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REPORT

on the European Citizens' Initiative
(2014/2257(INI))

Committee on Constitutional Affairs

Rapporteur: György Schöpflin

Rapporteur for the opinion (*):
Beatriz Becerra Basterrechea, Committee on Petitions

(*) Associated Committee – Rule 54 of the Rules of Procedure

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(*) Associated Committee – Rule 54 of the Rules of Procedure

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the European Citizens' Initiative (2014/2257(INI))

The European Parliament,

- having regard to Article 11(4) of the Treaty on European Union and to Article 24(1) of the Treaty on the Functioning of the European Union,
 - having regard to the report of the Committee on Constitutional Affairs on the proposal for a regulation of the European Parliament and of the Council on the citizens' initiative (COM(2010)0119 – C7-0089/2010 – 2010/0074(COD)),
 - having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative,
 - having regard to the public hearing of 26 February 2015 on the citizens' initiative, organised by the Committee on Constitutional Affairs in association with the Committee on Petitions,
 - having regard to the study by Parliament's Policy Department C entitled 'European Citizens' Initiative – First lessons of implementation', issued in 2014,
 - having regard to the decision of the European Ombudsman of 4 March 2015 closing her own-initiative inquiry concerning the Commission (OI/9/2013/TN),
 - having regard to the European Parliamentary Research Service study of February 2015 entitled 'Implementation of the European Citizens' Initiative',
 - having regard to the Commission report of 31 March 2015 on the European Citizens' Initiative,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Petitions and the Committee on Legal Affairs (A8-0284/2015),
- A. whereas the European Citizens' Initiative (ECI) is a new political right for citizens as well as a unique and innovative agenda-setting tool for participatory democracy in the European Union, allowing citizens to play an active part in projects and processes that affect them, and the potential of which must unquestionably be exploited to the full and significantly enhanced in order to achieve the best results and to encourage as many EU citizens as possible to participate in the further development of the European integration process; whereas it must be one of the EU's priority objectives to strengthen the democratic legitimacy of its institutions;
- B. whereas, three years on from the entry into application of Regulation (EU) No 211/2011 on 1 April 2012, it is necessary to evaluate its implementation thoroughly in order to

identify any shortcomings and to propose viable solutions for its prompt revision;

- C. whereas experience has shown that the majority of organisers of ECIs have encountered a number of difficulties in setting up an ECI, in relation to both practical and legal aspects, and whereas the organisers of several rejected ECIs have consequently submitted complaints to the Court of Justice and the European Ombudsman against the Commission's decision not to register their ECIs; whereas the rules must therefore be designed in such a way as to make ECIs as accessible as possible to citizens and organisers;
 - D. whereas Parliament is the only directly elected body of the European Union, and as such represents, by definition, EU citizens;
 - E. whereas a number of institutions, NGOs, think tanks and civil society groups have considered the various deficiencies in the implementation of the Regulation (EU) No 211/2011 on the citizens' initiative and in the organisation of ECIs, have proposed numerous improvements and have indicated on many occasions which aspects of the regulation it is necessary to reform as a matter of urgency;
 - F. whereas the practicalities set out in Article 6 of the regulation, in particular the setting-up of an online collection system and its certification by a competent authority in a Member State, in most cases leave the organisers less than 12 months to collect the required signatures;
 - G. whereas the submission of a successful initiative to the Commission once the signature collection period is over is not subject to a specific time limit and is thus a source of confusion and uncertainty for both the institutions and the public;
1. Welcomes the European Citizens' Initiative (ECI) – as defined in Article 11(4) of the Treaty on European Union (TEU) and Article 24(1) of the Treaty on the Functioning of the European Union (TFEU) – as the first instrument for transnational participatory democracy enabling citizens to engage directly with the EU institutions and to become actively involved in the framing of European policies and legislation, complementing their right to submit petitions to Parliament and to appeal to the European Ombudsman;
 2. Underlines the fact that the ECI is the first tool for participatory democracy that confers on EU citizens the right, on the basis of at least one million statements of support from at least one quarter of the Member States, to take the initiative – thereby underpinning their new political prerogative – and ask the Commission to submit, within the framework of its powers, an appropriate proposal on matters on which citizens consider that a legislative act is necessary to implement the treaties;
 3. Stresses that the ECI is an exceptional opportunity for citizens to identify and articulate their aspirations and to ask for EU action, and that it must be encouraged and supported by all available means; recognises, however, that there are significant deficits which need to be tackled and solved in order to make the ECI more effective; stresses that all further assessment of the instrument should be aimed at attaining maximum user-friendliness, given that it is a primary means of linking the citizens of Europe to the EU; further stresses that the use of one's mother tongue is a civic right, and calls on the Commission

and the Member States, therefore, to explore alternatives in order to offer the option of doing so in all activities connected with an ECI, as this encourages citizen participation; points out the importance of public awareness of the ECI, while regretting the limited knowledge of this tool among EU citizens; calls for the EU, to this end, to organise publicity and promotion campaigns with a view to giving the ECI a higher profile in the media and among the public;

