EU) No 1179/2011, and for the adoption of a set of amendments to improve how the ECI instrument functions.

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<sup>1</sup> Regulation (EU) No 211/2011 of the European parliament and the Council of 16 February 2011 on the citizens' initiative (OJ L 65/1, 11.03.2011).

<sup>2</sup> Commission Implementing Regulation (EU) No 1179/2011 of 17 November 2011 laying down technical specifications for online collection systems pursuant to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative (OJ L 301/3, 18.11.2011).

<sup>3</sup> Communication from the Commission to the European Parliament and the Council, Report on the application of Regulation (EU) No 211/2011 on the citizens' initiative, COM(2015)145 final.

<sup>4</sup> European Parliament resolution of 28 October 2015 on the European Citizens' Initiative (P8\_TA(2015)0382).

Five years since the entry into application of the Regulation, Union institutions, Member States and stakeholders have also gained experience in implementing this instrument of participatory democracy at EU level. The Commission report and the contributions received during the review process converge on a set of key areas for improving how the ECI is implemented and facilitate its use by citizens. While various measures were taken to that effect by the Commission under the current legal framework, a substantial set of identified bottlenecks stem from the provisions in the Regulation and can only be addressed by revising it. A legislative proposal is therefore needed.

The aim of this proposal is to improve how the ECI functions by addressing the shortcomings identified over the past years with the main policy objectives of: (i) making the ECI more accessible, less burdensome and easier to use for organisers and supporters; and (ii) achieving the full potential of the ECI as a tool to foster debate and participation at European level, including of young people, and bring the EU closer to its citizens.

- **Consistency with existing policy provisions in the policy area**

Increasing the democratic legitimacy in the EU through enhanced citizens' involvement and participation is one of the 10 priorities of the Commission (Priority no 10 – A Union of Democratic change)<sup>5</sup>. This proposal contributes directly to this priority objective by making the ECI instrument less burdensome and more user-friendly so that it can achieve its full potential as an instrument for citizen participation at European level and bring the EU closer to its citizens. An improved ECI instrument complements the political rights already enjoyed by Union citizens, namely the right to vote and stand as a candidate in municipal and European Parliament elections<sup>6</sup>. It also extends opportunities for participation at European level among young European citizens.

The Commission has implemented, and continues to implement, a series of non-legislative measures to facilitate the use of the instrument by organisers and citizens. This includes in particular: (i) enhanced support and assistance to organisers; (ii) improvements in the registration phase, including the possibility of partial registration of initiatives; (iii) offer to host on the Commission servers the online collection systems for citizens' initiatives; (iv) improvements in the online collection software for the ECI also made available to organisers free of charge; and (v) the planned set up of an online collaborative platform for the ECI. However, more must be done to improve the functioning of the instrument so that it reaches its full potential.

The improvement of the ECI instrument is consistent with other Commission initiatives, reflecting the political guidelines of the Juncker Commission, aiming at enhancing citizens' involvement and participation in EU policy-making.

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<sup>5</sup> Jean-Claude Juncker, A new start for Europe: my agenda for jobs, growth, fairness and democratic change (political guidelines for the next European Commission).

<sup>6</sup> Articles 20(2)(b) and 22 of the Treaty on the Functioning of the European Union and Articles 39 and 40 of the Charter of Fundamental Rights of the European Union.

In particular, the Better Regulation Agenda<sup>7</sup> increases the opportunities for citizens and stakeholders to contribute to EU policies throughout the policy and law-making cycle and improves the consultation mechanisms to this end, making stakeholder consultation an essential element of policy preparation and review. In the field of EU Citizenship, promoting and enhancing citizens' participation in the democratic life of the EU is also one of the key objectives and areas for action highlighted in the third EU Citizenship Report of January 2017<sup>8</sup>. Similarly, the 'Rights Equality and Citizenship' and 'Europe for Citizens' programmes together aim to foster European citizenship, promote the rights deriving from European citizenship, and improve conditions for civic and democratic participation at EU level and implement a set of actions to this end<sup>9</sup>. The eGovernment Action Plan 2016-2020<sup>10</sup> also aims to facilitating digital interaction between administrations and citizens/businesses for high-quality public services.

- **Consistency with other Union policies**

The proposal is also fully consistent and compatible with existing Union policies. The revision of the Regulation updates and improves a number of specific provisions in the ECI legal framework in light of developments in EU legislation since the Regulation on the citizens' initiative was adopted in 2011.

This includes in particular, the reform of the rules of data protection and adoption of Regulation (EU) 2016/679 (General Data Protection Regulation)<sup>11</sup> in 2016. The General Data Protection Regulation fully applies to the processing of personal data under the ECI Regulation by the organisers and Member States authorities, and provides for the specific responsibilities to protect the personal data collected for the European citizens' initiative. At the same time, the proposal ensures the applicability of [Regulation (EC) No 45/2001<sup>12</sup>] on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies which applies to the processing of personal data under this Regulation by the Commission.

Similarly, with regard to the specific rules on the central online collection system for the ECI, the proposal allows inter alia to take into account Regulation (EU) No 910/2014 on electronic

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<sup>7</sup> Communication from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions, Better regulation for better results - An EU agenda, COM(2015) 215.

<sup>8</sup> EU Citizenship Report 2017. Strengthening Citizens' Rights in a Union of Democratic Change.

<sup>9</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62–72); Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014).

<sup>10</sup> Communication from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions, EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government, COM(2016)179 final.

<sup>11</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).

<sup>12</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1–22).

identification and trust services for electronic transactions in the internal market<sup>13</sup>. Accelerating the take-up of eIDAS services, including eID and eSignature is one of the key objectives of the EU eGovernment Action Plan 2016-2020<sup>14</sup> within the framework of the Digital Single Market Strategy for Europe (DSM)<sup>15</sup>.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The proposal is based on Article 24 of the Treaty on the Functioning of the European Union (TFEU) on the adoption of the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union.

### **• Subsidiarity (for non-exclusive competence)**

The subject-matter of this Regulation falls under the exclusive competence of the EU according to Article 24 of the Treaty on the Functioning of the European Union (TFEU) since only the Union can adopt the rules and procedures governing the European citizens' initiative. Therefore, the subsidiarity principle does not apply.

### **• Proportionality**

This proposal complies with the principle of proportionality as set out in Article 5 of the Treaty on European Union since it does not go beyond what is necessary to achieve the objectives described above.

The proposal provides for a set of targeted improvements in the implementation of the ECI instrument to make it more accessible and easier to use for organisers and citizens. This includes measures related to the competences of the national authorities in the Member States, namely the simplification of the data requirements for signatories and the improvement of the online collection of statements of support by establishing a central collection system for the European citizens' initiative.

It also contains more limited amendments in other areas such as the certification of online collection systems, the verification and certification of statements of support in the Member States and the rules on liability and penalties where the proposal leaves a margin of discretion for it to be implemented in accordance with national law.

### **• Choice of the instrument**

Article 24 TFEU provides a specific legal basis for the European citizens' initiative and the adoption by means of regulations of the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union. Only a Regulation having direct application can provide the necessary rules and conditions for

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<sup>13</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).

<sup>14</sup> Communication from the Commission to the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions, EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government, COM(2016)179 final.

<sup>15</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Digital Single Market Strategy for Europe, COM(2015) 192 final.

the implementation of an instrument with European dimension and as the European citizens' initiative.

This regulation aims to amend and improve the existing rules and conditions provided by Regulation (EU) No 211/2011 on the citizens' initiative. The revision also offers an opportunity to simplify the current structure of the Regulation to improve its clarity and consistency. Since the amendments to be made are substantial and concern the fundamental provisions of the existing Regulation, that act should, in the interest of clarity for citizens and organisers, be repealed and replaced.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

#### **• Ex-post evaluations**

To evaluate the existing legislation and identify improvements for revision of the Regulation (EU) No 211/2011, the Commission carried out extensive stakeholder consultations, commissioned a number of studies on specific issues, and received an opinion from the REFIT platform. This process is outlined below and presented in detail in the Staff Working Document which accompanies the proposal. On the basis of this process, the Commission identified a number of shortcomings in the Regulation which have an impact on the effectiveness and efficiency of the instrument.

The problems identified can be structured around the following three aspects:

- (i) the difficulties encountered by the organisers in the registration phase including the high rate of refusals to register proposed citizens' initiatives;
- (ii) the complexity for organisers of initiatives to collect statements of support, as evidenced by the low rate of successful initiatives, i.e. initiatives that manage to reach the required number of signatories within the one year collection period;
- (iii) low number of initiatives reaching the one million threshold and the limited impact so far generated by citizens' initiatives.

Several rules currently foreseen in the ECI Regulation are considered to be complex and burdensome for the ECI organisers, signatories and competent authorities in the Member States. This includes in particular: (i) the registration phase; (ii) the ECI lifecycle and time limits; (iii) the setting-up of online collection systems and the certification of these systems by the Member States; (iv) the diverging personal data requirements for the ECI signatories; and (v) the fact that the personal data are collected under the responsibility of the organisers. Several stakeholders consider the impact and the follow-up given to the three first successful initiatives so far to be limited.

#### **• Stakeholder consultations**

The stakeholder consultation carried out on the Regulation on the European citizens' initiative had two phases:

- the first phase (2015-March 2017) started with the Commission's report on the application of the ECI Regulation. This phase aimed to gather views on the Regulation and on how to improve the instrument, under the existing legal framework and also if the Regulation were to be revised. Several targeted stakeholder consultations have taken place as part of evaluation actions carried out by the Commission and other institutions such as the European Parliament and the European Ombudsman. The Staff Working Document which accompanies the proposal provides more detailed information on these consultations and evaluations.

- the second phase built on the results of the first phase and focused on gathering input on the suggestions for improvement and options for the revision of the Regulation, notably via a 12-week public consultation.

