**REGULATION (EU) No .../2020 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of … 2020**

**on the citizens’ initiative[[1]](#footnote-1)**

*Article 1*

**Subject**

This Regulation sets out the procedures and conditions applicable to the citizens’ initiative, in line with Article 11 of the Treaty on European Union and Article 24 of the Treaty on the Functioning of the European Union.

*Article 2*

**Definitions**

For the purposes of this Regulation:

1.   ‘citizens’ initiative’ means an initiative submitted to the Commission in accordance with this Regulation, inviting the 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, which has received the support of at least one million eligible signatories coming from at least two Member States;

2.   ‘signatories’ means citizens of the Union who have supported a given citizens’ initiative by completing a statement of support form for that initiative;

3.   ‘organisers’ means natural persons forming a citizens’ committee responsible for the preparation of a citizens’ initiative and its submission to the Commission.

*Article 3*

**Requirements for organisers and for signatories**

(1) The organisers shall be citizens of the Union and be of the age to be entitled to vote in elections to the European Parliament.

(2) The organisers shall form a citizens’ committee of at least two persons each who are residents of at least two different participating Member States. If there are at least five participating Member States, the citizens’ committee shall consist of at least one person who is a resident of each of the Member States.

The organisers shall designate one representative and one substitute (‘the contact persons’), who shall liaise between the citizens’ committee and the institutions of the Union throughout the procedure and who shall be mandated to speak and act on behalf of the citizens’ committee.

Organisers who are Members of the European Parliament shall not be counted for the purposes of reaching the minimum number required to form a citizens’ committee.

For the purpose of registering a proposed citizens’ initiative in accordance with Article 4, only the information concerning the seven members of the citizens’ committee who are needed in order to comply with the requirements laid down in paragraph 1 of this Article and in this paragraph shall be considered by the Commission.

(3) The Commission may request the organisers to provide appropriate proof that the requirements laid down in paragraphs 1 and 2 are fulfilled.

(4) In order to be eligible to support a proposed citizens’ initiative, signatories shall be citizens of the Union and shall be of the age to be entitled to vote in elections to the European Parliament.

*Article 4*

**Registration of a proposed citizens’ initiative**

(1) Prior to initiating the collection of statements of support from signatories for a proposed citizens’ initiative, the organisers shall be required to register it with the Commission, providing the information set out in Annex II, in particular on the subject matter and objectives of the proposed citizens’ initiative.

That information shall be provided in one of the official languages of the Union, in an online register made available for that purpose by the Commission (‘the register’).

The organisers shall provide, for the register and where appropriate on their website, regularly updated information on the sources of support and funding for the proposed citizens’ initiative.

After the registration is confirmed in accordance with paragraph 2, the organisers may provide the proposed citizens’ initiative in other official languages of the Union for inclusion in the register. The translation of the proposed citizens’ initiative into other official languages of the Union shall be the responsibility of the organisers.

The Commission shall establish a point of contact which provides information and assistance.

(2) Within two months from the receipt of the information set out in Annex II, the Commission shall register a proposed citizens’ initiative under a unique registration number and send a confirmation to the organisers, provided that the following conditions are fulfilled:

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| a) | the citizens’ committee has been formed and the contact persons have been designated in accordance with Article 3(2); |

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| b) | the proposed citizens’ initiative does not manifestly fall outside the framework of the Commission’s powers to submit a proposal for a legal act in connection with issues to protect the interests of The European Union and EU citizens that cannot be effectively managed at the Member State level; |

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| c) | the proposed citizens’ initiative is not manifestly abusive, frivolous or vexatious; and |

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| d) | the proposed citizens’ initiative is not manifestly contrary to the values of the Union as set out in Article 2 TEU. |

(3) The Commission shall refuse the registration if the conditions laid down in paragraph 2 are not met.

Where it refuses to register a proposed citizens’ initiative, the Commission shall inform the organisers of the reasons for such refusal and of all possible judicial and extrajudicial remedies available to them.