4. Stresses, further, that civic engagement among young people is fundamental for the future of all democracies, and calls on the Commission to draw lessons from national experiences of genuinely successful ECIs;
5. Considers it essential that citizens be able to contribute to the exercise of the legislative prerogatives of the Union and to be involved directly in the initiation of legislative proposals;
6. Points out the importance of public awareness of the ECI in order for it to be an effective tool for democratic participation; urges the Commission and the Member States, in this connection, to maximise their communication efforts in respect of the instrument in order to bring its existence to the attention of as many citizens as possible and encourage active participation in it;
7. Calls on the Commission to use all public communication channels to raise awareness, and to take the necessary measures to ensure the transparency of the ECI and facilitate communication relating to current ECIs, for example by creating applications that provide information, send notifications and allow online signing; emphasises that active public participation in ECIs also crucially depends on their being publicised in the Member States, and therefore suggests that Member States' national parliaments should mention the ECI on their official websites;
8. Notes that more than six million EU citizens have participated in an ECI, that there were 51 requests to launch an initiative, of which only three – the 'Right2Water', 'One of Us' and 'Stop Vivisection' initiatives – were deemed admissible, and that six ECI organisers, corresponding to 30 % of all rejections, have challenged the Commission's refusal before the Court of Justice, which shows that much still needs to be done to make sure that the ECI lives up to its full potential; points to the various practical difficulties which organisers have encountered since the entry into force of the regulation in April 2012, and to the fact that the number of initiatives is declining;
9. Calls on the Commission to provide appropriate and comprehensive guidance – especially of a legal nature – as early as possible to the organisers of ECIs through the Europe Direct Contact Centre, so that organisers are aware of the possibilities open to them and will not fail by proposing an ECI that is manifestly outside the Commission's powers and does not comply with the legal admissibility criteria; calls for consideration to be given to the possibility of establishing another independent body tasked with giving advice; notes, however, that under the Treaty of Lisbon the issues raised by ECIs may not correspond entirely to the Commission's jurisdiction; takes the view, furthermore, that the Commission should consider setting up a dedicated ECI office at its representations in each Member State to provide all the necessary information, advice and support for ECIs;

10. Stresses, furthermore, that a dedicated ECI office could also contribute to raising public and media awareness about the ECI; invites the Commission, therefore, to promote the ECI as an official EU instrument in order to achieve this goal; emphasises that this measure may also help to overcome citizens' distrust of sharing the personal data required to support a ECI;
11. Calls for the provision of more detailed guidelines on the interpretation of legal bases and of more information on data protection requirements in each Member State in which the organisers run their campaigns, so as to give them legal security, and also on the possibility for organisers to take out affordable insurance policies;
12. Regrets the lack of clear information on the ECI instrument in the early stages, which led to a general misconception about its nature and generated frustration when the first ECIs were rejected by the Commission; recalls that the instrument should be simple, clear, user-friendly and widely publicised; stresses that the Commission should encourage and support national and local elected representatives in spearheading this increased exposure of ECIs;
13. Supports, further, the active participation of EU citizens in using this instrument appropriately for agenda-setting purposes; expresses its concerns about a potential conflict of interest, given that the Commission itself has the exclusive responsibility to carry out the admissibility check, and asks that this situation be properly addressed in the future; notes, at the same time, that transparency and accountability should be an objective for all stakeholders in order to preserve the clarity of citizens' activities;
14. Calls on the Commission, in this connection, to consider Parliament also as a decision-maker, particularly since it is the only institution whose members are directly elected by EU citizens;
15. Stresses that under the terms of Article 4 of Regulation (EU) No 211/2011, in the event of a refusal by the Commission to register an ECI, 'the Commission shall inform the organisers of the reasons for such refusal and of all possible judicial and extrajudicial remedies available to them'; acknowledges, in this connection, the many complaints from organisers about not having received detailed and exhaustive reasons for the rejection of their ECIs; invites the Commission to explain in detail the reasons for rejecting an ECI if in its view an ECI which has been submitted is 'manifestly outside the Commission's powers', and at the same time to inform the organisers, in writing and in such a manner as to facilitate their work, of the relevant legal considerations – which should be made fully public in the name of transparency – in order that the validity and complete objectivity of those elements can be subjected to legal scrutiny, that the Commission's power of discretion as judge and party in the assessment of an initiative's admissibility can be reduced as far as possible, and that the organisers can decide whether to revise their ECI and resubmit it in a modified form;
16. Invites the Commission to consider the possibility of registering only part of an initiative in the event that the entire ECI does not fall within the Commission's powers; invites the Commission to give the organisers, at the time of registration, an indication as to which part they could register, recognising that dialogue and engagement with ECI organisers is essential throughout the process, and to inform Parliament of its decision concerning the