The public consultation sought opinions on a general evaluation of the current framework and the ECI instrument and on options for improvement as well as on more specific elements grouped in the key phases of the ECI lifecycle: (i) preparatory phase; (ii) registration of initiative; (iii) collection of statements of support; (iv) submission to the Commission and follow-up; and (v) transparency and awareness-raising. The Commission received 5.323 responses, 98% from citizens.

Overall, input has been gathered from a wide range of stakeholders, in particular from citizens (signatories/potential signatories), ECI organisers and civil society organisations but also Member States' competent authorities, researchers (academia or think tanks), public authorities managing similar participatory instruments, hosting and software providers, data protection authorities in the Member States. When the Commission analysed and summarised the information gathered, it has given particular attention to input from citizens, organisers and civil society organisations as these constitute the main users of the instrument. The results of the stakeholder consultation process are summarised in a synopsis report annexed to the Commission Staff Working Document accompanying the proposal.

The following suggestions resulting from the consultation process have been introduced in the proposal:

- Improvements in the registration procedure including the possibility of registering initiatives partially.
- A helpdesk service by the Commission and an online collaborative platform for the ECI providing a forum for discussion and advice and support to organisers.
- A central online collection system set-up and operated by the Commission;
- The signatories' data requirements are simplified and it will be possible for all EU citizens to give their support based on their nationality;
- The minimum age for signatories is set at 16 years;
- Organisers can choose the start date for the collection campaign;
- The possibility for signatories to be kept informed by email.

Some suggestions have not been taken further either because they were considered less effective or less efficient than other ones or because they were not legally possible. Detailed explanations are provided in Staff Working Document accompanying the proposal.

#### • **Collection and use of expertise**

The Commission relied on the following external contributions:

Recommendations from other EU institutions and bodies, in particular the European Parliament resolution on the European citizens' initiative, as well as a number of specific studies have provided input to the review process<sup>16</sup>.

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<sup>16</sup> This includes in particular: two European Parliament studies "European Citizens' Initiative – First lessons of implementation" and "Implementation of the European Citizens' Initiative"; the Ombudsman own-initiative inquiry on the European Citizens' Initiative; the conclusions of the "ECI Days" of April 2015 and 20 April 2016; the Opinion of the Committee of the Regions of October 2015; the Resolution

Four dedicated studies on the implementation of the ECI launched by the Commission<sup>17</sup>:

- Assessment of ICT impacts of the Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative.
- Study on the use of Electronic Identification (eID) for the European Citizens' Initiative.
- Study on data requirements for the European Citizens' Initiative.
- Study on online collection systems and technical specification pursuant to Regulation (EU) No 211/2011 and Commission Implementing Regulation (EU) No 1179/2011.

In addition, a number of other studies have provided input to the review process. These studies are listed in Annex 1 of the Commission Staff Working Document accompanying the proposal.

The revision of the ECI Regulation has also been discussed in the framework of the Expert Group on the citizens' initiative with the participation of representatives from national authorities in the Member States, which has also provided input to the revision process, including in particular specific contributions submitted by several delegations<sup>18</sup>.

- **Impact assessment**

Given its institutional nature, the revision of the Regulation (EU) No 211/2011 has no direct significant economic, social or environmental impacts, and an impact assessment was not considered necessary. The technical and practical measures to simplify the ECI can, however, be expected to reduce administrative burdens for both the organisers and the Member States. The different options for improving the ECI have been assessed in the Commission Staff Working Document accompanying the proposal as well as in a number of specific studies on the implementation of the European citizens' initiative.

- **Regulatory fitness and simplification**

The REFIT platform adopted an opinion on the ECI in June 2016<sup>19</sup>, and identified a number of ways in which it could be simplified, in particular: (i) improvement in the registration phase and advice and support to organisers; (ii) simplification of the data requirements for signatories; (iii) measures to simplify citizens' committee and reduce the liability of organisers; (iv) ECI timeline and date of start of the 12-month collection period; (v) improvement of the online collection systems; and (vi) enhancing awareness-raising actions for the ECI.

The proposal contains improvements in all these areas and includes specifically a set of provisions in line with the recommendations of this opinion as explained in more detail in the Commission Staff Working Document which accompanies the proposal.

- Moreover, several provisions of the proposal will allow for improved effectiveness, efficiency and savings in several areas such as online collection, translations, statements of support forms, and submission of statements of support to national authorities in the Member States. The emphasis has been put on making the instrument more accessible and less burdensome and costly for organisers and signatories but some also concern

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of the European Parliament of October 2015; the REFIT Platform Opinion of June 2016; and the Opinion of the European Economic and Social Committee of July 2016.

<sup>17</sup> <http://ec.europa.eu/citizens-initiative/public/regulation-review>

<sup>18</sup> <http://ec.europa.eu/citizens-initiative/public/legislative-framework>

<sup>19</sup> [https://ec.europa.eu/info/files/refit-platform-recommendations-european-citizen-initiative\\_en](https://ec.europa.eu/info/files/refit-platform-recommendations-european-citizen-initiative_en)



efficiency and savings for public authorities, including the Commission and the competent national authorities. **Fundamental rights**

The proposal takes full account of the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union, and in particular its Article 8, which states that everyone has the right to the protection of their personal data.

#### **4. BUDGETARY IMPLICATIONS**

The specific budgetary implications of the proposal relate to a number of online systems for the European citizens' initiative which the Commission will put in place and make available free of charge to citizens and organisers. In particular, the proposal foresees the set-up, maintenance and development of the following online tools: the official register for the European citizens' initiative (Article 4); the collaborative platform for advice and support to citizens and organisers (Article 4); and the central online collection system for the ECI (Article 10).

The "Legislative financial statement" accompanying the proposal provides a detailed assessment of the budgetary implications and the human and administrative resources required to implement these systems and services to improve the European citizens' initiative.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The proposal foresees that the Commission will review the functioning of the European citizens' initiative periodically and present a report to the European Parliament and the Council on how it is being applied no later than five years from the date of its entry into force and every five years thereafter. These reports will be public.

- **Explanatory documents (for directives)**

N/A

- **Detailed explanation of the specific provisions of the proposal**

Regulation (EU) No 211/2011 on the citizens' initiative provides for the procedures and conditions required for the European citizens' initiative. This proposal provides for a set of improvements to make the ECI more accessible, less burdensome and easier to use for organisers and supporters; and to achieve the full potential of the ECI as a tool to foster debate and citizen participation at European level and to bring the EU closer to its citizens.

#### **Chapter 1 – General provisions**

Article 1 provides for the scope of application of the Regulation.

Article 2 stipulates the right of every citizen of the Union of at least 16 years of age to support an initiative by signing the statement of support in accordance with this Regulation.

Article 3 provides for the required number of signatories for a valid initiative including in particular the support of at least one million signatures in at least one quarter of the Member States. It further specifies the requirement to obtain in at least one quarter of Member States the minimum number of signatories set out in Annex I which continues to correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750.

Article 4 enumerates the measures to provide information and assistance to organisers of initiatives by the Commission and the Member States. It builds on existing measures under Article 4 of Regulation (EU) No 211/2011 including in particular information and assistance and the ECI official register maintained by the Commission. It also introduces the requirement to make available an online collaborative platform for the ECI providing a discussion forum as well as information and advice to organisers, support to organisers with regard to the translation of the main elements of their initiatives into all official languages, and information and assistance measures to be implemented by the Member States to ensure proximity to citizens.

## Chapter 2 – Procedural provisions

Article 5 provides for the requirements for the organisers of initiatives, including the formation, composition and responsibilities of the group of organisers composed by at least seven citizens of the Union entitled to vote in the elections to the European Parliament and residents of at least seven Member States. It also introduces the possibility for a legal entity created for the purpose of managing an initiative to be considered as the group of organisers for the purpose of the Regulation. This Article also includes provisions clarifying the conditions of the liability of the group of organisers. While liability for the processing of personal data remains regulated under the General Data Protection Regulation, this Article provides that the group of organisers shall be jointly and severally liable for any other damage caused in the organisation of an initiative by unlawful acts committed intentionally or with serious negligence.

Article 6 sets out the procedure and conditions for the registration of initiatives by the Commission. It provides that statements of support may only be collected after an initiative has been registered and establishes the requirements for the registration or refusal of initiatives. It also introduces the possibility of partial registration of initiatives in cases where part(s) of the initiatives, including their main objectives, do not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

Article 7 provides for the right of the group of organisers to withdraw an initiative that has been registered at any time before it is submitted to the Commission in accordance with the procedure laid down by the Regulation.

Article 8 stipulates the time limits of the period to collect statements of support, including the right of organisers to choose the starting date of the collection period, within three months from the registration of the initiative, and the maximum duration of 12 months for the collection period.

Article 9 provides for the procedure and conditions for collecting statements of support. It clarifies that statements of support for initiatives may be collected online or in paper form and that only forms which comply with the models set out in Annex III of the Regulation may be used to collect statements of support. A person signing a statement of support shall be required to provide only the personal data set out in Annex III. Member States shall inform the Commission whether they wish to be included in part A or B of Annex III before 1 July 2019. It introduces the possibility for Union citizens to support an initiative online through the central online collection system referred to in Article 10 by using their notified electronic

identification means within the meaning of Regulation (EU) No 910/2014. It also stipulates that a person may sign a statement of support only once.

Article 10 introduces the requirement for the Commission to set-up and operate, by 1 January 2020, a central online collection system made available free of charge to organisers of registered initiatives and allowing citizens to provide support to initiatives online. It specifies that the system shall be set-up and operated in accordance with Commission Decision (EU, Euratom) 2017/46 on the security of communication and information systems in the European Commission. It also foresees the possibility for citizens using the central online collection system for the ECI referred to in Article 10 to support initiatives through statements of support by using notified electronic identification means or signing with an electronic signature within the meaning of Regulation (EU) No 910/2014 and provides the corresponding obligations of the Member States in this regard.

Article 11 stipulates the possibility for organisers to set up their own individual online collection systems, the security and technical features for these systems and the procedure for the verification by the competent national authorities in the Member States. Such verification shall be without prejudice to the powers of the national supervisory authorities under Regulation (EU) 2016/679. It builds on the conditions under Article 6 of Regulation (EU) No 211/2011 and provides for the adoption by 1 January 2020, of new technical specifications for individual online collection systems replacing the current Commission Implementing Regulation (EU) No 1179/2011.

