

***Note: The consolidated version of the regulations in this document is for information only and is not a legal document. In case of doubt reference should be made to the relevant regulation(s).***

## **EUROPEAN CITIZENS INITIATIVE**

**Consolidated Version of S.I. No. 79 of 2012 [European Union (Citizens' Initiative) Regulations 2012] and S.I. No. 94 of 2014 [European Union (Citizens' Initiative)(Amendment) Regulations 2014.**

I, Phil Hogan, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative and 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, hereby make the following Regulations:

### **1. Citation and Commencement**

- (1) These Regulations may be cited as the European Union (Citizens' Initiative) Regulations 2012.
- (2) These Regulations, which make provisions necessary for implementation of Regulation 211/2011 and Regulation 1179/2011 in Ireland, come into operation on 1 April 2012.

## **2. Interpretation**

In these Regulations –

(1) “Competent Authority” means the authority designated under Regulation 3;

“Commission” means the Commission of the European Union;

“European Elector” has the same meaning in these Regulations as it has in the Electoral Act 1992 (No.23 of 1992);

“Register of European Electors” has the same meaning in these Regulations as “the register” has in Part II of the Electoral Act 1992 (No.23 of 1992) in so far as it applies to European Electors;

“Registration Area” has the same meaning in these Regulations as it has in Part II of the Electoral Act 1992 (No.23 of 1992);

“Registration Authority” has the same meaning in these Regulations as it has in Part II of the Electoral Act 1992 (No.23 of 1992);

“Regulation 211/2011” means Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens’ initiative;

“Regulation 1179/2011” means 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.

- (2) A word or expression which is also used in Regulation 211/2011 and Regulation 1179/2011 has, unless the context otherwise requires, the same meaning in these Regulations as it has in Regulation 211/2011 and Regulation 1179/2011.

### **3. Competent Authority**

The Minister for the Environment, Community and Local Government is designated as the Competent Authority in the State for the purpose of these Regulations and Articles 15(1) and 15(2) of Regulation 211/2011.

### **4. Certification of Online Collection Systems**

- (1) Online Collection Systems submitted to the Competent Authority for certification shall include the technical and security features necessary to enable the Competent Authority to assess the compliance of the organisers' online collection systems with Article 6(4) of Regulation 211/2011.
- (2) Online Collection Systems complying with Regulation 1179/2011 shall be regarded by the Competent Authority as meeting the requirements of Article 6(4) of Regulation 211/2011.

### **5. Verification and Certification of Statements of Support**

- ~~(1) Statements of Support submitted to the Competent Authority for verification and certification shall be in the format set out in the Schedule to these Regulations.~~
- (2) The Competent Authority may, for the purpose of verifying and certifying statements of support -

- (a) require Registration Authorities, in respect of any signatory, to examine the Register of European Electors and related registration records for their Registration Area to assess the eligibility of the signatory under Article 3(4) of Regulation 211/2011 and the validity of the data provided by the signatory and to report thereon to the Competent Authority,
- (b) examine, in respect of any signatory, the Register of European Electors and related registration records to assess the eligibility of the signatory under Article 3(4) of Regulation 211/2011 and the validity of the data provided by the signatory,
- (c) ~~write to signatories to assess their eligibility under Article 3(4) of Regulation 211/2011 and the validity of the data provided by them.~~ Notify any signatory that their statement of support will be certified unless the signatory indicates to the Competent Authority before the expiry of a specified period of time that they are not a signatory or that they are not eligible to be a signatory.

## **6. Offences**

Organisers who, in respect of any citizens' initiative -

- (a) make false declarations or provide information which is false, or to their knowledge misleading in a material way,
- (b) make fraudulent use of data,
- (c) collect statements of support for an initiative not registered in accordance with Article 4(1) of Regulation 211/2011,
- (d) submit statements of support to the Competent Authority in which the information they have provided on the statements of support does not correspond to the information registered by the Commission under Article 4(2) of Regulation 211/2011,

- (e) collect statements of support for an initiative registered by the Commission under Article 4(2) of Regulation 211/2011 before the date of registration or after a 12 month period has elapsed following registration,
- (f) store data in any other Member State, where statements of support are collected on an online collection system certified by the Competent Authority under Article 6(3) of Regulation 211/2011,
- (g) seek statements of support on an online collection system that has not been certified under Article 6(3) of Regulation 211/2011,
- (h) fail, where statements of support are collected on an online collection system, to make publicly available a copy of the certificate issued under Article 6(3) of Regulation 211/2011 on the website used for the online collection system,
- (i) use the personal data collected for any purpose other than the intended support for that initiative,
- (j) fail to destroy the statements of support and any copies thereof within the period set out in Article 12(3) or Article 12(5) of Regulation 211/2011, as appropriate, or
- (k) fail to implement appropriate technical and organisational measures to protect personal data as set out in Article 12(6) of Regulation 211/2011

are guilty of an offence.

## **7. Penalties**

- (1) Organisers guilty of an offence under these Regulations or Regulation 211/2011, other than an offence mentioned in sub-paragraph (2), are liable on summary conviction to a fine not exceeding a Class A fine.
- (2) Organisers guilty of an offence under Regulation 6(a) or Regulation 6(b) are liable-

- (a) on summary conviction to a fine not exceeding a Class A fine, or
- (b) on conviction on indictment, to a fine not exceeding €100,000.

## **8. Prosecution of Offences**

- (1) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under these Regulations may be initiated at any time within 2 years from the date of the commission of the offence.
- (2) A certificate signed by or on behalf of the person initiating the proceedings as to the date on which evidence relating to the offence came to his or her knowledge shall be *prima facie* evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of these Regulations and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.
- (3) Proceedings under these Regulations shall be without prejudice to the power of other competent bodies concerned to take proceedings under other statutory provisions applying to them.