registration of the ECI; invites the Commission also to explore ways of referring initiatives, or those parts of initiatives, that do not fall within the scope of the Commission's powers to the competent authority, be it at national or regional level;

17. Points out the importance of technology as a tool for encouraging citizen participation; calls on the Commission to make its software for the online collection of signatures more user-friendly, to make it accessible to people with disabilities, to offer its own servers for the storage of online signatures for free on a permanent basis, using existing EU budgets, and to simplify and revise the technical specifications for the online collection of signatures so that e-mail addresses can be collected on a non-mandatory basis on the same screen as the support form but stored in a separate database;
18. Believes that, if revised, the instrument has the potential to engage the public and to promote dialogue among citizens and between citizens and the EU institutions; stresses the need to link the online collection of signatures to the relevant new social and digital media campaigning tools, following the example of other successful online campaigning platforms;
19. Invites the Commission to reconsider the automatic link between the registration of an ECI and the beginning of the 12-month period within which expressions of support can be collected, so that the organisers of an ECI themselves can decide when they wish to start to collect expressions of support;
20. Calls on the Commission to urge the Member States to use the ECI Validation Tool for Statements of Support, developed under the Interoperability Solutions for European Public Administrations programme;
21. Stresses that, within the scope of the instruments available to enhance participatory democracy across the Union, IT tools should be made available also to regions, thus allowing greater involvement of citizens in public affairs;
22. Welcomes warmly the European Economic and Social Committee's offer of free translation of ECI texts so as to reduce the cost of organising an ECI;
23. Calls for enhanced interinstitutional cooperation at EU level, as well as at the national and local levels, in providing information and support to ECI organisers when dealing with ECIs; calls for the improvement of the multilingual ECI website run by the Commission and for a single set of guidelines in all the EU's official languages on the rights and obligations of ECI organisers and on the administrative procedures applicable throughout the ECI process;
24. Calls for the future establishment of a physical and online 'one-stop shop' providing, on a permanent basis, information, translation services and technical, legal and political support for ECIs, and considers that it could use the existing resources of the point of contact based in the Europe Direct Contact Centre, and of the Commission representations and Parliament information offices in the Member States; considers that such a set-up would bring the ECI project closer to citizens;
25. Deems it too complicated for organisers to provide different personal data in support of

ECIs in the 28 Member States, as laid down in Regulation (EU) No 211/2011 on the basis of the various national provisions, and calls for the introduction of a uniform procedure for making statements of support by amending Annex III to Regulation (EU) No 211/2011 to standardise the nature of the data collected in the Member States; encourages the Commission to negotiate further with Member States with a view to reducing the number of data requirements, removing – accordingly – the requirement for personal identification numbers and making them more user-friendly, and recalls that an ECI is about participation and agenda-setting rather than binding proposals; suggests that consideration be given to establishing an EU digital citizenship, and recommends providing an interim solution until this EU digital citizenship is established, with a view to resolving the current problems caused by multiple registration; calls on the Commission, therefore, to explore this issue in its digital agenda as a matter of urgency;