Article 12 provides that each Member State shall verify and certify the statements of support signed by their nationals. It clarifies the conditions of the verification to be carried by the competent national authorities and the issuing of a certificate by these authorities indicating the number of valid signatures collected in each Member State.

Article 13 lays down the conditions and time limits for the submission of initiatives to the Commission.

Article 14 sets out the publication and public hearing phase for initiatives submitted to the Commission and sets out the conditions for the public hearing at the European Parliament within three months from the submission of the initiative by the organisers. It also enhances the requirements for the participation of interested stakeholders and balanced representation of relevant public and private interests in the hearing co-organised by the Commission and the European Parliament. It also provides for the representation of the Commission at an appropriate level as well as the opportunity for representatives of Union institutions and advisory bodies to participate in the hearing.

Article 15 provides for the procedure for the examination and response to European citizens' initiatives by the Commission, including the requirement for the Commission to receive the group of organisers at an appropriate level as well as to set out in a Communication its legal and political conclusions on the initiative, the actions it intends to take, if any, and its reasons for taking or not taking action. It also extends the time period of this phase from three months under Regulation (EU) No 211/2011 to five months and introduces specific provisions on the notification of the Commission's response to other Union institutions and advisory bodies as well as the possibility of informing signatories and citizens on the response given to the initiatives.

Chapter 3 – Other provisions

Article 16 lays down the transparency requirements with regard to the sources of support and funding for initiatives throughout the procedure and at the time of the submission to the Commission in accordance with Article 13.

Article 17 provides for awareness-raising and communication activities on the ECI to be carried out by the Commission as well as for the possibility for organisers and the Commission to collect emails from signatories for communication purposes where the data subject has given consent to the processing of his or her personal data for such specific purposes and in accordance with data protection rules.

Article 18 provides that Regulation (EU) 2016/679 applies to processing of personal data under this Regulation. The representative of the group of organisers, or as the case may be the legal entity created for the purpose of managing the initiative, and the competent authorities of the Member States are the data controller(s) within the meaning of Regulation (EU) 2016/679. It also provides for a set of requirements for the protection of personal data, including the time limits for the destruction of the statements of support by the group of organisers, the Commission and the competent authorities in the Member States.

Article 19 stipulates the designation of competent authorities in the Member States to carry out the tasks laid down by the Regulation and the publication of this information in the register.

Article 20 provides for the obligation for the Member States to communicate to the Commission the specific provisions adopted in order to implement the Regulation for the purposes of the publication of these national provisions in the register.

#### Chapter 4 – Delegated acts and implementing acts

Article 21 establishes a committee, within the meaning of Regulation (EU) No 182/2011, for the purpose of the implementation of Article 11(5) on the adoption of technical specifications for the individual online collection systems for the European citizens' initiative.

Article 22 empowers the Commission to adopt delegated acts concerning amendments to the Annexes to the Regulation within the scope of the relevant provisions thereof.

Articles 23 provides for the conferral to the Commission of the power to adopt delegated acts for an indeterminate period of time for the purpose of amending the annexes to the Regulation and the conditions for the exercise of the delegation for powers laid down by the Regulation.

#### Chapter 5 – Final provisions

Article 24 contains the standard clause on the review of the application of the Regulation and presentation of a report to the European Parliament and the Council no later than five years from the date at which the Regulation becomes applicable and every five years thereafter.

Article 25 provides for the repeal of Regulation (EU) No 211/2011 and provides that references to the repealed instrument are to be read as references to this Regulation.

Article 26 contains the standard clause for entry into force and applicability, including a transitional phase providing that the Regulation shall apply from 1 January 2020 except for

Articles 9(4), 10, 11(5), and 19 – 24 which shall apply from the entry into force of the Regulation.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the European citizens' initiative**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 24 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen of the Union has the right to participate in the democratic life of the Union. The European citizens' initiative is a Union instrument of participatory democracy which affords citizens of the Union the possibility of directly approaching the Commission with a request inviting it to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties, similar to the right conferred on the European Parliament under Article 225 of the Treaty on the Functioning of the European Union (TFEU) and on the Council under Article 241 TFEU.
- (2) Regulation (EU) No 211/2011 of the European Parliament and of the Council<sup>3</sup> laid down the rules and procedures for the European citizens' initiative and was complemented by Commission Implementing Regulation (EU) No 1179/2011<sup>4</sup>.
- (3) In its report on the application of Regulation (EU) No 211/2011 of March 2015<sup>5</sup>, the Commission listed a number of challenges arising in the implementation of that Regulation and made a commitment to analyse further the impact of those issues on

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ L 65, 11.3.2011, p. 1–22)

<sup>4</sup> Commission Implementing Regulation (EU) No 1179/2011 of 17 November 2011 laying down technical specifications for online collection systems pursuant to Regulation (EU) No 211/2011 (OJ L 301, 18.11.2011, p. 3–9).

<sup>5</sup> COM(2015)145 final.

the effectiveness of the European citizens' initiative instrument and to improve its functioning.

- (4) The European Parliament, in its resolution on the European citizens' initiative of 28 October 2015<sup>6</sup> called on the Commission to review Regulation (EU) No 211/2011 and Commission Implementing Regulation (EU) No 1179/2011.
- (5) This Regulation aims to make the European citizens' initiative more accessible, less burdensome and easier to use for organisers and supporters, in order to achieve the full potential of the European citizens' initiative as a tool to foster debate and citizen participation at Union level, and to bring the Union closer to its citizens.
- (6) To achieve those objectives, the procedures and conditions required for the European citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of this instrument. They should strike a judicious balance between rights and obligations.
- (7) It is appropriate to set a minimum age for supporting an initiative. To achieve the full potential of the European citizens' initiative as an instrument of participatory democracy and to foster citizen participation at Union level especially among young European citizens, that age should be set at 16 years.
- (8) In accordance with Article 11(4) of the TEU an initiative 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 to implement the Treaties, is to be taken by not less than one million citizens of the Union who are nationals of a significant number of Member States.
- (9) In order to ensure that an initiative is representative of a Union interest while ensuring that the instrument remains easy to use the minimum number of Member States from which citizens must come should be set at one quarter of Member States.
- (10) In order to ensure that an initiative is representative and to ensure similar conditions for citizens to support an initiative, it is also appropriate to establish the minimum number of signatories coming from each of those Member States. Those minimum numbers of signatories required in each Member State should be degressively proportional and correspond to the number of Members of the European Parliament elected in each Member State, multiplied by 750.
- (11) Every citizen of the Union should have the right to support an initiative on paper or online, under similar conditions regardless of the Member State of nationality or residence.
- (12) While personal data processed in application of this Regulation might include sensitive personal data, given the nature of the European citizens' initiative as a participatory democracy instrument, it is justified to require the provision of personal data to support an initiative and to process such data as far as it is necessary in order to allow statements of support to be verified in accordance with national law and practice.
- (13) In order to make the European citizens' initiative more accessible and to provide support to citizens and organisers, the Commission should provide information and assistance to organisers and make available an online collaborative platform to provide

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<sup>6</sup> 2014/2257(INI).

a dedicated discussion forum and information and advice about the European citizens' initiative. To ensure proximity to citizens, Member States should establish one or more contact points in their respective territories to provide citizens with information and assistance regarding the European citizens' initiative.

- (14) A minimum organised structure is needed in order to launch and manage citizens' initiatives successfully. That structure should take the form of a group of organisers, composed of natural persons resident in at least seven different Member States, in order to encourage the emergence of Union-wide issues and to foster reflection on those issues. For the sake of transparency and smooth and efficient communication, the group of organisers should designate a representative to liaise between the group of organisers and the institutions of the Union throughout the procedure. The group of organisers should have the possibility to create, in accordance with national law, a legal entity to manage an initiative. That legal entity should be considered as the group of organisers for the purposes of this Regulation.
- (15) In order to ensure coherence and transparency in relation to initiatives and to avoid a situation where signatures are collected for an initiative which does not comply with the conditions laid down by the Treaties and this Regulation, initiatives that comply with the conditions laid down in this Regulation should be registered by the Commission before collecting statements of support from citizens. The Commission should deal with registration in accordance with the general principles of good administration.
- (16) In order to make the European citizens' initiative more accessible, and taking into account that the procedures and conditions required for the European citizens' initiative should be clear, simple, user-friendly and proportionate, it is appropriate to partially register an initiative in cases where only part or parts of the initiative meet the requirements for registration under this Regulation. Initiatives should be partially registered where a substantial part of the initiative, including its main objectives, does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties and all the other registration requirements are met. Clarity and transparency should be ensured as regards the scope of the partial registration and potential signatories should be informed of the scope of the registration and of the fact that statements of support are collected only in relation to the scope of the registration of the initiative.
- (17) Statements of support for an initiative should be collected within a specific time limit. In order to ensure that an initiative remains relevant, whilst taking into account the complexity of collecting statements of support across the Union, that time limit should not be longer than 12 months from the date of the start of the collection period determined by the group of organisers.
- (18) In order to make the European citizens' initiative more accessible, less burdensome and easier to use for organisers and citizens, the Commission should set-up and operate a central system for the online collection of statements of support. That system should be made available free of charge to groups of organisers and should comprise the necessary technical features allowing online collection including the hosting and software as well as accessibility features ensuring that citizens' with disabilities can



provide support to the initiatives. That system should be set-up and maintained in accordance with Commission Decision (EU, Euratom) 2017/46<sup>7</sup>.

