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to :	General Affairs Council
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on the Citizen's initiative

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**1. INTRODUCTION**

The European Citizens' Initiative is one of the most visible and concrete expressions of the innovations brought by the Lisbon Treaty. It is a significant step forward in the democratic life of the Union and adds a new dimension of participatory democracy. It will contribute to bringing the Union closer to the citizens and to encourage greater cross-border debate about EU issues. It is therefore important that this new instrument is made available to citizens as soon as possible.

Before submitting its proposal the Commission carried out significant preparatory work. It organised a broad public consultation and also held a public hearing.

The proposal draws on the outcome of these consultations but also on the debate at the informal meeting of European Affairs Ministers which took place in La Granja in January 2010, as well as on the recommendations made by the European Parliament in its resolution of May 2009.

In order for this instrument to bring the desired results, it needs to remain citizen-friendly and easy to use. To the extent possible, we need to ensure that EU citizens across the different Member States are subject to the same procedures for signing up to an initiative. This is an agenda-setting initiative and therefore the rules and procedures need to be proportional and not unnecessarily restrictive for citizens.

The examination of the proposal has already started in the Council's preparatory bodies. There is however need for political guidance on a number of issues. Against this background, Ministers are invited to have a first debate on the proposal, looking in particular at the key issues identified below.

## **2. KEY ISSUES**

### **a) Registration of the proposed initiative and admissibility (Articles 4, 7 and 8)**

The proposal foresees that a decision on the admissibility of a proposed initiative (i.e. whether it concerns a matter where a legal act of the Union can be adopted in view of implementing the Treaties and whether it falls within the Commission competences) is taken at an intermediate stage – after 300.000 signatures have been collected from 3 Member States – before Member States are required to carry out checks. As an additional safeguard, the proposal foresees an earlier filter at the time of registration, which enables the Commission to reject the registration of initiatives that are manifestly against the values of the Union.

During the discussion a number of Member States have suggested that the Commission should decide whether an initiative falls within the framework of its powers at the time of registration, before any signatures have been collected.

Taking a decision on the admissibility of a proposed initiative at the very beginning of the process would entail the following risks: i) potential abuse of the system by people not interested in launching a real initiative, but merely wishing to have a decision by the Commission on competence issues; ii) risk of overloading the system; iii) risk of giving the impression that initiatives have received a green light from the Commission before any signatures have been collected.

## **b) Minimum number of signatories per Member State (Article 7 and Annex I)**

In its Green Paper, the Commission had suggested a flat percentage of 0.2% for all Member States. However the consultation showed that there were concerns that such a flat percentage would lead to too high a threshold for large Member States and to too low a threshold for small Member States (e.g. 1.000 signatories in Luxembourg and 160.000 in Germany).

The Commission therefore opted for a different approach to determine the minimum number of signatories per Member State based on the degressive proportionality system used for determining the number of Members of the European Parliament. The approach uses a multiplication factor of 750 times the number of MEPs.

This system has the advantage of being based on a politically agreed system, which itself is based on the population of each Member State. It also ensures that the threshold would be significantly higher than 0.2% for small Member States and significant lower than 0.2% for large Member States.

## **c) Procedures and conditions for the collection of statements of support (Article 5 and Annex III)**

During the discussions certain Member States raised concerns over the Commission's proposal that signatories should be able to choose between a number of different forms of identification documents (passport, ID, social security number). This approach has the advantage of being able to address the different situations in the Member States, however it could raise concerns since some Member States may not be able to carry out verifications on the basis of certain documents.

Another issue raised in this context is whether Member States should be verifying the actual signature provided, or only the identification data of the signatory. The Commission's proposal foresees only a control of the identification data.

Inserting an obligation for a control of the actual signature would imply that citizens would only be able to sign up for an initiative before a public authority of the Member States or before a notary. It should be considered whether such a requirement would be proportional to the nature of the citizen's initiative.

#### **d) Online Collection systems (Article 6)**

The proposal provides for the possibility for statements of support to be collected online. The decision to collect online or not is left to the organiser, who also has the responsibility for creating and maintaining a website allowing for the collection of statements.

In order to ensure protection of personal data and to make sure the statements of support are genuine, the proposal requires that online collection systems respect certain requirements specified in the Regulation. Member States are required to certify the conformity of such a system based on its territory is compatible with the requirements of the Regulation. This certification would be recognised by the other Member States.

It should be noted that the certification of the online system only relates to the system itself, and not to the data that would be collected. The control by the different Member States of the statements of support collected online would be done in a similar way to those collected on paper. The principle of parallelism between online and paper systems is a very important element, which ensures simplicity and allows the possibility of collection online immediately.

### **3. PROCEDURAL CONCLUSIONS**

Based on the political guidance provided by Ministers, the discussions on the proposal will continue in the Council's preparatory bodies.

Given the political significance of this proposal, the Presidency believes that it should be adopted as soon as possible. In this context, the Council will continue working on this proposal with the aim of reaching a general approach by the end of June 2010.