(4) A proposed citizens’ initiative that has been registered shall be made public in the register. Without prejudice to their rights under Regulation (EC) No 45/2001, data subjects shall be entitled to request the removal of their personal data from the register after the expiry of a period of two years from the date of registration of a proposed citizens’ initiative.

(5) At any time before the submission of statements of support in accordance with Article 8, the organisers may withdraw a proposed citizens’ initiative that has been registered. In that case, an indication to that effect shall be entered in the register.

*Article 5*

**Procedures and conditions for the collection of statements of support**

(1) The organisers shall be responsible for the collection of the statements of support from signatories for a proposed citizens’ initiative which has been registered in accordance with Article 4.

Only forms which comply with the models set out in Annex III and which are in one of the language versions included in the register for that proposed citizens’ initiative may be used for the collection of statements of support. The organisers shall complete the forms as indicated in Annex III prior to initiating the collection of statements of support from signatories. The information given in the forms shall correspond to the information contained in the register.

(2) The organisers may collect statements of support in paper form or electronically. Where statements of support are collected online, Article 6 shall apply.

For the purpose of this Regulation, statements of support which are electronically signed using an advanced electronic signature, within the meaning of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, shall be treated in the same way as statements of support in paper form.

(3) Signatories shall be required to complete statement of support forms made available by the organisers. They shall indicate only the personal data that are required for the purposes of verification by the Member States, as set out in Annex III.

Signatories may only support a given proposed citizens’ initiative once.

(4) Member States shall forward to the Commission any changes to the information set out in Annex III. Taking into account those changes, the Commission may adopt, by means of delegated acts, in accordance with Article 17 and subject to the conditions of Articles 18 and 19, amendments to Annex III.

(5) All statements of support shall be collected after the date of registration of the proposed citizens’ initiative and within a period not exceeding 6 months.

At the end of that period, the register shall indicate that the period has expired and, where appropriate, that the required number of statements of support was not collected.

*Article 6*

**Online collection systems**

(1) Where statements of support are collected online, the data obtained through the online collection system shall be stored in the territory of a Member State.

The online collection system shall be certified in accordance with paragraph 3 in the Member State in which the data collected through the online collection system will be stored. The organisers may use one online collection system for the purpose of collecting statements of support in several or all Member States.

The models for the statement of support forms may be adapted for the purpose of the online collection.

(2) The organisers shall ensure that the online collection system used for the collection of statements of support complies with paragraph 4.

Prior to initiating the collection of statements of support, the organisers shall request the competent authority of the relevant Member State to certify that the online collection system used for that purpose complies with paragraph 4.

The organisers may only start collecting statements of support through the online collection system once they have obtained the certificate referred to in paragraph 3. The organisers shall make a copy of that certificate publicly available on the website used for the online collection system.

The Commission shall set up and thereafter shall maintain its own open-source software incorporating the relevant technical and security features necessary for compliance with the provisions of this Regulation regarding the online collection systems. The software shall be made available free of charge.

(3) Where the online collection system complies with paragraph 4, the relevant competent authority shall within one month issue a certificate to that effect in accordance with the model set out in Annex IV.

Member States shall recognise the certificates issued by the competent authorities of other Member States.

(4) Online collection systems shall have adequate security and technical features in place in order to ensure that:

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| a) | only natural persons may submit a statement of support form online; |

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| b) | the data provided online are securely collected and stored, in order to ensure, inter alia, that they may not be modified or used for any purpose other than their indicated support of the given citizens’ initiative and to protect personal data against accidental or unlawful destruction or accidental loss, alteration or unauthorised disclosure or access; |

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| c) | the system can generate statements of support in a form complying with the models set out in Annex III, in order to allow for the verification by the Member States in accordance with Article 8(2). |

(5) If the organisers are unable to locate a hosting service provider for their online collection system, the Commission shall provide such location on its own servers for such online collections systems.

*Article 7*

**Minimum number of signatories per Member State**

(1) The signatories of a citizens’ initiative shall come from at least two Member States.

