

Follow-up to the European Parliament non-legislative resolution on the implementation of the Regulations on the European citizens' initiative

- 1. Rapporteur:** Loránt VINCZE (EPP / RO)
- 2. Reference numbers:** 2022/2206 (INI) / A9-0182/2023 / P9_TA(2023)0230
- 3. Date of adoption of the resolution:** 13 June 2023
- 4. Competent Parliamentary Committee:** Committee on Constitutional Affairs (AFCO)
- 5. Brief analysis/ assessment of the resolution and requests made in it:**

The resolution acknowledges that the revised regulation, underpinning the functioning of the European Citizens' Initiative (ECI) that started to apply in 2020, generated substantial improvements. It highlights in particular: the possibility for partial registration of initiatives; the advantages of the central online collection system for the organisers as well as the Commission improvements to the system, including the possibility of customising its features and providing statistics to organisers; the possibility for Member States to lower the support age for ECIs; and the longer timeframe for preparing replies to valid ECIs, allowing the Commission to take full account of the views expressed during the examination phase.

The resolution claims that there are nonetheless still a number of weaknesses that remain in terms of the overall visibility of the instrument, a low level of awareness among citizens, deliberativeness, remaining challenges in relation to its digital dimension and a lack of financial support, as well as regards the legal and political impact of the instrument.

The resolution includes several recommendations to the attention of the institutional partners with a role in the implementation of the ECI Regulation. The Commission is called to: 1) further raise awareness about the ECI with the involvement of European Parliament, Member States, regional and local authorities; 2) assess the possibility of reintroducing the individual online collection systems; 3) provide financial support to successful ECIs and assess the possibility of progressive support to others that manage to reach certain milestones during their collection; 4) strengthen debate and follow-up of ECIs. Member States are encouraged (directly or indirectly) to: lower the support age for ECIs; introduce eID means for signing ECIs; coordinate awareness raising at national level; promote citizens' participation in EU decision-making in schools and universities; and together with the Commission act on further simplification and harmonisation of national standards for data collection. From its side, the European Parliament commits to: vote on a parliamentary resolution after every valid ECI and every Commission communication, which should also be followed by a legislative own-initiative report; be associated to the information efforts on the ECI; further assess, also in the context of a future revision of the Treaties, how to extend the scope and increase the accessibility and legal effectiveness of the ECI by enhancing Parliament's role (by reviewing Article 11(4) of the Treaty on the Functioning of the European Union (TEU)).

- 6. Response to requests and overview of action taken, or intended to be taken, by the Commission:**

The resolution of the European Parliament on the implementations of the Regulation on the European citizens' initiative covers a number of points that the Commission will address in its review report on the same regulation, planned for the end of 2023. For several other points raised in the resolution, the Commission would like to provide the following response.

With regard to paragraph 13, in which the Parliament calls on the Commission to appropriately consider and respond to valid ECIs and to give due consideration to the arguments of the Parliament in a resolution in support of a valid ECI, the Commission considers that valid initiatives have generated substantive legal and/ or political impact. It carefully examines all successful initiatives before setting out, in a Communication, its legal and political conclusions on the initiative and the action it intends to take, if any, and its reasons for taking or not taking action. The Commission also carefully considers any resolutions adopted by the European Parliament in the context of European citizens' initiatives. When examining a citizens' initiative and assessing follow-up actions, the Commission has to consider the principles of subsidiarity and proportionality, as well as any measures already taken, for example, since the launch of the ECI concerned.

For several successful European citizens' initiatives, follow-up has taken the form of a proposal for new or revised EU legislation, or of a commitment to keep the level of ambition on proposals already tabled and not yet adopted by the co-legislator (in the most recent reply to the ECI 'Save bees and farmers'). In its reply to the 'End the Cage Age' initiative, the Commission set out plans to put forward a legislative proposal by the end of 2023 to phase out and finally prohibit the use of cages for all the animal species and categories referred to in the initiative. Moreover, valid initiatives also produce longer term impacts. In 2021, legislative acts adopted in the follow-up to two initiatives - 'Right2Water' and 'Ban Glyphosate' - entered into application. The Commission is working – together with the Member States – on the implementation of several Council recommendations and other policy documents to support the objectives of the 'Minority SafePack' initiative.