- (19) Union citizens should have the possibility to support initiatives online or in paper form by providing only the personal data set out in Annex III of this Regulation. Member States should inform the Commission of whether they wish to be included in part A or B, respectively, of Annex III. Citizens using the central online collection system for the European citizens' initiative should be able to support an initiative through statements of support electronically signed using electronic identification and electronic signature means. The Commission and the Member States should implement the relevant technical features to this end within the framework of Regulation (EU) No 910/2014 of the European Parliament and the Council<sup>8</sup>. Citizens should sign a statement of support only once.
- (20) A group of organisers should have the possibility to set-up its own online collection systems for the collection of statements of support across the Union and to decide in which Member State the data collected for the initiative should be stored. The group of organisers should use a single individual online collection system for each initiative. Individual online collection systems set up and operated by a group of organisers should have adequate technical and security features in order to ensure that the data are securely collected, stored and transferred throughout the procedure. For that purpose, the Commission should set out detailed technical specifications for the individual online collection systems, in cooperation with the Member States. The Commission may seek advice of the European Union Agency for Network and Information Security (ENISA) which assists the Union institutions in developing and implementing policies related to security of network and information systems.
- (21) It is appropriate for Member States to verify the conformity of the individual online collection systems set up by the group of organisers with the requirements of this Regulation and issue a document certifying such conformity before statements of support are collected. The certification of the individual online collection systems should be carried out by the competent national authority of the Member States in which the data collected through the individual online collection system is stored. Without prejudice to the powers of the national supervisory authorities under the General Data Protection Regulation, Member States should designate the competent national authority responsible for the certification of the systems. Member States should mutually recognise the certificates issued by their competent authorities.
- (22) Where an 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 signed by its nationals, in order to assess whether the required minimum numbers of signatories having the right to support a European citizens' initiative have been reached. Taking account of the need to limit the administrative burden for Member States, such verifications should be carried out on the basis of appropriate checks, which may be based on random sampling. Member States should issue a document certifying the number of valid statements of support received.

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<sup>7</sup> Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission (OJ L 6, 11.1.2017, p. 40–51).

<sup>8</sup> Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (OJ L 257, 28.8.2014, p. 73–114).

- (23) In order to promote participation and public debate on the issues raised by the initiatives, where an initiative supported by the required number of signatories and fulfilling the other requirements of this Regulation is submitted to the Commission, the group of organisers should have the right to present that initiative at a public hearing at Union level. The public hearing should be co-organised by the Commission and the European Parliament within three months from the submission of the initiative and ensure a balanced representation of relevant public and private interests well as the representation at an appropriate level of the Commission. Other institutions and advisory bodies of the Union as well as interested stakeholders should have the opportunity to participate in the hearing.
- (24) To ensure the effective participation of citizens in the democratic life of the Union, the Commission should examine a valid initiative and respond to it. The Commission should therefore set out its legal and political conclusions as well as the action it intends to take within a period of five months from the receipt of the initiative. The Commission should explain in a clear, comprehensible and detailed manner the reasons for its intended action, and should likewise give its reasons if it does not intend to take any action.
- (25) The support and funding for initiatives should be transparent. Therefore groups of organisers should provide updated information on the sources of support and funding for their initiatives between the date of registration and the date at which the initiative is submitted to the Commission. Entities, notably organisations which under the Treaties contribute to forming European political awareness and expressing the will of citizens of the Union, should be able to promote and provide support and funding to initiatives, provided that they do so in accordance with the procedures and conditions laid down by this Regulation and with full transparency.
- (26) Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>9</sup> applies to the processing of personal data carried out under this Regulation. In that respect, for the sake of legal certainty, it is appropriate to clarify that the representative of the group of organisers, or as the case may be the legal entity created for the purpose of managing the initiative, and the competent authorities of the Member States are to be considered as the data controller(s) within the meaning of Regulation (EU) 2016/679, and to specify the maximum period within which the personal data collected for the purposes of an initiative can be retained. In their capacity as data controllers, the representative of the group of organisers, or as the case may be the legal entity created for the purpose of managing the initiative, and the competent authorities of the Member States should take all appropriate measures to comply with the obligations imposed by Regulation (EU) 2016/679, in particular those relating to the lawfulness of the processing, the security of the processing activities, the provision of information and the rights of data subjects.
- (27) While liability and penalties for the processing of personal data remains regulated under Regulation (EU) 2016/679, the group of organisers should be jointly and severally liable, in accordance with applicable national law, for any other damage that they cause in the organisation of an initiative by unlawful acts committed intentionally

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<sup>9</sup> Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

or with serious negligence. Member States should ensure that the group of organisers is subject to appropriate penalties for infringements of this Regulation.

- (28) [Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000<sup>10</sup> applies to the processing of personal data carried out by the Commission in application of this Regulation.]
- (29) In order to contribute to the promotion of active participation of citizens in the political life of the Union, the Commission and the organisers should be able to collect, in accordance with data protection rules, email addresses of signatories for the purpose of communication activities regarding an initiative, in particular for the purpose of providing information on the follow-up actions in response to an initiative. The collection of email addresses should be optional and subject to the consent of signatories. Email addresses should not be collected as part of the statements of support forms and potential signatories should be informed that their right to support an initiative is not conditional on giving their consent to collecting their email addresses.
- (30) In order to adapt to future needs the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of amending the Annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (31) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission, in particular for specifying the technical specifications for online collection systems in compliance with this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>11</sup>.
- (32) This Regulation respects fundamental rights and observes the principles enshrined in the Charter of Fundamental Rights of the European Union, in particular Article 8 thereof.
- (33) For reasons of legal certainty and clarity, Regulation (EU) No 211/2011 should be repealed.
- (34) The European Data Protection Supervisor was consulted in accordance with [Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on [...]<sup>12</sup>],

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<sup>10</sup> [Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1–22)].

<sup>11</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).

<sup>12</sup> OJ C [...], [...], p. [...].

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### ***Subject matter***

This Regulation establishes the procedures and conditions required for an initiative inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens of the Union consider that a legal act of the Union is required for the purpose of implementing the Treaties (the 'European citizens' initiative' or 'initiative').

#### *Article 2*

##### ***Right to support a European citizens' initiative***

Every citizen of the Union who is at least 16 years of age has the right to support an initiative by signing a statement of support ('the signatory'), in accordance with this Regulation.

#### *Article 3*

##### ***Required number of signatories***

1. An initiative is valid if:

(a) it has received the support of at least one million signatories from at least one quarter of the Member States.

(b) in at least one quarter of the Member States, the number of signatories is at least equal to the minimum number set out in Annex I, corresponding to the number of the Members of the European Parliament elected in each Member State, multiplied by 750, at the time of registration of the initiative.

2. For the purpose of paragraph 1 a signatory shall be counted in its Member State of nationality.

#### *Article 4*

##### ***Information and assistance by the Commission and by Member States***

1. The Commission shall, upon request, provide information and assistance about the European citizens' initiative to citizens and groups of organisers.

2. The Commission shall make available an online collaborative platform providing citizens and groups of organisers with a discussion forum and information and advice about the European citizens' initiative.

The costs of operating and maintaining the online collaborative platform shall be borne by the general budget of the European Union.

3. The Commission shall make available an online register ('the register') allowing groups of organisers to manage their initiative throughout the procedure. The register shall comprise a public website providing information on the European citizens' initiative in general as well as on specific initiatives and their respective status.

4. After the Commission has registered an initiative in accordance with Article 6, it shall provide the translation of the content of that initiative into all the official languages of the Union for its publication in the register and its use for the collection of statements of support in accordance with this Regulation. A group of organisers may, in addition, provide translations into all the official languages of the Union of the Annex for its publication in the register and also, as the case may be, of the draft legal act referred to in Annex II and submitted in accordance with Article 6(2).

5. The Commission shall develop a EU file exchange service for the transfer of statements of support to the competent authorities of the Member States, in accordance with Article 12, which guarantees the confidentiality, integrity and authentication of the transfer, and make it publicly available and free of charge.

6. Each Member State shall establish one or more contact points to provide information and assistance to groups of organisers in setting up a European citizens' initiative.

## **CHAPTER II**

### **PROCEDURAL PROVISIONS**

#### *Article 5*

#### ***Group of organisers***

1. An initiative shall be prepared and managed by a group of at least seven natural persons (the 'group of organisers'). Members of the European Parliament shall not be counted for the purpose of that minimum number.

2. The members of the group of organisers shall be citizens of the Union, of the age to be entitled to vote in elections to the European Parliament and residents of at least seven different Member States.

3. The group of organisers shall designate two of its members as, respectively, representative and substitute, who shall liaise between them and the institutions of the Union throughout the process and who shall be mandated to act on behalf of the group of organisers (the 'contact persons').

The group of organisers may also designate a maximum of two other natural persons, chosen from among its members or otherwise, who are mandated to act on behalf of the contact persons for the purpose of liaising with the institutions of the Union throughout the procedure.

4. The group of organisers shall inform the Commission of any changes regarding its composition throughout the procedure and shall provide appropriate proof that the requirements laid down in paragraphs 1 and 2 are fulfilled. The changes in the composition of the group of organisers shall be reflected in the statement of support forms and the names of the current and former members of the group of organisers shall remain available in the register throughout the procedure.

For each initiative, the Commission shall publish the names of all members of the group of organisers in the register.

5. Without prejudice to the liability of the representative of the group of organisers as data controller under Article 82(2) of Regulation (EU) 2016/679, the members of a group of organisers shall be jointly and severally liable, in accordance with applicable national law, for any damage caused in the organisation of an initiative by unlawful acts committed intentionally or with serious negligence.

6. Without prejudice to the penalties under Article 84 of Regulation (EU) 2016/679, Member States shall ensure that the members of a group of organisers are subject to effective, proportionate and dissuasive penalties for infringements of this Regulation and in particular for:

(a) false declarations;

(b) the fraudulent use of data.

7. Where a legal entity has been created, in accordance with the national law of a Member State specifically for the purpose of managing a given initiative, that legal entity shall be considered as the group of organisers or its members, as the case may be, for the purpose of paragraphs 5 and 6, Articles 6(2) and (4) to (7) and Articles 7 to 18 and annexes II to VII, provided that the member of the group of organisers designated as the representative thereof is given a mandate to act on behalf of the legal entity.

## *Article 6*

### ***Registration***

1. Statements of support for an initiative may only be collected after the initiative has been registered by the Commission.