(2) In the participating Member States, signatories shall comprise at least the minimum number of citizens set out, at the time of registration of the proposed citizens’ initiative, in Annex I. Those minimum numbers shall correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750.

(3) The Commission shall adopt, by means of delegated acts, in accordance with Article 17 and subject to the conditions of Articles 18 and 19, appropriate adjustments to Annex I in order to reflect any modification in the composition of the European Parliament.

(4) Signatories shall be considered as coming from the Member State which is responsible for the verification of their statement of support in accordance with the second subparagraph of Article 8(1).

*Article 8*

**Verification and certification by Member States of statements of support**

(1) After collecting the necessary statements of support from signatories in accordance with Articles 5 and 7, the organisers shall submit the statements of support, in paper or electronic form, to the relevant competent authorities referred to in Article 15 for verification and certification. For that purpose the organisers shall use the form set out in Annex V and shall separate those statements of support collected in paper form, those which were electronically signed using an advanced electronic signature and those collected through an online collection system.

The organisers shall submit statements of support to the relevant Member State as follows:

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| a) | to the Member State of residence or of nationality of the signatory, as specified in point 1 of Part C of Annex III, or |

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| b) | to the Member State that issued the personal identification number or the personal identification document indicated in the statement of support, as specified in point 2 of Part C of Annex III. |

(2) The competent authorities shall, within a period not exceeding three months from receipt of the request, verify the statements of support submitted on the basis of appropriate checks, in accordance with national law and practice, as appropriate. On that basis they shall deliver to the organisers a certificate in accordance with the model set out in Annex VI, certifying the number of valid statements of support for the Member State concerned.

For the purpose of the verification of statements of support, the authentication of signatures shall not be required.

(3) The certificate provided for in paragraph 2 shall be issued free of charge.

*Article 9*

**Submission of a citizens’ initiative to the Commission**

After obtaining the certificates provided for in Article 8(2), and provided that all relevant procedures and conditions set out in this Regulation have been complied with, the organisers may submit the citizens’ initiative to the Commission, accompanied by information regarding any support and funding received for that initiative. That information shall be published in the register.

The amount of support and funding received from any source in excess of which information is to be provided shall be identical to that set out in Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding.

For the purpose of this Article, the organisers shall make use of the form set out in Annex VII and shall submit the completed form together with copies, in paper or electronic form, of the certificates provided for in Article 8(2).

*Article 10*

**Procedure for the examination of a citizens’ initiative by the Commission**

(1) Where the Commission receives a citizens’ initiative in accordance with Article 9 it shall:

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| a) | publish the citizens’ initiative without delay in the register; |

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| b) | receive the organisers at an appropriate level to allow them to explain in detail the matters raised by the citizens’ initiative; |

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| c) | (c) within four months, set out in a communication its legal and political conclusions on the citizens’ initiative, the action it intends to take, if any, and its reasons for taking or not taking that action. |

(2) The communication referred to in paragraph 1(c) shall be notified to the organisers as well as to the European Parliament and the Council and shall be made public.

*Article 11*

**Public hearing**

Where the conditions of Article 10(1)(a) and (b) are fulfilled, and within the deadline laid down in Article 10(1)(c), the organisers shall be given the opportunity to present the citizens’ initiative at a public hearing. The Commission and the European Parliament shall ensure that this hearing is organised at the European Parliament, if appropriate together with such other institutions and bodies of the Union as may wish to participate, and that the Commission is represented at an appropriate level.

*Article 12*

**Protection of personal data**

(1) In processing personal data pursuant to this Regulation, the organisers of a citizens’ initiative and the competent authorities of the Member State shall comply with Directive 95/46/EC and the national provisions adopted pursuant thereto.

(2) For the purposes of their respective processing of personal data, the organisers of a citizens’ initiative and the competent authorities designated in accordance with Article 15(2) shall be considered as data controllers in accordance with Article 2(d) of Directive 95/46/EC.