For other initiatives, the Commission considered after careful deliberation that meaningful non-legislative follow-up was most appropriate. For example, in response to the initiative 'Stop vivisection', the Commission implemented measures to advance the replacing of animal testing in research and progress was discussed in scientific conferences organised by the Commission. The initiative 'Right2Water' inspired the Commission to run, on behalf of the EU, a successful campaign to keep universal access to water and sanitation on the list of the UN Sustainable Development Goals - '2030 Agenda for Sustainable Development', as well as to include an explicit reference to the right to water and sanitation in the European Pillar of Social Rights.

This illustrates that successful initiatives have generated substantive legal and/ or political impact.

Regarding the Parliament's call on the Commission to provide legislative follow-up on the valid ECI 'Minority SafePack – one million signatures for diversity in Europe' (paragraph 14), the Commission underlines that it has carefully examined the initiative and presented, in line with its obligations under the ECI Regulation, its legal and political conclusions on the initiative as well as its reasoning in its Communication adopted on 14 January 2020. The Commission assessed each of the nine individual proposals on their own merits, taking into account the principles of subsidiarity and proportionality. While no further legal acts were proposed, the Commission response stressed that the full implementation of legislation and policies already in place should provide a powerful arsenal to support the initiative's goals. This response was upheld by the General Court in its judgement of 9 November 2022 (case T-158/21).

The Commission recalls that a wide range of measures addressing several aspects of the initiative's proposals have been taken since the initiative was originally presented in 2013 and before it provided its response in 2020. The Commission monitors the implementation of the relevant initiatives and continues to conduct policy actions in these areas.

Inclusion and respect for the rich cultural diversity of Europe is one of the Commission's priorities in line with the EU Treaties. The Commission therefore also remains committed to continue providing policy support and funding in this regard.

As regards the Parliament's call to provide for clear and straightforward procedures and to provide detailed answers and possible solutions when initiatives are declared partly or fully inadmissible, to allow organisers to consider a possible revision of their initiative (paragraph 22), the Commission notes that since the application of the new rules in 2020, out of the 33 registration requests received only one could not be registered. This is in part thanks to the two-stage registration procedure, which allowed six initiatives to consider amending their initial initiative and resulted in full registration of all of them.

Under the new rules, the Commission also provides an online platform that provides professional advice on legal questions to organisers in preparing their ECIs. This support has proven instrumental for many organisers who managed to successfully register their initiative.

Regarding the Parliament's call to consider ways to provide more effective follow-up to ECIs falling outside the EU's remit, the Commission encourages organisers of such initiatives to investigate options at national level. The Commission does however not engage in specific actions in view of the lack of EU competences.

Regarding paragraph 26 concerning the Parliament's call to further simplify and harmonise the national standards on data collection, as part of the previous reform of the ECI Regulation, an important simplification of the data required for supporting ECIs has taken place. Under the new rules since 2020, only two sets of data exist, marking a significant improvement compared to the 13 data sets used before 2020. In both data sets currently in use, the first and last name is compulsory, with then either the address and date of birth, or alternatively the personal identification number.

The provision of a minimum set of personal data from signatories is required to allow Member States to verify the validity of the statements of support against national databases such as election or population registers. The choice for the one or the other data set is therefore also made by the Member State concerned and applies to all its citizens. Further room for simplification of the data requirements seems difficult to achieve without jeopardising the ability of Member States to confidently perform the verification of statements of support. The process of both provision and validation of data will however be greatly facilitated by the wider adoption of electronic identification means (eID), where the minimum data required are automatically filled in. The proposed introduction of the European Digital Identity Wallets¹ is intended to speed up the adoption of such technologies in all Member States and thus facilitate the civic and community engagement of the citizens.