2. The group of organisers shall submit the request for registration to the Commission through the register.

When submitting the request the group of organisers shall also:

(a) transmit the information referred to in Annex II in one of the official languages of the Union;

(b) where it is made up of more than 7 members, indicate those seven members to be taken into account for the purpose of Article 5(1) and (2);

(c) as the case may be, indicate that a legal entity has been created, pursuant to Article 5(7).

Without prejudice to paragraphs 5 and 6, the Commission shall decide on the request within two months of its submission.

3. The Commission shall register the initiative if:

(a) the group of organisers has provided appropriate proof that it fulfills the requirements laid down in Article 5(1) and (2) and has designated the contact persons in accordance with the first subparagraph of Article 5(3);

(b) in the situation referred to Article 5(7), the legal entity has been created specifically for the purpose of managing the initiative and the member of the group of organisers designated as the representative thereof is given a mandate to act on behalf of the legal entity;

(c) none of the parts of the initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;

(d) the initiative is not manifestly abusive, frivolous or vexatious;

(e) the initiative is not manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union.

If one or more of the requirements set out in points (a) to (e) are not met, the Commission shall refuse to register the initiative, without prejudice to paragraphs 4 and 5.

4. Where it considers that the requirements laid down in paragraph 3 (a), (b), (d) and (e) are met but that the requirement laid down in paragraph 3(c) is not met, the Commission shall, within one month of the submission of the request, inform the group of organisers of its assessment and of the reasons thereof.

In that case, the group of organisers may either amend the initiative to take into account the Commission's assessment to ensure that the initiative is in conformity with the requirement laid down in paragraph 3(c) or maintain or withdraw the initial initiative. The group of organisers shall inform the Commission of its choice within one month of the receipt of the Commission's assessment giving the reasons thereof, and shall, as the case may be, transmit amendments to the information referred to in Annex II to replace the initial initiative.

Where the Commission receives the information from the organisers it shall:

(a) register the initiative, if it meets the requirement laid down in paragraph 3(c);

(b) partially register the initiative if a substantial part of the initiative, including its main objectives, does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;

(c) otherwise refuse to register the initiative.

The Commission shall decide on the request within one month of receipt of the information and, as the case may be, the amended initiative from the group of organisers referred to in the second subparagraph.

5. An initiative that has been registered shall be made public in the register.

Where the Commission partially registers an initiative:

(a) it shall publish information on the scope of the registration of the initiative in the register;

(b) the group of organisers shall ensure that potential signatories are informed of the scope of the registration of the initiative and of the fact that statements of support are collected only in relation to the scope of the registration.

6. The Commission shall register an initiative under a single registration number and inform the group of organisers thereof.

7. Where it refuses to register or only partially registers an initiative in accordance with paragraph 4, the Commission shall inform the group of organisers of the reasons for its decision and of all possible judicial and extrajudicial remedies available to them.

8. The Commission shall inform the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of the registration of an initiative.

#### *Article 7*

##### ***Withdrawal of an initiative***

At any time before submitting an initiative to the Commission in accordance with Article 13, the group of organisers may withdraw an initiative that has been registered in accordance with Article 6. Such withdrawal shall be published in the register.

#### *Article 8*

##### ***Collection period***

1. All statements of support shall be collected within a period not exceeding 12 months from a date chosen by the group of organisers (the 'collection period'), without prejudice to Article 11(6). That date must be not later than three months from the registration of the initiative in accordance with Article 6.

The group of organisers shall inform the Commission of the date chosen at the latest 10 working days before that date.



Where the group of organisers wishes to terminate the collection of statements of support before the end of 12 months after the beginning of the collection period, it shall inform the Commission of the date at which the collection period is to end.

2. The Commission shall indicate the beginning and end of the collection period in the register.

3. The Commission or the group of organisers, as the case may be, shall close the operation of the central online collection system in accordance with Article 10 or of an individual online collection system in accordance with Article 11 on the date at which the collection period ends.

## *Article 9*

### *Procedure for the collection of statements of support*

1. Statements of support may be signed online or in paper form.

2. Only forms which comply with the models set out in Annex III may be used to collect statements of support.

The group of organisers shall complete the forms as indicated in Annex III prior to initiating the collection of statements of support. The information given in the forms shall correspond to that contained in the register.

Where the group of organisers chooses to collect statements of support online through the central online collection system provided for in Article 10, the Commission shall be responsible for providing the appropriate forms, in accordance with Annex III.

Where an initiative has been partially registered in accordance with Article 6(4) the forms set out in Annex III as well as the central online collection system and an individual online collection system, as the case may be, shall reflect the scope of the registration of the initiative.

The forms for the statement of support may be adapted for the purpose of the online collection.

Where the citizens support an initiative online, through the central online collection system referred to in Article 10, using their notified electronic identification means within the meaning of Regulation (EU) No 910/2014 in accordance with Article 10(4), Annex III shall not apply. Citizens of the Union shall provide their nationality and Member States shall accept the minimum data set for a natural person in accordance with Commission Implementing Regulation (EU) 2015/1501.

3. A person signing a statement of support shall be required to provide only the personal data set out in Annex III.

4. Member States shall inform the Commission of whether they wish to be included in part A or B, respectively, of Annex III before 1 July 2019. Member States wishing to be included in

part B of Annex III, shall indicate the type(s) of personal identification (document) number of which signatories shall provide the last four characters.

By 1 January 2020, the Commission shall publish the forms set out in Annex III in the register.

Member States may request the Commission to be included in the other part of Annex III, part A or B, respectively. They shall inform the Commission at least six months before the date as of which the new forms shall be applicable.

5. The group of organisers shall be responsible for the collection of the statements of support from signatories in paper form.

6. A person may sign a statement of support for a given initiative only once.

7. The group of organisers shall inform the Commission of the number of collected statements of support in each Member State at least every two months during the collection period and of the final number within three months of the end of the collection period for publication in the register.

Where the required number of statements of support has not been reached or in the absence of a response from the group of organisers within three months of the end of the collection period, the Commission shall close the initiative and publish a notice to that effect in the register.

## *Article 10*

### *Central online collection system*

1. For the purpose of online collection of statements of support, the Commission shall set-up and operate, by 1 January 2020, a central online collection system, in accordance with Commission Decision (EU, Euratom) 2017/46 of 10 January 2017.

The costs of the setting up and operation of the central online collection system shall be borne by the general budget of the European Union. The use of the central online collection system shall be free of charge.

The central online collection system shall be accessible for persons with disabilities.

The data obtained through the central online collection system shall be stored in the servers made available by the Commission for that purpose.

The central online collection system shall allow for the uploading of statements of support collected in paper form.

2. For each initiative, the Commission shall ensure that statements of support can be collected through the central online collection system during the collection period determined in accordance with Article 8.

3. Within one month of the registration of an initiative, and at the latest 10 working days before the start of the collection period, the group of organisers shall inform the Commission whether it wishes to use the central online collection system and whether it wishes to upload the statements of support collected in paper form.

Where a group of organisers wishes to upload the statements of support collected in paper form, it shall upload all statements of support collected in paper form not later than two months after the end of the collection period, and inform the Commission thereof.

4. Member States shall ensure that:

(a) citizens can support initiatives online through statements of support by using notified electronic identification means or signing with an electronic signature within the meaning of Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market;

(b) the Commission e-IDAS node developed within the framework of Regulation (EU) No 910/2014 and Commission Implementing Regulation (EU) 2015/1501 is recognised.

## *Article 11*

### *Individual online collection systems*

1. Where a group of organisers does not use the central online collection system, it may collect online statements of support in several or all Member States through another single online collection system (the 'individual online collection system').

The data collected through the individual online collection system shall be stored in the territory of a Member State.

2. The group of organisers shall ensure that the individual online collection system complies with the requirements laid down in paragraph 4 and in Article 17(3) throughout the collection period.

3. After the registration of the initiative and before the beginning of the collection period, and without prejudice to the powers of the national supervisory authorities under Chapter VI of Regulation (EU) 2016/679, the group of organisers shall request the competent authority of the Member State in which the data collected through the individual online collection system will be stored to certify that that system complies with the requirements laid down in paragraph 4.

Where an individual online collection system complies with those requirements, the competent authority shall within one month issue a certificate to that effect in accordance with the model set out in Annex IV. The group of organisers shall make a copy of that certificate or those certificates publicly available on the website used for the individual online collection system.

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

4. Individual online collection systems shall have the adequate security and technical features to ensure throughout the collection period that:

- (a) only natural persons are able to sign a statement of support;
- (b) the information provided on the initiative corresponds to the information published in the register;
- (c) data are collected from signatories in accordance with Annex III;
- (d) the data provided by signatories are securely collected and stored.

5. By 1 January 2020, the Commission shall adopt technical specifications for the implementation of paragraph 4, in accordance with the examination procedure referred to in Article 21.

The Commission may seek advice of the European Union Agency for Network and Information Security ('ENISA') in developing the technical specifications referred to in the first subparagraph.

6. Where statements of support are collected through individual online collection systems, the collection period may begin only once the certificate referred to in paragraph 3 has been issued for each of those systems.

## *Article 12*

### ***Verification and certification of statements of support by the Member States***

1. Each Member State (the 'responsible Member State') shall verify and certify that the statements of support signed by its nationals comply with the provisions of this Regulation.

2. Within three months of the end of the collection period and without prejudice to paragraph 3, the group of organisers shall submit the statements of support, collected online or in paper form, to the competent authorities referred to in Article 19(2) of the responsible Member State.

The group of organisers shall submit the statements of support to the competent authorities only where the minimum numbers of signatories laid down in Article 3 have been reached by the initiative.

Statements of support shall be submitted to each competent authority in the responsible Member State only once, using the form set out in Annex V.

Statements of support which have been collected online shall be submitted following an electronic schema made publicly available by the Commission.

Statements of support collected in paper form and those collected online through an individual online collection system shall be submitted separately.