(3) The organisers shall ensure that personal data collected for a given citizen’s initiative are not used for any purpose other than their indicated support for that initiative, and shall destroy all statements of support received for that initiative and any copies thereof at the latest one month after submitting that initiative to the Commission in accordance with Article 9 or 18 months after the date of registration of the proposed citizens’ initiative, whichever is the earlier.

(4) The competent authority shall use the personal data it receives for a given citizens’ initiative only for the purpose of verifying the statements of support in accordance with Article 8(2), and shall destroy all statements of support and copies thereof at the latest one month after issuing the certificate referred to in that Article.

(5) Statements of support for a given citizens’ initiative and copies thereof may be retained beyond the time limits laid down in paragraphs 3 and 4 if necessary for the purpose of legal or administrative proceedings relating to a proposed citizen’s initiative. The organisers and the competent authority shall destroy all statements of support and copies thereof at the latest one week after the date of conclusion of the said proceedings by a final decision.

(6) The organisers shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.

*Article 13*

**Liability**

Organisers shall be liable for any damage they cause in the organisation of a citizens’ initiative in accordance with applicable national law.

*Article 14*

**Penalties**

(1) Member States shall ensure that organisers are subject to appropriate penalties for infringements of this Regulation and in particular for:

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| a) | false declarations made by organisers; |

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| b) | the fraudulent use of data. |

(2) The penalties referred to in paragraph 1 shall be effective, proportionate and dissuasive.

*Article 15*

**Competent authorities within the Member States**

(1) For the purpose of the implementation of Article 6(3), the competent authorities designated by the individual Member States shall be responsible for issuing the certificate provided for therein.

(2) For the purpose of the implementation of Article 8(2), the competent authorities designated by the Member States shall be responsible for coordinating the process of verification of statements of support and for delivering the certificates provided for therein.

(3) Member States shall always be obligated to forward the names and addresses of the competent authorities to the Commission.

(4) If necessary, the Commission shall update the list of competent authorities.

*Article 16*

**Amendment of the Annexes**

The Commission may adopt, by means of delegated acts in accordance with Article 17 and subject to the conditions of Articles 18 and 19, amendments to the Annexes to this Regulation within the scope of the relevant provisions of this Regulation.

*Article 17*

**Exercise of the delegation**

(1) The power to adopt the delegated acts referred to in Article 16 shall be conferred on the Commission for an indeterminate period of time.

(2) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

(3) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 18 and 19.

*Article 18*

**Revocation of the delegation**

(1) The delegation of power referred to in Article 16 may be revoked at any time by the European Parliament or by the Council.

(2) The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

(3) A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. It shall be published in the *Official Journal of the European Union.*

*Article 19*

**Objections to delegated acts**

(1) The European Parliament or the Council may object to the delegated act within a period of two months from the date of notification. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

(2) If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the *Official Journal of the European Union* and shall enter into force on the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

(3) If either the European Parliament or the Council objects to a delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

*Article 20*

**Committee**

(1) For the purpose of the implementation of Article 6(5), the Commission shall be assisted by a committee.

(2) Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

*Article 21*

**Notification of national provisions**

Each Member State shall notify to the Commission the specific provisions it adopts in order to implement this Regulation.

The Commission shall inform the other Member States thereof.

*Article 22*

**Review**

Every three years, the Commission shall present to the European Parliament and the Council a report on the application of this Regulation.

*Article 23*

**Entry into force and application**

This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*.

It shall apply from … … 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, … … 2020

1. The repealing of Regulation (EU) 211/2011 [“Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens’ initiative”]. The regulation entered into force on 1 April 2012 and is directly applicable in all Member States.

Commission Implementing Regulation (EU) No 1179/2011 of 17 November 2011 sets forth the detailed technical rules applicable to online collection systems.

Chapter IV of Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens’ Initiative, and the Referendum Procedure lays down the rules necessary for implementation of the Regulation in Hungary. [↑](#footnote-ref-1)