26. Calls on the Commission to amend Article 3 of Regulation (EU) No 211/2011 and to recommend to the Member States that they lower the age for supporting and participating in an ECI from 18 to 16 and that it not to be tied to the right to vote in elections to the European Parliament, thus giving young people, in particular, the possibility of becoming actively involved in taking the European project forward;
27. Acknowledges the delicate problem of organisers' personal liability with regard to data protection when collecting signatories' personal data, and proposes that the range of data required be reduced and that the wording of Article 13 of Regulation (EU) No 211/2011, on liability, be changed to make it clear that personal liability is not unlimited; proposes, to this end, that citizens' committees be able to acquire legal personality and that inspiration be drawn from Article 3 of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, with a view to establishing that organisers are responsible only for acts which are 'unlawful and committed intentionally or with at least serious negligence';
28. Encourages the Commission and the Member States to achieve more user-friendly and more harmonised data collection requirements; calls on the competent national authorities to inform the European affairs committees of their national parliaments on a periodic basis about ECIs in progress which have already gathered a significant number of signatures; urges the Commission to propose a revision of Regulation (EU) No 211/2011 with the aim of guaranteeing citizens the possibility of signing an ECI in their country of residence;
29. Expresses its concern that, since 2012, only 3 out of 31 registered ECIs have reached the final phase; points out that the dramatic decrease in the number of new initiatives is one of the consequences of disproportionate requirements and of an unnecessarily complex system; regrets the lack of legislative impact and the discouraging follow-up by the Commission of successful initiatives; expresses differences of opinion with the Commission regarding the successful implementation of the regulation in order to realise the full potential of ECIs; stresses that the EU institutions and the Member States must take all necessary steps to promote the ECI and to foster citizens' confidence in this tool;
30. Calls on the Commission to revise the wording of Article 10(c) of Regulation 211/2011 to allow proper follow-up to a successful ECI, including a parliamentary debate in plenary followed by a vote on the ECI; urges the Commission to start preparing a legal act on

successful ECIs within 12 months of their acceptance;

31. Takes the view that, in order to emphasise the political dimension of ECIs, a public hearing under the terms of Article 11 of Regulation (EU) No 211/2011 should be structured in such a way as to allow organisers to engage in a dialogue with Members of the European Parliament and relevant Commission officials; stresses that hearings on ECIs should be organised under the auspices of a 'neutral' committee that does not have the main responsibility for their subject-matter in terms of content, and furthermore that external experts should be involved at all times;
32. Urges, where necessary, Parliament and its committees, under the terms of Article 225 TFEU, to exercise their right to ask the Commission to submit a proposal that takes into account the content of any successful ECI;
33. Invites the Commission to explore the possibility of providing financial support for ECIs from existing EU budgets via European programmes such as 'Europe for Citizens' and 'Rights, Equality and Citizenship', including the possibility of financing promotional radio and television programmes, bearing in mind that equality between citizens must be guaranteed, that there is a real need for financial support for the organisation of ECIs and that numerous amendments to the EU budget have been submitted to this end;
34. Calls on the Commission to counter, by taking every possible precaution, the theft – including through internet tools – of sensitive information relating to signatories, especially when it is managed in the form of aggregate data;
35. Welcomes the Commission's report of 31 March 2015 on the ECI, and the European Ombudsman's Decision OI/9/2013/TN, and calls on the Commission to ensure, in its revision of this instrument, that all the appropriate legal measures are implemented in order to provide proper follow-up when an ECI is deemed to have been completed successfully; calls on the Commission, therefore, in view of the various shortcomings which have arisen, to submit as soon as possible a proposal to revise Regulation (EU) No 211/2011 and Commission Implementing Regulation (EU) No 1179/2011;
36. Calls on the EU institutions to carry out essential communication work through an information campaign on the ECI;
37. Invites the Commission to report regularly to Parliament on the state of play of ongoing ECIs, so that Parliament – as part of its commitment to EU citizens – can scrutinise whether the tool is working as effectively as possible; stresses that the ECI process should be continuously improved on the basis of the practical experience gained and, furthermore, should comply with the judgments to be delivered by the Court of Justice;
38. Recommends using every available communication channel, in particular the social and digital media platforms of all the relevant EU institutions, to conduct ongoing awareness-raising campaigns, with the involvement of EU offices and representations as well as national authorities; calls on the Commission to support the development of an open-source dedicated ECI software program for mobile devices; welcomes the fact that some ECIs have managed to have an impact at local level;

39. Considers it crucial, in order to ensure proper use of this participative democracy tool by citizens and to prevent its possible abuse by private interests, to increase the transparency and quality of checks of the funding and sponsorship of ECIs;
40. Notes the important role of the European Ombudsman in investigating the handling of ECI requests by the Commission, and especially cases of refusal to register an ECI;
41. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

The ECI has its origins in the Convention and was designed as an instrument giving European citizens the opportunity to participate in launching legislative initiatives. Underlying this instrument, therefore, is the idea that once in force, it would enhance civil social mobilisation and strengthen European citizenship, not least transnationally.

