



EUROPEAN COMMISSION

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C(2018) 1285 final*

Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on the European Citizens' Initiative {COM(2017) 482 final}.

Increasing democratic legitimacy in the European Union through stronger citizen participation is among the Ten priorities of the Juncker Commission (Priority 10 – A Union of Democratic Change). The proposal on the European Citizens' Initiative is one of the actions adopted by the Commission on 13 September 2017, as part of the Democracy Package, to continue delivering on this commitment. Making the Initiative more accessible, less burdensome and easier to use for organisers and supporters will help the instrument reach its full potential to foster debate among citizens at Union level, and to bring the Union closer to them.

The Commission welcomes the Senát's support for the European Citizens' Initiative instrument and the measures contained in the proposal to identify and address some of the shortcomings in the implementation of the current European Citizens' Initiative instrument. The Commission would also like to recall that it has already introduced a number of concrete improvements under the current legal framework. In particular, the Commission's practice of allowing where justified for partial registrations of initiatives has contributed to a sharp decrease in the number of initiatives considered inadmissible.

The Commission also wishes to underline that it has followed up where appropriate on initiatives that reached the required level of support. In one case ('One of us'), the Commission considered that the existing legal framework was appropriate and no further action was required. In the three other cases ('Right2Water', 'Stop Vivisection' and 'Ban glyphosate and toxic pesticides'), the Commission has committed to a number of follow-up actions of legislative or non-legislative nature. In particular, the Commission has proposed a revised directive on drinking water on 31 January 2018 in response to the initiative 'Right2Water'. This demonstrates that the European Citizens' Initiative has real impact on EU policy and law-making.

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CZ – 118 01 PRAGUE 1*

The Commission takes careful note of the concerns expressed by the Senát, including inter alia the registration of proposed citizens' initiatives and the follow-up to initiatives reaching the necessary thresholds and being submitted to the Commission.

In this regard, it should be noted that the scope of the European Citizens' Initiative as an instrument for participation and agenda-setting is enshrined in the European Union Treaties, and this scope cannot therefore be modified by the Regulation. This is the case notably for a number of aspects raised in the Opinion related to the registration of initiatives and the examination and follow-up phase.

For the Commission's view on these issues and other comments in the Opinion the Commission would like to refer to the attached annex. The points made above are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council. The Senát's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

I hope that the clarifications provided in this reply address the issues raised by the Senát and look forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

Annex

The Commission has carefully taken note of the issues raised by the Senát in its Opinion and is pleased to offer the following clarifications.

A number of comments in the Senát's Opinion concern the nature and scope of the European Citizens' Initiative in relation to the conditions and procedures for the instrument in the Commission proposal. In this regard, it should be noted that the scope of the European Citizens' Initiative is enshrined in the European Union Treaties. In particular, Article 11(4) of the Treaty on European Union 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". The legal basis of the proposal is Article 24 of the Treaty on the Functioning of the European Union which refers to 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.

Therefore, the Commission proposal – as the current Regulation (EU) No 211/2011 on the citizens' initiative – establishes the conditions and procedures for the European Citizens' Initiative within the scope laid down by the Treaties which cannot be modified by the Regulation. This covers several of the comments raised in the Senát's Opinion in relation to the registration of initiatives and the examination and follow-up phase. Thus, only proposed citizens' initiatives which fall within 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 can be registered by the Commission; and a European citizens' initiative is defined by the Treaties as an invitation to the Commission and the Regulation cannot impose a duty on the Commission to submit in all cases a proposal for a legal act to fulfil the objectives of the initiatives.

As regards the registration of initiatives and measures to reduce the rate of refusals, the proposal, building on improvements already implemented by this Commission under the existing legal framework, introduces further improvements in the registration procedure. This includes the possibility of providing preliminary information to the organisers in cases where the initiative falls outside of the Commission's powers and the possibility of partial registration of initiatives in cases where only part of the initiative – including the main objectives – are not manifestly outside of the Commission powers to submit a proposal for a legal act. These improvements are complemented by additional measures foreseen in the proposal (e.g. advice and support to organisers via the online collaborative platform for the European Citizens' Initiative) or to be developed at implementation level (e.g. guidance on registration requirements inter alia via the European Citizens' Initiative register website).

As regards the follow-up to initiatives reaching the one million threshold and being submitted to the Commission, the proposal introduces several improvements in this phase, notably an extension of the examination phase from three to five months to allow more time for debate on the initiatives before the adoption of the Commission response.

It also introduces improvements with regard to the hearing in the European Parliament, notably with a view to ensuring a balanced and inclusive representation of all stakeholders concerned by the initiative; and representation of other institutions and advisory bodies in the hearing.

The Commission fully agrees on the importance of the role of the European Parliament in the implementation of the European Citizens' Initiative, including the hearing at the European Parliament as a mechanism for dialogue and exchange of views between European Union institutions and organisers of successful European Citizens' Initiatives.

As far as reinforcing the requirements for the Commission as regards the response to initiatives in this phase, the proposal maintains the provisions of the current Regulation, which provides that 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. This provides for an efficient and proportionate mechanism which reflects the scope of the European Citizens' Initiative as an invitation to the Commission, which is enshrined in the European Union Treaties and which cannot be modified by the Regulation.

It is to be noted that, even in cases where the Commission responds positively, the most appropriate follow-up for the different European Citizens' Initiatives may vary in terms of the nature of actions to be taken and the timeframe for their implementation. If the Commission decides to follow-up with a legislative proposal, the preparation of such proposal will need to respect the Better Regulation principles and apportion the preparatory time required (e.g. for purposes of evaluation, stakeholder consultation, impact assessment).

With regard to the age of support, the proposal aims at lowering the age of support to 16 years of age. The Commission considers that this is an important improvement foreseen in the proposal which would enhance the participation of the younger generation in the democratic debate at European Union level, allow more than ten million young European citizens to support European citizens' initiatives, and contribute to broader objectives such as raising their awareness about the European Union.

As far as the procedure for the verification of signatures is concerned, the proposal opted for a balanced and proportionate approach allowing the competent national authorities in the Member States to verify these on the basis of appropriate checks in accordance with national law and practice. The proposal specifies that these checks may be based on random sampling but does not impose a requirement to use random sampling in the verification. Technical cooperation between the Commission and the competent authorities in the Member States on the technical verification of signatures which could be implemented could be considered in the framework of the Expert Group on the European Citizens' Initiative.

Finally, with regard to the review clause, the proposal provides that 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 the Regulation no later than five years from the date of application, and every five years thereafter and that the reports shall be made public. The Commission considers that the period of five years for the review of the Regulation is proportionate to allow for a proper implementation period and subsequent review process including gathering evidence on results and impacts.