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'I' ITEM NOTE

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| From: | Presidency |
| To: | Permanent Representatives Committee (Part 2) |
| No. Cion doc.: | 12307/17 + ADD 1-2 + COR 1 |
| No. prev. doc.: | 14572/18 |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council on the European citizens' initiative – Mandate for negotiations with the European parliament |

1. The European Citizens' Initiative (ECI) is a right enshrined in Article 11(4) of the Treaty on European Union and aims to enhance citizens' participation in the democratic life of the European Union by allowing them to request the Commission directly to submit a proposal for legal acts of the Union for the purpose of implementing the Treaties.
2. On 13 September 2017, the Commission adopted a proposal for a Regulation on the European Citizens' Initiative which should replace Regulation (EU) No 211/2011 to improve the functioning of the ECI by making it more accessible, less burdensome and more user-friendly so that it can achieve its full potential as a crucial instrument for citizen participation at European level.
3. The European Social and Economic Committee delivered its opinion at its plenary session on 14 March 2018.

4. The Committee of Regions delivered its opinion at its plenary session on 22-23 March 2018.
5. On 5 July 2018, the EP approved a report concerning the above proposal, and gave the AFCO Committee a mandate to enter into negotiations with the Council.
6. Following two informal trilogues and seven technical meetings where provisional agreement has been reached on a substantial number of issues, the Presidency has proposed a compromise package on a set of key issues still under discussion (doc. 13851/18). On 20 November, the General Affairs Working Party reached a broad agreement on the compromise package as proposed by the Presidency.
7. The Permanent Representatives Committee is invited to approve the compromise texts as set out in the Annex to this Note, with a view to a third trilogue meeting on 29 November 2018.

1) Age entitling to support ECI (Article 2, Recital 7)

Recital 7

(7) It is appropriate to set a minimum age for supporting an initiative [...], **which should correspond to the age at which citizens are entitled to vote in elections to the European Parliament.** In order to enhance the participation of young European citizens in the democratic life of the European Union and thus achieve the full potential of the European citizens' initiative as an instrument of participatory democracy, Member States which consider it appropriate should be able to lower the minimum age for supporting an initiative to 16 years and should inform the Commission accordingly. The periodic reviews on the functioning of the European Citizens' Initiative should also cover the developments on this issue.

Article 2

Right to support a European citizens' initiative

Every citizen of the Union who is at least **of the age to be entitled to vote in elections to the European Parliament** shall have the right to support an initiative by signing a statement of support ('the signatory'), in accordance with this Regulation.

Member States may lower the minimum age entitling to support an initiative to 16 years, in accordance with their national laws, and in such a case they shall inform the Commission accordingly.

2) Individual online collection systems (IOCS)

Recital 20

(20) **To facilitate the transition to the new central on-line collection system**, a group of organisers should continue to have the possibility to set-up its own online collection systems [...] **and to collect statements of support through this system for initiatives registered in accordance with Article 6 by 31 December 2021**. The group of organisers should use a single individual online collection system for each initiative. Individual online collection systems set up and operated by a group of organisers should have adequate technical and security features in order to ensure that the data are securely collected, stored and transferred throughout the procedure. For that purpose, the Commission should set out detailed technical specifications for the individual online collection systems, in cooperation with the Member States. The Commission may seek advice of the European Union Agency for Network and Information Security (ENISA) which assists the Union institutions in developing and implementing policies related to security of network and information systems.

Article 26

Entry into force and applicability

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 1 January 2020.

However Articles 9(4), 10, **11(5)** and 19 to 23 shall apply from the entry into force of this Regulation.

Article 11 [+ all related provisions]¹ shall apply only to initiatives registered in accordance with Article 6 by 31 December 2021.

¹ Please note that there might be a need to adjust the relevant provisions related to Article 11 due to the insertion of the transitional period.

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

Article 10

Central online collection system

5a. The Commission shall consult stakeholders on further developments and improvements of the central online collection system to take into account their suggestions and concerns.

Article 11

Individual online collection systems

kept (+ all related provisions in the proposal and its Annexes)

3) **ECI lifecycle**

Recital 7

(17) Statements of support for an initiative should be collected within a specific time limit. In order to ensure that an initiative remains relevant, whilst taking into account the complexity of collecting statements of support across the Union, that time limit should not be longer than 12 months from the date of the start of the collection period determined by the group of organisers. **The group of organisers should have the possibility to choose the start date of the collection period within six months from the registration of the initiative. The group of organisers should inform the Commission of the date chosen at the latest ten working days before that date. To ensure coordination with the national authorities, the Commission should inform the Member States of the date communicated by the group of organisers.**

Article 6(4)

.....

In that case, the group of organisers may either amend the initiative to take into account the Commission's assessment to ensure that the initiative is in conformity with the requirement laid down in **point (c) of** paragraph 3[...] or maintain or withdraw the initial initiative. The group of organisers shall inform the Commission of its choice within *two* months of the receipt of the Commission's assessment giving the reasons thereof, and shall, as the case may be, transmit amendments to the information referred to in Annex II to replace the initial initiative.

Article 8(1)

1. All statements of support shall be collected within a period not exceeding 12 months from a date chosen by the group of organisers (the 'collection period') **without prejudice to Article 11(6)**. That date must be not later than *six* months from the registration of the initiative in accordance with Article 6.

Article 15(2)

2. Within *six* months of the publication of the initiative in accordance with Article 14(1), and after the public hearing referred to in Article 14(2), 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.

Article 24

Review

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 this Regulation no later than **four** years from the date of application of this Regulation, and every **four** years thereafter. The reports shall be made public.

Article 26

Entry into force and applicability

....

However Articles 9(4), 10, **11(5)** and 19 to **23** shall apply from the entry into force of this Regulation.

.....

4) **Translations (Article 4(4))**

Presidency suggests the following way forward²:

1) The Commission shall provide the translation of the content of that initiative, including its annex, into all the official languages of the Union, within the limits set out in Annex II (i.e. a maximum of 1200 + 5000 characters);

2) a group of organisers may, in addition, provide translations into all the official languages of the Union of the draft legal act referred to in Annex II and submitted in accordance with Article 6(2). These translations shall be the responsibility of the group of organisers.

² The text of the relevant provisions will be finalised at technical level and circulated to delegations in due time.

5) **Minority languages (Recital 11)**

Recital 11

(11) **In order to make European citizens' initiatives more inclusive and visible, organisers can use for their own promotion and communication activities languages other than the official languages of the Union which, in accordance with the Member States' constitutional order, have official status in all or part of their territory.**

6) **Public hearing**

Article 14(2)

.....

[...] The Commission and the Council, as well as other institutions and advisory bodies of the Union, the national parliaments, and civil society, shall be given the opportunity to attend the hearing.