3. The Commission shall submit the statements of support collected online through the central online collection system as well as those collected in paper form and uploaded pursuant to the second subparagraph of Article 10(3) to the competent authority of the responsible Member State.

Where a group of organisers has collected statements of support through an individual online collection system, it may request the Commission to submit these statements of support to the competent authority of the responsible Member State.

The Commission shall submit the statements of support in accordance with the second to fourth subparagraph of paragraph 2, using the EU file exchange service referred to in Article 4(5).

4. The competent authorities shall, within three months of receiving the statements of support, verify these on the basis of appropriate checks, which may be based on random sampling, in accordance with national law and practice.

Where statements of support collected online and in paper form are submitted separately, that period shall start running when the competent authority has received all statements of support.

For the purpose of the verification of statements of support collected in paper form, the authentication of signatures shall not be required.

5. On the basis of the verifications carried out, the competent authority shall certify the number of valid statements of support for the Member State concerned. That certificate shall be delivered, free of charge, to the group of organisers, using the model set out in Annex VI.

The certificate shall specify the number of valid statements of support collected in paper form and online including those collected in paper form and uploaded pursuant to the second subparagraph of Article 10(3).

### *Article 13*

#### **Submission to the Commission**

Within 3 months of obtaining the last certificate provided for in Article 12(5) the group of organisers shall submit the initiative to the Commission.

The group of organisers shall submit the completed form set out in Annex VII together with copies, in paper or electronic form, of the certificates referred to in Article 12(5).

The form set out in Annex VII shall be made publicly available by the Commission in the register.

### *Article 14*

### ***Publication and public hearing***

1. When the Commission receives a valid initiative in respect of which the statements of support have been collected and certified in accordance with Articles 8 to 12, it shall publish without delay a notice to that effect in the register and transmit the initiative to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

2. Within three months after the submission of the initiative, the group of organisers shall be given the opportunity to present the initiative at a public hearing.

The Commission and the European Parliament shall co-organize the public hearing at the European Parliament. Representatives of the other institutions and advisory bodies of the Union, as well as interested stakeholders, shall be given the opportunity to participate in the hearing.

The Commission and the European Parliament shall ensure a balanced representation of relevant public and private interests.

3. The Commission shall be represented in the hearing at an appropriate level.

### ***Article 15***

#### ***Examination by the Commission***

1. Within one month of the submission of the initiative, the Commission shall receive the group of organisers at an appropriate level to allow them to explain in detail the matters raised by the initiative.

2. Within five months after the publication of the initiative in accordance with Article 14(1), and after the public hearing referred to in Article 14(2), the Commission shall set out in a communication its legal and political conclusions on the initiative, the action it intends to take, if any, and its reasons for taking or not taking action.

The communication shall be notified to the group of organisers as well as to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and shall be made public.

3. The Commission and the group of organisers may inform the signatories on the response to the initiative in accordance with Article 17 (2) and (3).

## **CHAPTER III OTHER PROVISIONS**

### ***Article 16***

## ***Transparency***

The group of organisers shall provide, for the publication in the register, and as the case may be on their campaign website, information on the sources of support and funding for the initiative exceeding 500 euros per sponsor.

That information shall be updated at least every two months during the period from the date of registration to the date on which the initiative is submitted to the Commission in accordance with Article 13.

## ***Article 17***

### ***Communication***

1. The Commission shall raise public awareness about the existence of the European citizens' initiative through communication activities and information campaigns, thereby contributing to promoting the active participation of citizens in the political life of the Union.

2. For the purposes of communication and information activities regarding the initiative concerned and subject to consent by a signatory, his or her email address may be collected by a group of organisers or by the Commission.

Potential signatories shall be informed that their right to support an initiative is not conditional on giving their consent to collecting their email address.

3. Email addresses may not be collected as part of the statement of support forms. However, they may be collected at the same time as statements of support provided they are processed separately.

## ***Article 18***

### ***Protection of personal data***

1. The representative of the group of organisers shall be the data controller within the meaning of Regulation (EU) 2016/679. Where the legal entity referred to in Article 5(7) is created, that entity shall be the data controller.

2. The personal data provided in the statements of support forms shall be collected for the purpose of the operations required for the secure collection and storage in accordance with Articles 9 to 11, for the submission to the Member States, verification and certification in accordance with Article 12, and for the necessary quality checks and statistical analysis.

3. The group of organisers and the Commission, as the case may be, shall destroy all statements of support signed for an initiative and any copies thereof not later than one month after the submission of the initiative to the Commission in accordance with Article 13 or 21 months after the beginning of the collection period, whichever is the earlier. However, where an initiative is withdrawn after the beginning of the collection period, the statements of

support and any copies thereof shall be destroyed no later than one month after the withdrawal.

4. The competent authority shall destroy all statements of support and copies thereof not later than three months after issuing the certificate referred to in Article 12(5).

5. Statements of support for a given initiative and copies thereof may be retained beyond the time limits laid down in paragraphs 3 and 4 if necessary for the purpose of legal or administrative proceedings relating to the initiative concerned. They shall be destroyed not later than one month after the date of conclusion of the said proceedings by a final decision.

6. The Commission and the group of organisers shall destroy records of the email addresses collected in accordance with Article 17(2), not later than, as the case may be, one month after the withdrawal of an initiative or 12 months after the end of the collection period or the submission of the initiative to the Commission. However, where the Commission sets out, by means of a communication, the actions it intends to take in accordance with Article 15(2), records of the email addresses shall be destroyed at the latest three years after the publication of the communication.

7. Without prejudice to their rights under Regulation [(EC) No 45/2001], the members of the group of organisers have the right to request the removal of their personal data from the register after two years from the date of registration of the initiative concerned.

#### *Article 19*

##### ***Competent authorities within the Member States***

1. For the purpose of Article 11, each Member State shall designate one or more competent authorities responsible for issuing the certificate referred to in Article 11(3).

2. For the purpose of Article 12, each Member State shall designate one competent authority responsible for coordinating the process of verification of statements of support and for issuing the certificates referred to in Article 12(5).

3. By 1 January 2020, Member States shall transmit to the Commission the names and addresses of the authorities designated pursuant to paragraphs 1 and 2. They shall inform the Commission of any update of that information.

The Commission shall make the names and addresses of the authorities designated pursuant to paragraphs 1 and 2 publicly available in the register.

#### *Article 20*

##### ***Communication of national provisions***

1. By 1 January 2020, Member States shall communicate to the Commission the specific provisions adopted in order to implement this Regulation.



2. The Commission shall make these provisions publicly available in the register in the language of the communication by the Member States in accordance with paragraph 1.

## **CHAPTER IV**

### **DELEGATED ACTS AND IMPLEMENTING ACTS**

#### *Article 21*

##### ***Committee procedure***

1. For the purpose of implementing Article 11(5), the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### *Article 22*

##### ***Delegated powers***

The Commission is empowered to adopt delegated acts in accordance with Article 23 concerning amendments to the Annexes to this Regulation within the scope of the relevant provisions of this Regulation.

#### *Article 23*

##### ***Exercise of the delegation***

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt the delegated acts referred to in Article 22 shall be conferred on the Commission for an indeterminate period of time from [*date of entry into force of the basic legislative act or any other date set by the co-legislators*].

3. The delegation of power referred to in Article 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

## **CHAPTER V**

### **FINAL PROVISIONS**

#### *Article 24*

##### ***Review***

The Commission shall periodically review the functioning of the European citizens' initiative and present a report to the European Parliament and the Council on the application of this Regulation no later than five years from the date of application of this Regulation, and every five years thereafter. The reports shall be made public.

#### *Article 25*

##### ***Repeal***

Regulation (EU) No 211/2011 is repealed with effect from 1 January 2020.

References to Regulation (EU) No 211/2011 shall be construed as references to this Regulation.

#### *Article 26*

##### ***Entry into force and applicability***

This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2020.

However Articles 9(4), 10, 11(5) and 19 to 24 shall apply from the entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative**
- 1.2. Policy area(s) concerned in the ABM/ABB structure**
- 1.3. Nature of the proposal/initiative**
- 1.4. Objective(s)**
- 1.5. Grounds for the proposal/initiative**
- 1.6. Duration and financial impact**
- 1.7. Management mode(s) planned**

### **2. MANAGEMENT MEASURES**

- 2.1. Monitoring and reporting rules**
- 2.2. Management and control system**
- 2.3. Measures to prevent fraud and irregularities**

### **3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected**
- 3.2. Estimated impact on expenditure**
  - 3.2.1. Summary of estimated impact on expenditure*
  - 3.2.2. Estimated impact on operational appropriations*
  - 3.2.3. Estimated impact on appropriations of an administrative nature*
  - 3.2.4. Compatibility with the current multiannual financial framework*
  - 3.2.5. Third-party contributions*
- 3.3. Estimated impact on revenue**

## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

#### **1.1. Title of the proposal/initiative**

"Proposal for a Regulation of the European Parliament and of the Council on the European Citizens' Initiative"

#### **1.2. Policy area(s) concerned in the ABM/ABB structure<sup>32</sup>**

Title 18. Migration and Home Affairs

Title 25. Commission's policy coordination and legal advice

Title 26. Commission's administration

Title 33. Justice and Consumers

#### **1.3. Nature of the proposal/initiative**

☐ The proposal/initiative relates to **a new action**

☒ The proposal/initiative relates to **a new action following a pilot project/preparatory action<sup>33</sup>**

☒ The proposal/initiative relates to **the extension of an existing action**

☐ The proposal/initiative relates to **an action redirected towards a new action**

#### **1.4. Objective(s)**

##### *1.4.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

The European Citizens' Initiative (ECI) was introduced by the Treaty of Lisbon (Article 11 of the Treaty on European Union Article 24 of the Treaty on the Functioning of the European Union) and has been implemented by the (EU) Regulation No 211/2011 on the citizens' initiative (ECI Regulation) which entered into application in April 2012.

The ECI aims to enhance citizens' involvement in the democratic life of the European Union, by allowing them to directly address the Commission with a request to submit a proposal for legal acts of the Union for the purpose of implementing the Treaties.

