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INST 119  
DELECT 35

**COVER NOTE**

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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 31 March 2015

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 31.3.2015  
amending Annexes III, V and VII of Regulation No 211/2011 of the  
European Parliament and of the Council on the citizens' initiative

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Delegations will find attached Commission document C(2015) 2146 final.

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Encl.: C(2015) 2146 final



Brussels, 31.3.2015  
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**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 31.3.2015**

**amending Annexes III, V and VII of Regulation No 211/2011 of the European  
Parliament and of the Council on the citizens' initiative**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE DELEGATED ACT**

#### 1. Amendment of Annex III to Regulation (EU) No 211/2011 on the citizens' initiative

Article 5 (1) of the Regulation provides that organisers of citizens' initiatives shall only use forms which comply with the models set out in Annex III of the Regulation for collecting statements of support from signatories.

In accordance with these forms, signatories have to provide different data depending on the Member State they come from. These data correspond to the data that are necessary for the purposes of the verification of the statements of support by the Member State concerned in accordance with Article 8 of the Regulation.

Amendments to Annex III may be adopted by the Commission, by means of delegated acts, within the scope of the relevant provisions of the Regulation and taking into account information forwarded to the Commission by the Member States as set out in recital 12 of the Regulation.

The Commission decided to adopt this delegated act to modify Annex III following the requests received from three Member States concerning their respective requirements:

- Malta requested to add the residence document in their list of personal identification numbers/document numbers available in Part C of Annex III.
- Sweden requested that provision of the dates of birth and places of birth of the signatories be removed from their data requirements.
- Latvia requested that provision of the names at birth, dates of birth and places of birth of the signatories be removed from their data requirements.

In addition, the privacy statement included in the forms is modified by this delegated act in order to specify that the signatories' data are provided to the organisers of the proposed initiative concerned.

#### 2. Amendment of Annex V to Regulation (EU) No 211/2011 on the citizens' initiative

Article 8(1) of the Regulation provides that after collecting the necessary statements of support in accordance with Articles 5 and 7, the organisers shall submit the statements of support to the relevant competent authorities referred to in Article 15 for verification and certification. For that purpose they shall use the form set out in Annex V.

For the time being, Annex V does not allow the relevant competent authorities to know if the organisers of a proposed initiative have collected the necessary statements of support, i.e. at least one million statements of support as well as the minimum thresholds in seven Member States at least, before submitting their request for verification and certification of statements of support.

Therefore, this delegated act requires that organisers provide in Annex V the following additional information:

- Total number of collected statements of support;
- Number of Member States where the threshold has been reached.

Furthermore, organisers should confirm that they have collected the statements of support according to Article 5 of the Regulation.

Experience has also shown that requiring the two contact persons (the representative and the substitute residing in two different countries) to sign the form is cumbersome for the organisers. Only one contact person (the representative or the substitute) should be required to sign the form.

### 3. Amendment of Annex VII to Regulation (EU) No 211/2011 on the citizens' initiative

Annex VII is also simplified so that only one contact person is required to sign the form. In line with Article 9 of the Regulation, this contact person should also confirm that all relevant procedures and conditions set out in the Regulation have been complied with.

## 2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Public consultations were not deemed necessary for the following reasons:

- the modifications to Annex III requested by the Member States are necessary to reflect the fact that the provision by signatories of personal data, including a personal identification (document) number, must be required as far as may be needed in order to allow for the verification of statements of support by the Member States, in accordance with national law and practice and with due respect for the principle that personal data must be adequate, relevant and not excessive in relation to the purposes for which they are collected (recital 13 of the Regulation);

- in particular, the modification requested by Malta extends the possibility to support initiatives for citizens of the Union living outside their country of nationality, which improves the implementation of the Regulation without affecting any of its other elements. The modifications requested by the two other Member States simplify the statement of support form for the signatories concerned;

- the elements introduced in Annex V aim to make the form consistent with the requirements set out in Article 8(1) of the Regulation;

- the removal of the requirement of the signature by the two contact persons in Annexes V and VII simplifies the procedure for organisers of initiatives.

Member States have been consulted via the Commission expert group on the citizens' initiative. Their views have been taken into account in this delegated act. European Parliament experts have also participated in the relevant meeting of the Commission expert group and have been provided with full information and documentation on the meeting, in line with the specific arrangements laid down in the Framework Agreement between the European Parliament and the Commission.

## 3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 16 of the Regulation stipulates that the Commission may adopt, by means of delegated acts, in accordance with Article 17 and subject to the conditions of Articles 18 and 19 of the Regulation, amendments to the Annexes to the Regulation within the scope of the relevant provisions of the Regulation.

Recital 12 of the Regulation sets out that the Commission should be empowered to modify Annex III, taking into account information forwarded to it by the Member States.

Recital 13 of the Regulation stipulates that with due respect for the principle that personal data must be adequate, relevant and not excessive in relation to the purposes for which they are collected, the provision of personal data is required as far as may be needed in order to

allow for the verification of statements of support by the Member States, in accordance with national law and practice.

Given the need to adapt Annexes V and VII to clarify and facilitate the request for verification and certification of statements of support and the submission of an initiative to the Commission, and following the three requests for modifications of Annex III received from Member States in line with the provisions of the Regulation, the Commission decided to adopt this delegated act.

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 31.3.2015**

**amending Annexes III, V and VII of Regulation No 211/2011 of the European Parliament and of the Council on the citizens' initiative**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative<sup>1</sup> and in particular Article 16 thereof,

Whereas:

- (1) Three Member States requested modifications in the data required in the forms set out in Annex III to Regulation (EU) No 211/2011.
- (2) The information in Annexes III, V and VII needs to be amended to clarify or facilitate the procedures concerned.
- (3) As regards amendments to Annex III, the Commission should take into account information forwarded to it by the Member States.
- (4) Several organisers of initiatives registered with the Commission are currently collecting statements of support in accordance with Article 5 of Regulation (EU) No 211/2011. Therefore, it is necessary to allow them to use both the forms set out in Annex I to this Regulation and the forms in their previous version set out in Annex II to Commission Delegated Regulation No 887/2013<sup>2</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 211/2011 is amended as follows:

- 1) Annex III is replaced by the text set out in Annex I to this Regulation.
- 2) Annex V is replaced by the text set out in Annex II to this Regulation.
- 3) Annex VII is replaced by the text set out in Annex III to this Regulation.

*Article 2*

Forms complying with Annex III of Regulation (EU) No 211/2011 as amended by Regulation (EU) No 887/2013 may continue to be used for the collection of statements of support from signatories for proposed citizens' initiatives which have been registered in accordance with

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<sup>1</sup> OJ L 65, 11.3.2011, p. 1.

<sup>2</sup> OJ L 247, 18.9.2013, p. 11.

Article 4 of Regulation (EU) No 211/2011 before the date of entry into force of this Regulation.

*Article 3*

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

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

Done at Brussels, 31.3.2015

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*