It is clear both from the multiple responses received from civil society and the Commission's report on the first three years of the instrument, that whatever the success criteria, it has not so far reached them, given that not a single initiative has yet been followed by legislation. The Commission's report notes 51 initiatives (COM(2015)145 final).

The thrust of this report is to seek to improve the functioning of the ECI, to make it more user-friendly, to eliminate some of the obstacles that have proved a source of difficulty for ECI organisers.

It is recognised that some of these problems could not have been foreseen, but the experience of the last three years offers possibilities for innovation. The Commission is likely to undertake a full-scale review of the ECI in 2016 and Parliament's view on the instrument will be influential, above all by transmitting the view from below, the views of those who have sought to utilise the ECI.

1.7.2015

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Constitutional Affairs

on the European Citizens' Initiative
(2014/2257(INI))

Rapporteur (*): Beatriz Becerra Basterrechea

(*) Associated committees – Rule 54 of the Rules of Procedure

SUGGESTIONS

The Committee on Petitions calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the European Citizens' Initiative (ECI) – as defined in Article 11(4) of the Treaty on European Union (TEU) and Article 24(1) of the Treaty on the Functioning of the European Union (TFEU) – as the first instrument for transnational participatory democracy enabling citizens to engage directly with the EU institutions and to become actively involved in the framing of European policies and legislation, complementing their right to submit petitions to Parliament and to appeal to the European Ombudsman;
2. Welcomes the Commission's Report on the ECI acknowledging that there is still room to improve and promote the tool; equally welcomes the European Ombudsman's own-initiative inquiry into the functioning of the ECI; points to the practical experience acquired in many areas since 2012 by the organisers of the European Citizens' Initiative;
3. Invites the Commission to regularly report to Parliament about the state of play of ongoing ECIs, so that Parliament can scrutinise that the tool works as effectively as possible, as part of its commitment to Europe's citizens; stresses that the ECI process should be continuously improved in line with the practical experience gained and should, furthermore, comply with the judgments that will be delivered by the Court of Justice of the European Union;
4. Recalls that, in previous resolutions and annual reports prepared by the Committee on

Petitions, Parliament had already pointed out some of the weaknesses of the existing legal framework and the bureaucratic burdens in the practical running of the ECI owing to a lack of IT support and disparate use in the national administrations; calls on the Commission to undertake, as soon as possible, a comprehensive revision of the ECI Regulation and of Commission Implementing Regulation (EU) No 1179/2011 in order to eliminate all remaining obstacles and create clear, simple, user-friendly and proportionate procedures;

5. Calls for the simplification and harmonisation of requirements and procedures for the collection of statements of support, via standardised forms, by dispensing with the obligation to collect personal ID numbers, since this generates differences depending on the Member State; recalls that the European Data Protection Supervisor has stated that such requirements are not necessary; suggests considering the setting-up of a common identification tool for supporting an ECI, in order to facilitate the process for signatories and for further exploring the possibility of creating a simplified voluntary online EU registry;
6. Welcomes the Commission's efforts to launch and improve the online signature collection system (OCS); acknowledges, however, that further efforts are needed to completely redesign and customise the OCS; calls on the Commission to provide the citizens' committees with access to a permanent, centralised and free server allowing for the storage of online signatures in compliance with EU data protection standards, to simplify the OCS software and to ensure that specific groups of people such as citizens living abroad, disabled people and elderly people are not denied their right to sign an initiative;
7. Invites the Commission to consider the most appropriate options related to the signature collection period in the future revision of the ECI Regulation, such as to increase the signature collection period to up to 18 months, or to give the organisers the possibility to decide on the starting date of the signature collection period, or to fix the starting point of the 12-month period once the OCS certification is completed;
8. Expresses its concern about the fact that, since 2012, only 3 out of 31 registered ECIs have reached the final phase; highlights how the dramatic decrease in the number of new initiatives is one of the consequences of disproportionate requirements and of an unnecessarily complex system; regrets the lack of legislative impact and the discouraging follow-up by the Commission of successful initiatives; expresses differences of opinion with the Commission regarding the successful implementation of the regulation to realise the full potential of ECIs; stresses that the European institutions and the Member States must take all necessary steps to promote the ECI and to foster citizens' confidence in this tool;
9. Believes that, if revised, the instrument has the potential to engage the public and to promote dialogue among citizens and between citizens and the EU institutions; stresses the need to link the OCS to the new relevant social and digital media campaigning tools, following the example of other successful online campaigning platforms;
10. Recommends using every available communication channel, in particular the social and digital media platforms of all relevant European institutions, to conduct ongoing awareness-raising campaigns, with the involvement of EU offices and representations as

well as national authorities; calls on the Commission to support the development of an open-source dedicated ECI software program for mobile devices; welcomes the fact that some ECIs have managed to have an impact at local level;