The revision of the ECI Regulation after the first five years of application (by replacement of the current regulation by a new one) is part of the European Commission's commitment to increase democratic legitimacy in the EU through enhanced citizens' involvement and participation, reflecting the political guidelines of the Juncker Commission and namely its Priority No 10 – A Union of Democratic change.

The new proposal aims to improve the functioning of the ECI by addressing the shortcomings identified in its implementation, with as main policy objectives to: (i) making the ECI more accessible, less burdensome and easier to use for organisers and supporters (ii) achieving the full potential of the ECI as a tool to foster debate and citizen participation at European level and bring the EU closer to its citizens.

<sup>32</sup>

ABM: activity-based management; ABB: activity-based budgeting.

<sup>33</sup>

As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

The implementation of the European Citizens' initiative instrument is further referred to in the Commission Secretariat-General Strategic Plan 2016-2020, under Specific objective C.2: A more democratic and accountable European Union opening up policy-making and enhancing its dialogue with citizens, stakeholders and national Parliaments.

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective Nos

Objective No 1: Manage efficiently the administrative procedures relating to the implementation of the European Citizens' Initiative and provide assistance to the organisers;

Objective No 2: Offer technical support to the ECI organisers and manage related IT projects;

Objective No 3: Provide a central system for the online collection of statements of support and the ECI Register;

Objective No 4: Offer technical and organisational support to the ECI organisers via an online collaborative Platform for the ECI, managed in cooperation with an external partner;

Objective No 5: Promote the ECI instrument using communication and awareness-raising tools;

Objective No 6: Translate the initiatives;

Objective no 7: Organise meetings with organisers in case they are invited thereto by the Commission as part of the examination procedure for their successful initiative.

ABM/ABB activity(ies) concerned

Objective No 1 enters in the scope of Title 25: "Commission's policy coordination and legal advice".

Objective No 2 enters in the scope of Chapter 26.03 "Services to Public Administrations, Businesses and Citizens"

Objectives No 3 and 4 enter in the scope of Chapter 18.04 "Fostering European Citizenship" and in the scope of Chapter 26.03 "Services to Public Administrations, Businesses and Citizens"

Objectives Nos 5, 6 and 7 enter in the scope of Chapter 18.04 "Fostering European Citizenship".

1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

1. Increase the number of requests for registration
2. Increase the number of initiatives registered by the Commission
3. Ensure full 12 months of online collection for all initiatives
4. Increase the average number of statements of support collected per initiative
5. Increase the number of initiatives that reach the required number of statements of support

- 6. Increase the number of initiatives that are subject to follow-up actions from the Commission
- 7. Increase the awareness-raising of citizens about the instrument

#### 1.4.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

Indicator 1: Number of requests received by the Commission
Baseline 1: 13 requests per year on average since 2012
Indicator 2: Rate of initiatives registered
Baseline 2: 70% of requests on average over 5 years
Indicator 3a: Number of initiatives using the central online collection system
Baseline 3a: 70 % of initiatives using the Commission software and servers
Indicator 3b: Dates of certification of online collection systems compared with the start dates of collection
Baseline 3b: In average around one month after the date of registration for systems hosted on Commission servers
Indicator 4: Number of statements of support collected per initiative at the end of the 12-month collection period
Baseline 4: No exact figure is known by the Commission, except for the three successful initiatives
Indicator 5: Number of successful initiatives
Baseline 5: three initiatives in five years
Indicator 6: Number of initiatives subject to follow up actions from the Commission
Baseline 6: two initiatives in five years
Indicator 7a: Results of surveys on awareness of EU citizens on their rights (Eurobarometer)
Baseline 7a: According to the results of Flash Eurobarometer 430 of October 2015, when asked whether EU citizens have the right to participate in a Citizens' initiative, two thirds of respondents (66%) responded in the positive.
Indicator 7b: Number of citizens kept informed by email about the instrument/about successful initiatives
Baseline 7b: N/A
Indicator 7c: Number of participants to the online collaborative platform
Baseline 7c: N/A

### 1.5. **Grounds for the proposal/initiative**

#### 1.5.1. *Requirement(s) to be met in the short or long term*

Implementation of the provisions of Article 11 of the Treaty on European Union and Article 24 of the Treaty on the Functioning of the European Union concerning the citizens' initiative.

#### *1.5.2. Added value of EU involvement*

This initiative falls under the exclusive competence of the EU according to Article 24 of the Treaty on the Functioning of the European Union (TFEU). Therefore, the subsidiarity principle does not apply.

The European Citizens' Initiative by its very nature has EU dimension as it concerns the process for the formulation of proposals for a legal act of the Union.

#### *1.5.3. Lessons learned from similar experiences in the past*

The Instrument of the European Citizens' Initiative was introduced by the Lisbon Treaty and became operational based on Regulation 211/2011 as of 1 April 2012.

The new proposal replaces this Regulation.

The experience of the first five years of implementation of the European Citizens' Initiative shows clearly that the Commission must provide the organisers with much more concrete technical organisational and legal support so that they can efficiently run their initiatives.

It has been thus assessed necessary to offer the organisers a ready-made central system allowing the online collection of statements of support, as foreseen in the proposal.

The other IT tools supporting the ECI include the ECI register/website (already existing and to be integrated with the central online collection system) and the ECI collaborative Platform (at this stage implemented via a Pilot Project of the European Parliament), both foreseen in the proposal.

It was also assessed that communication and awareness-raising activities need to be strengthened in order to increase citizens' participation. A new provision on communication is foreseen in the proposal.

In view of the workload related to the implementation of the current ECI Regulation, the number of human resources allocated thereto has increased substantially over the past five years. This number will not change with the new regulation.

#### *1.5.4. Compatibility and possible synergy with other appropriate instruments*

The IT projects supporting the ECI implementation and in particular the online collection of statements of support were supported in the past by the ISA Programme and are supported now by the ISA2 Programme.

These projects contribute to improving interoperability among public administrations and with their citizens and businesses across borders.



## 1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

- ☐ Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ Financial impact from YYYY to YYYY

☒ Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from 01/01/2019 to 31/12/2019,
- followed by full-scale operation.

## 1.7. Management mode(s) planned<sup>34</sup>

☒ **Direct management** by the Commission

- ☒ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 208 and 209 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

### Comments

#### Comment 1:

Please note for comparative purposes, the following budgetary appropriations, which the current ECI Regulation benefits from:

For 2017:

- 0.840 mln under the ECI budget line (18 04 01 02),
- 0.561 mln under the ISA<sup>2</sup> Programme budget line (26 03 01 00)

<sup>34</sup>

Details of management modes and references to the Financial Regulation may be found on the BudgWeb site:

<https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

- 0.500 mln under a Pilot Project "New technologies and information and communication technology (ICT) tools for the implementation and simplification of European Citizens' Initiatives (ECI)." (25 01 77 04)

For 2018 (these budgetary appropriations remain still to be confirmed at the time of adoption of the present legislative proposal):

- 0.740 mln under the ECI budget line (18 04 01 02),

- 0.560 mln under the ISA<sup>2</sup> Programme budget line (26 03 01 00)

Comment 2:

Please note that the date of adoption and entry into force of the new Regulation cannot be at this stage confirmed. The information relating to the start-up period may need to be adapted accordingly.

Comment 3:

Please note that preparations relating to the set-up of the central system for the online collection of statements of support as referred to under Specific Objective No 3 above shall start already in 2018 through the appropriations foreseen in the draft budget for 2018 for the current ECI Regulation.

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

The monitoring and reporting is ensured by the Commission staff under the existing rules applicable to the Secretariat General and DG DIGIT activities.

### **2.2. Management and control system**

#### **2.2.1. Risk(s) identified**

The lack of awareness-raising and communication activities may result in lower participation in the instrument, thus lower number of registered and successful initiatives as referred to under point 1.4.3.

The lack of efficient technical and organisational support for the organisers may result in lower number of successful initiatives as referred to under point 1.4.3.

#### **2.2.2. Information concerning the internal control system set up**

Covered by the existing internal control systems of the Secretariat General and of DG DIGIT.

#### **2.2.3. Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error**

This initiative will likely not have an impact on the estimated overall amount at risk nor on the cost of control indicator. As mentioned in the SG 2016 Annual Activity Report, the estimated overall amount at risk in SG is 0 EUR and the cost of control indicator (cost of control/payments) is 1,74%.

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

N/A

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number 1A Heading : "Competitiveness for growth and jobs"	Diff. <sup>35</sup>	from EFTA countries <sup>36</sup>	from candidate countries <sup>37</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	26 03 01 00	Diff	YES	YES	NO	YES

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number: 3 Heading: "Security and Citizenship"	Diff./Non-diff. <sup>38</sup>	from EFTA countries <sup>39</sup>	from candidate countries <sup>40</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	18 04 01 02	Diff.	NO	NO	NO	NO
	33 02 01	Diff.	YES	YES	YES	NO

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number: 5 Heading: "Administrative expenditure"	Diff./Non-diff. <sup>41</sup>	from EFTA countries <sup>42</sup>	from candidate countries <sup>43</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation

<sup>35</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>36</sup> EFTA: European Free Trade Association.

<sup>37</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

<sup>38</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>39</sup> EFTA: European Free Trade Association.

<sup>40</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

<sup>41</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>42</sup> EFTA: European Free Trade Association.

<sup>43</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

	25 01 01 01 01					
	25 01 02 11 01	Non-diff.	NO	NO	NO	NO
	25 01 02 11 02					
	26 01 01 01 01					

New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [...][Heading..... .....]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[...][XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

### 3.2. Estimated impact on expenditure

[This section should be filled in using the spreadsheet on budget data of an administrative nature (second document in annex to this financial statement) and uploaded to DECIDE for interservice consultation purposes.]