As regards the call in paragraph 26 to ensure that ECI organisers are given access to the file of national competent authorities, it shall be borne in mind that access to the file of national competent authorities with respect to certification decisions is subject to the national law of the Member States. In the context of the ECI Expert Group, the Commission will encourage Member States to take into account the Parliament's call with a view to ensuring effective judicial protection.

Regarding paragraph 27 calling on the Commission to ensure a balanced and transparent composition of the ECI Expert Group, in particular by involving experts from civil society organisations on a permanent basis, the Commission Expert Group on the European citizens' initiative has been set up in line with Commission decision C(2016)3301, to provide the Secretariat-General with expertise and to coordinate with Member States on the implementation of the ECI Regulation. The Expert Group is designed as a specific forum to consult and exchange with the Member States' authorities given their specific implementing responsibilities, such as for the verification of statements of support, the lowering of the age for supporting ECIs, or the integration of national eID schemes with Central Online

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0281>

Collection System. It meets virtually or in person once or twice a year. Transparency of its proceedings is ensured through the publication of the meeting agenda, meeting minutes and presentations.

The Commission regularly organises stakeholder consultations and surveys to collect feedback and contributions to feed into further practical improvements of the ECI implementation. The Commission will continue to explore further possibilities to consult these stakeholders, including civil society organisations, on an ad hoc or on a more structural basis to allow them to contribute with their expertise to specific aspects of the implementation of the ECI Regulation.

Finally, as regards paragraph 28, in which the Parliament calls on the Commission to provide financial support to successful ECIs and to assess progressive financial support for ECIs that reach certain thresholds during their collection period, the Commission acknowledges that setting up and managing a citizens' initiative requires time, resources, dedication and perseverance. This is why the Commission, as part of the new rules since 2020, has substantially increased direct or indirect support to organisers, for example by providing guidance (including on fund raising) and legal advice via the ECI Forum, by offering free of charge use of a secure and user-friendly Central Online Collection System that lowers substantially the responsibilities of organisers as data controllers, and free translation services.

From the information reported by ECI organisers, it results that some successful initiatives secured significant amounts of funding, while two others managed to collect over 1 million signatures with amounts below EUR 20 000 and several other initiatives that secured significant amounts of funding did not manage to reach the required thresholds. Based on these data a positive correlation between funding and the success of an initiative cannot be established.

Moreover, introducing direct financial support for individual citizens' initiatives will have to be complemented by financial control arrangements. It can also have the unintended consequence that initiatives are launched primarily for financial gain by entities that can more easily collect large amounts of signatures. To mitigate such risks, any funding scheme would bring increased scrutiny of the financial aspects of the organisation of each initiative, creating additional controls and reporting requirements for organisers. This would go against the objective to make the ECI less burdensome and easier to use for organisers.

Where citizens or civil society mobilise to bring a specific topic or call for action to the attention of the EU institution, this does not necessarily imply that part of the funding should always be provided from the EU budget. Even more so as currently, European citizens' initiatives can already apply for funding under existing EU programmes, within the criteria of each call for proposals. For instance, the 'Citizens, Equality, Rights and Values' programme funds projects in the area of citizens' engagement. Rather than providing dedicated financial support to each valid European citizens' initiative, the Commission will therefore 1) facilitate organisers' access to funding under existing EU programmes, by consistently including information about relevant calls for proposals and dedicated information sessions in the monthly ECI newsletters of the Commission, 2) regularly inform national contact points for the Citizens, Equality, Rights and Values (CERV) programme about the ECI, so they are well equipped in case they receive requests for information from potential ECI organisers, and 3) ensure that available in-kind support for organisers is tailored and targeted to their needs, including funding needs, and that they are informed about all the services available to them.