11. Calls on the Commission to urge the Member States to use the ECI Validation Tool for Statements of Support, developed under the Interoperability Solutions for European Public Administrations programme;
12. Stresses that, within the scope of the instruments available to enhance participatory democracy across the Union, IT tools should be made available also to regions, thus allowing for greater involvement of citizens in public affairs;
13. Regrets the lack of clear information on the ECI instrument at the early stages, which led to a general misconception about its nature and generated frustration when the first ECIs were rejected by the Commission; recalls that the instrument should be simple, clear, user-friendly and widely publicised; stresses that national and local elected representatives should be encouraged and supported by the Commission to spearhead this increase in exposure of ECIs;
14. Expresses its concern about the potential conflict of interests, given that the Commission itself has the exclusive responsibility to carry out the initial legal check, and asks for this situation to be addressed properly in the future;
15. Considers that the review of the ECI Regulation should also be used as an opportunity to underline the main differences between the ECI and the right to petition and that this could be done via harmonised information on the European institutions' websites and in their advertisement policies;
16. Calls for enhanced interinstitutional cooperation at EU level, as well as at the national and local level, when dealing with ECIs in providing information and support to ECI organisers; calls for the improvement of the multilingual website of the ECI run by the Commission and for a single set of guidelines in all official languages of the European Union on the rights and obligations of the ECI organisers and on the administrative procedures throughout the ECI process; welcomes the European Economic and Social Committee's proposal to provide free translations of the ECI submission texts;
17. Calls for the future establishment of a physical and online 'one-stop shop' providing, on a permanent basis, information, translation services, and technical, legal and political support regarding ECIs, which could use the existing resources of the point of contact based in the Europe Direct Contact Centre and the Commission's representations and Parliament's information offices in the Member States; considers that such a set-up would bring the ECI project closer to citizens;
18. Invites the Commission to consider different options for providing administrative and financial support to ECI projects through the existing budget lines of the Europe for Citizens Programme and the Rights, Equality and Citizens Programme;
19. Calls on the Commission to consider uniformly lowering the minimum age to support an ECI to 16, to encourage civic participation of the younger generation in EU affairs;

20. Encourages the Commission to revise the ECI Regulation to also ensure transparency and institutional balance in the decision-making process and clarify the procedure for legal admissibility; takes note of the cases pending before the Court of Justice of the European Union (CJEU) and is confident that the CJEU will decide whether the Commission applies admissibility too rigidly, and in the meantime suggests that assistance be given to the organisers in framing the legal basis of their proposal;
21. Invites the Commission to respond to successful ECIs with more concrete actions and with a higher level of involvement and to provide more robust, consistent and comprehensible reasoning for rejecting ECIs considered as non-admissible; reminds the Commission that it should consider a legislative proposal for each successful ECI; calls on the Commission, in cases of only partial legal admissibility, to suggest a redrafting of the ECI or to accept the parts that are within the Commission's remit;
22. Encourages the EU institutions to consider the possibility of debating the issues that were raised by initiatives that have not reached the one million signatures but have more than half of the required number; recalls, in this respect, that the Committee on Petitions may examine unsuccessful ECIs pursuant to Rule 218 of Parliament's Rules of Procedure, if it considers that follow-up is appropriate;
23. Calls for the drafting of an own-initiative report by Parliament on each successful initiative followed by a debate and vote in plenary; suggests that, if the Commission fails to provide a legislative proposal within 12 months after submission of the successful ECI, Parliament's competent committee should initiate a new report in order to express its concrete legislative demands, for which the selected rapporteur shall consult the ECI organisers in another hearing;
24. Considers it crucial, so as to ensure proper use of this participative democracy tool by citizens and in order to prevent its possible abuse by private interests, to increase the transparency and the quality of checks of the funding and sponsorship of ECIs;
25. Invites the Commission to clarify whether EU citizens could have the power to propose Treaty amendments on the basis of the upcoming judgment of the Court of Justice of the European Union (CJEU) and to consider in the future revision of the regulation the proposal of allowing ECIs that require Treaty amendments according to Article 48 TEU;
26. Recalls that hearings concerning successful ECIs are currently organised by the competent committee, according to the subject of the ECI, with the Committee on Petitions associated; proposes that the Committee on Petitions should take over the role of organising hearings, with the participation of interested stakeholders, as a neutral forum with the greatest experience in dealing with citizens, in order to ensure consistency and fair and equal treatment across hearings of different ECIs; notes that the ECI citizens' committee should receive reimbursement for all its members of the expenses arising from participation in the hearings.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	23.6.2015
Result of final vote	+: 30 -: 0 0: 0
Members present for the final vote	Margrete Auken, Beatriz Becerra Basterrechea, Heinz K. Becker, Soledad Cabezón Ruiz, Andrea Cozzolino, Pál Csáky, Miriam Dalli, Rosa Estaràs Ferragut, Eleonora Evi, Lidia Joanna Geringer de Oedenberg, Sylvie Goddyn, Daniel Hannan, Peter Jahr, Jude Kirton-Darling, Svetoslav Hristov Malinov, Roberta Metsola, Marlene Mizzi, Julia Pitera, Gabriele Preuß, Yana Toom, Bodil Valero, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka
Substitutes present for the final vote	Elisabetta Gardini, Kostadinka Kuneva, Jérôme Lavrilleux, Kazimierz Michał Ujazdowski, Ángela Vallina, Axel Voss, Rainer Wieland
Substitutes under Rule 200(2) present for the final vote	Amjad Bashir, Rosa D'Amato