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	Number: 1A	Heading: "Competitiveness for growth and jobs"
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DG: DIGIT			Year 2019	Year 2020
• Operational appropriations				
Number of budget line: 26 03 01 00	Commitments	(1)	0.620	0.110
	Payments	(2)	0.310	0.420
Number of budget line	Commitments	(1a)		
	Payments	(2a)		
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>44</sup>				
Number of budget line		(3)		
<b>TOTAL appropriations for DG DIGIT</b>	Commitments	=1+1a +3	0.620	0.110
	Payments	=2 + 2a +3	0.310	0.420

<sup>44</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

• TOTAL operational appropriations	Commitments	(4)	0.620	0.110
	Payments	(5)	0.310	0.420
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)		
<b>TOTAL appropriations under HEADING 1A</b> of the multiannual financial framework	Commitments	=4+ 6	0.620	0.110
	Payments	=5+ 6	0.310	0.420

<b>Heading of multiannual financial framework</b>	Number 3	Heading "Security and Citizenship"
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DG: Secretariat General			Year <b>2019</b>	Year <b>2020</b>
• Operational appropriations				
Number of budget line: 18 04 01 02	Commitments	(1)	1. 085	1.385
	Payments	(2)	0.814	1.310
Number of budget line	Commitments	(1a)		
	Payments	(2a)		
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>45</sup>				
Number of budget line		(3)		
<b>TOTAL appropriations</b>	Commitments	=1+1a +3	1.085	1.385

<sup>45</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

<b>for DG Secretariat General</b>	Payments	=2+2a +3	0.814	1.310
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DG: JUST			Year 2019	Year 2020
• Operational appropriations				
Number of budget line: 33 02 01	Commitments	(1)	0.345	0.645
	Payments	(2)	0.259	0.570
Number of budget line	Commitments	(1a)		
	Payments	(2a)		
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>46</sup>				
Number of budget line		(3)		
<b>TOTAL appropriations for DG JUST</b>	Commitments	=1+1a +3	0.345	0.645
	Payments	=2+2a +3	0.259	0.570

• TOTAL operational appropriations	Commitments	(4)	<b>1. 430</b>	<b>2.030</b>
	Payments	(5)	<b>1.073</b>	<b>1.880</b>
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)		

<sup>46</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.



<b>TOTAL appropriations under HEADING 3</b> of the multiannual financial framework	Commitments	=4+ 6	<b>1.430</b>	<b>2.030</b>
	Payments	=5+ 6	<b>1.073</b>	<b>1.880</b>

**If more than one heading is affected by the proposal / initiative:**

• TOTAL operational appropriations	Commitments	(4)	2.050	2.140
	Payments	(5)	1.383	2.300
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)		
<b>TOTAL appropriations under HEADINGS 1 to 4</b> of the multiannual financial framework (Reference amount)	Commitments	=4+ 6	2.050	2.140
	Payments	=5+ 6	1.383	2.300

<b>Heading of multiannual financial framework</b>	<b>5</b>	‘Administrative expenditure’
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EUR million (to three decimal places)

		Year 2019	Year 2020
DG: Secretariat General			
• Human resources		0.828	0.828
• Other administrative expenditure		0.070	0.070
<b>TOTAL DG: Secretariat General</b>	Appropriations	0.898	0.898

DG: DIGIT			
• Human resources		0.173	0.173
• Other administrative expenditure			
<b>TOTAL DG: DIGIT</b>	Appropriations	0.173	0.173

<b>TOTAL appropriations under HEADING 5</b> of the multiannual financial framework	(Total commitments = Total payments)	1.071	1.071
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EUR million (to three decimal places)

		Year <b>2019</b>	Year <b>2020</b>
<b>TOTAL appropriations under HEADINGS 1 to 5</b> of the multiannual financial framework	Commitments	1.25 FTE	1.25 FTE
	Payments	1.25 FTE	1.25 FTE

### 3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs  ↓			Year 2019		Year 2020	
	OUTPUTS					
	Type <sup>47</sup>	Average cost	Nº	Cost	Nº	Cost
SPECIFIC OBJECTIVE No 3						
Central collecton system & Register for the ECI Development, maintainance and support, infrastructure	Software, infrastructure, services	1. 095	1	0.950	1	1.240
Subtotal for specific objective No 3			1	0.950	1	1.240
SPECIFIC OBJECTIVE No 4						
Online collaborative platform for the ECI Development, maintainance and support, operation of the Platform, infrastructure	Software, infrastructure, services	0.400	1	0.400	1	0.400
Subtotal for specific objective No 4			1	0.400	1	0.400
SPECIFIC OBJECTIVE No 5						
Communication and awareness raising activities	services	0.400	1	0.500	1	0.300
Subtotal for specific objective No 5			1	0.500	1	0.300
SPECIFIC OBJECTIVE No 6						
Translations of the registered initiatives	services	0.050	100	0.050	100	0.050
Subtotal for specific objective No 6			100	0.050	100	0.050
SPECIFIC OBJECTIVE No 7						
Organisation of meetings with the initiatives' organisers	Direct contract, services	0.150	5	0.150	5	0.150
Subtotal for specific objective No 7			5	0.150	5	0.150

<sup>47</sup>

Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

TOTAL COST		2.050		2.140
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Justification for requested appropriations:

Objective 3: Provide a central system for the online collection of statements of support and the ECI Register:

The central online collection system is explicitly foreseen in the current proposal. It is to be set up and operated by the Commission (Article 10).

It was not foreseen by the first ECI Regulation which only envisaged that the Commission is responsible for developing and maintaining an online collection software.

The online ECI Register is already set out in the first ECI Regulation and is foreseen to be maintained under the new one (Article 4(3)).

The budget related to the development and maintenance of the online collection software and of the ECI Register amounts in 2017 to €685K, funded partly from the ISA<sup>2</sup> Programme budget line 26 03 01 00 (mainly as regards the online collection software) and partly from the ECI budget line 18 04 01 02.

The amounts forecast for the implementation of the current proposal for the purpose of this objective reflect the outcome of the study on the online collection process carried out by the Commission in 2017.

Objective No 4: Offer technical and organisational support to the ECI organisers via an online collaborative Platform for the ECI, managed in cooperation with an external partner:

In its Article 4(2) the proposal foresees the online collaborative Platform as a permanent tool to support the implementation of the ECI. The Platform was not envisaged by the first ECI Regulation.

Under the new Regulation the Platform will require regular financing. The proposed yearly budget is of EUR 400K per year which should cover the operation of the Platform in cooperation with an external partner, as well as IT development, maintenance, support and infrastructure.

Objective No 5: Promote the ECI instrument using communication and awareness-raising tools:

New Article 17 of the proposed Regulation introduces an obligation for the European Commission to carry out communication activities to raise public awareness of the existence of the European Citizens' Initiative.

In 2017, the communication activities are financed under the ECI budget line 18 04 01 02 which has total appropriations of EUR 840K. The budget proposal for 2018 foresees EUR 740K for the ECI budget line 18 04 01 02.

The proposed yearly appropriations for this purpose amount to EUR 500K in 2019 and subsequently to EUR 300 K per year.

Objective No 6: Translate the registered initiatives.

The proposal for the new ECI Regulation introduces translations of initiatives into all EU official languages (Article 4(4)). upon their registration by the Commission, something not foreseen under the current Regulation.

The budget of EUR 50K should allow the translation of up to 100 registered initiatives per year.

Objective no 7: Organise meetings with organisers in case they are invited thereto by the Commission as part of the examination procedure for their successful initiative.

These appropriations shall be used primarily to reimburse travelling expenses of the organisers when invited to the meeting with the Commission as part of the examination procedure for a successful initiative. Other possible expenses concern any related logistics and supplies.

### 3.2.3. *Estimated impact on appropriations of an administrative nature*

#### 3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2019	2020
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<b>HEADING 5 of the multiannual financial framework</b>		
Human resources	1.001	1.001
Other administrative expenditure	0.070	0.070
<b>Subtotal HEADING 5 of the multiannual financial framework</b>	<b>1.071</b>	<b>1.071</b>

<b>Outside HEADING 5<sup>48</sup> of the multiannual financial framework</b>		
Human resources		

<sup>48</sup>

Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former ‘BA’ lines), indirect research, direct research.

Other expenditure of an administrative nature		
<b>Subtotal outside HEADING 5 of the multiannual financial framework</b>		

<b>TOTAL</b>	1.071	1.071
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

### 3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources.
- ☒ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	2019	2020
<b>• Establishment plan posts (officials and temporary staff)</b>		
25 01 01 01 (Headquarters and Commission's Representation Offices)	4 FTE AD + 2 FTE AST	4 FTE AD + 2 FTE AST
26 01 01 01 (Headquarters and Commission's Representation Offices)	0.25 FTE AD + 1.FTE AST	0.25 FTE AD + 1.FTE AST
XX 01 01 02 (Delegations)		
XX 01 05 01 (Indirect research)		
10 01 05 01 (Direct research)		
<b>• External staff (in Full Time Equivalent unit: FTE) <sup>49</sup></b>		
XX 01 02 01 (AC, END, INT from the 'global envelope')		
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)		
<b>XX 01 04 yy</b> <sup>50</sup>	- at Headquarters	
	- in Delegations	
<b>XX 01 05 02</b> (AC, END, INT - Indirect research)		
10 01 05 02 (AC, END, INT - Direct research)		
Other budget lines (specify)		
<b>TOTAL</b>	<b>4.25 FTE AD + 3 FTE AST</b>	<b>4.25 FTE AD + 3 FTE AST</b>

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Objective No 1: Manage efficiently the administrative procedures relating to the implementation of the European Citizens' initiative and provide assistance to the organisers;  Objective No 2: Offer technical support to the ECI organisers and manage related IT projects.
External staff	

<sup>49</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

<sup>50</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

### 3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ The proposal/initiative is compatible the current multiannual financial framework.
- ☐ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.  
[...]

- ☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.  
[...]

### 3.2.5. *Third-party contributions*

- ☒ The proposal/initiative does not provide for co-financing by third parties.
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								



### 3.3. Estimated impact on revenue

- ☒ The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>51</sup>						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article .....								

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

[...]

Specify the method for calculating the impact on revenue.

[...]

<sup>51</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.