16.7.2015

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Constitutional Affairs

on the European Citizens' Initiative
(2014/2257(INI))

Rapporteur: Sylvia-Yvonne Kaufmann

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Underlines the fact that the Citizens' Initiative is the first tool of participatory democracy that confers the right for EU citizens, based on at least one million statements of support from at least one-quarter of the EU Member States, to take the initiative – thereby underpinning their new political prerogative – and ask the Commission to submit, within the framework of its powers, an appropriate proposal on matters on which citizens consider that a legislative act is necessary to implement the treaties;
2. Welcomes the Commission's Report on the European Citizens' Initiative (ECI) of 31 March 2015, which acknowledges that there is still room to improve the ECI and identifies a number of possible issues with a view to improving the instrument; welcomes also the European Ombudsman's own-initiative inquiry into the functioning of the European Citizens' Initiative, which puts forward 11 concrete proposals to improve the ECI process;
3. Considers it essential that citizens can contribute to the exercise of the legislative prerogatives of the Union and be involved directly in the initiation of legislative proposals;
4. Notes that more than six million EU citizens have participated in a Citizens' Initiative, that there were 51 requests to launch an initiative, of which only three initiatives, namely 'Right2Water', 'One of Us' and 'Stop Vivisection', were deemed admissible, and that six ECI organisers, corresponding to 30 % of all rejections, have challenged the Commission's refusal before the European Court of Justice, showing that much still needs to be done to make sure that the ECI lives up to its full potential; points to the various practical difficulties which the organisers have encountered since the entry into force of

the regulation in April 2012 and to the fact that the number of initiatives is declining;

5. Calls for a review of the dual role of the Commission, which could give rise to a conflict of interest, bearing in mind that a number of ECI organisers acknowledge the significance and value of its input; calls, in this connection, on the Commission to consider Parliament also as a decision maker, particularly since it is the only institution whose members are directly elected by EU citizens;
6. Calls on the Commission to ensure comprehensive support, including non-binding legal advice – for example, by creating a clearly identified point of contact responsible for the Citizens' Initiative in the Commission representations and Europe Direct information centres in all Member States with the task of providing information and the necessary advice and assistance for Citizens' Initiatives – taking into account the difficulty faced by organisers in identifying the relevant treaty and legal provisions on which to base a valid initiative; stresses, however, that in the case of rejection the Commission should explain its political choices to the public in a detailed, transparent and comprehensible manner, and at the same time inform the organisers of the relevant legal considerations;
7. Calls on the Commission to consider the possibility of registering only part of an initiative where an ECI does not fall entirely within the Commission's remit; considers that, for such a registration, a prior consultation with the applicant citizens' committee would be appropriate;
8. Calls on the Commission, furthermore, to improve its internet portal in order to make it more comprehensible and user-friendly, especially with regard to the information on its competences and the support that can be obtained for a successful application; considers that the Commission should, in addition to providing a clear list of its competences, clarify the registration procedure, given that the registration of a large number of the submitted citizens' initiatives was rejected on the grounds that they manifestly fell outside the framework of the Commission's competence; calls on the Commission, in this connection, to engage actively, providing the organisers of European Citizens' Initiatives with detailed guidelines on the interpretation of the relevant legal provisions;
9. Stresses the need to explore the possibility of a harmonised and more efficient procedure for submitting statements of support, as it is unacceptable that EU citizens should be excluded from supporting Citizens' Initiatives owing to differing personal data submission requirements in the Member States; calls, therefore, on the Commission to propose simpler data submission requirements across all Member States in order to make it easier to sign an ECI, irrespective of the country of residence; suggests, in order to facilitate the signing process, that consideration be given to a mobile application, the redesigning of the Online Collection Software, and, in particular, the possibility of using digital signatures as a means of identification, bearing in mind also the needs of persons with disabilities; calls on the Member States, as a matter of urgency, to review the requirement of providing a personal identification number for a statement of support, with a view to the possible removal of this requirement, as such a requirement could represent an unnecessary bureaucratic burden for the collection of statements of support and also an unnecessary way of checking the identity of a signatory;
10. Calls on the Commission to use all public communication channels to raise awareness,

and to take the necessary measures to ensure the transparency, of the ECI and facilitate communication relating to current ECIs, for example by creating applications with information, notifications and the possibility of online signing; emphasises that active popular participation in European citizens' initiatives also crucially depends on their being publicised in the Member States, and therefore suggests that Member States' national parliaments should mention the European Citizens' Initiative on their official websites;

11. Underlines its position that the automatic link between the registration of a Citizens' Initiative and the starting date of the twelve-month period for the collection of statements of support should be removed and that the ECI organisers should have a chance to determine the date for the launch of their ECI, within three months of its registration by the Commission;
12. Notes also that the collection period for statements of support could be extended to 18 months;
13. Notes that liability issues have arisen for the organisers of Citizens' Initiatives owing to the fact that citizens' committees lack legal personality and that this problem could only be solved by revising the regulation; calls on the Commission to explore the possibility of giving legal personality to the citizens' committees referred to in Article 3(2) of the regulation; calls, in addition, for risk reduction measures to be taken in order to encourage ECI committee members to take concrete initiatives;
14. Welcomes the European Economic and Social Committee's willingness to provide free translation services for initiators, thereby facilitating the dissemination of Citizens' Initiatives in all official languages, particularly in so far as native language use is a civil right; recognises therein a significant contribution to supporting citizens by enabling them to promote their concerns more effectively among the EU population;
15. Underlines the importance of the institutional balance in the process of evaluation of applications after registration, following the submission of an ECI to the Commission as provided for in Article 9 of the regulation; calls on the Commission, therefore, to explore the possibility of involving the relevant European institutions and bodies, such as the European Parliament, the European Ombudsman, the ECOSOC and the Committee of the Regions;
16. Notes the important role of the European Ombudsman in investigating the handling of ECI requests by the Commission, and especially cases of refusal to register an ECI;
17. Calls on the Commission to submit an appropriate and timely proposal for the revision of the Regulation on the Citizen's Initiative and Commission Implementing Regulation (EU) No 1179/2011, with a view to meeting the expectations of European citizens, and making the Citizen's Initiative easier to use in order to enable it to fully unfold its potential.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	13.7.2015
Result of final vote	+: 17 -: 2 0: 4
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Julia Reda, Evelyn Regner, Pavel Svoboda, József Szájer, Axel Voss, Tadeusz Zwiefka
Substitutes present for the final vote	Angel Dzhambazki, Evelyne Gebhardt, Heidi Hautala, Sylvia-Yvonne Kaufmann, Virginie Rozière
Substitutes under Rule 200(2) present for the final vote	Ángela Vallina, Bogdan Brunon Wenta

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	28.9.2015
Result of final vote	+: 21 -: 0 0: 0
Members present for the final vote	Elmar Brok, Fabio Massimo Castaldo, Pascal Durand, Danuta Maria Hübner, Ramón Jáuregui Atondo, Constance Le Grip, Jo Leinen, György Schöpflin, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski, Rainer Wieland
Substitutes present for the final vote	Gerolf Annemans, Sylvie Goulard, Enrique Guerrero Salom, Sylvia-Yvonne Kaufmann, David McAllister, Viviane Reding, Helmut Scholz
Substitutes under Rule 200(2) present for the final vote	Andrea Bocskor, Mady Delvaux, Ulrike Rodust, Iuliu Winkler