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COVER NOTE

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

date of receipt: 23 July 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 23.7.2019
replacing Annex I to Regulation (EU) 2019/788 of the European Parliament
and of the Council on the European citizens' initiative

Delegations will find attached document C(2019) 5402 final.

Encl.: C(2019) 5402 final



Brussels, 23.7.2019
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COMMISSION DELEGATED REGULATION (EU) .../...

of 23.7.2019

**replacing Annex I to Regulation (EU) 2019/788 of the European Parliament and of the
Council on the European citizens' initiative**

EXPLANATORY MEMORANDUM

This delegated act aims to ensure compliance of Annex I to Regulation (EU) 2019/788 on the European citizens' initiative⁽¹⁾ with the provisions of the European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament⁽²⁾.

1. CONTEXT OF THE DELEGATED ACT

Annex I to Regulation (EU) 2019/788 provides the minimum number of required signatories per Member State. Such minima shall be reached in at least one quarter of Member States.

The numbers set out in Annex I correspond to the number of Members of the European Parliament elected in each Member State in a given parliamentary term multiplied by the total number of Members of the European Parliament. These numbers currently reflect the composition of the European Parliament as defined in Article 3 of the European Council Decision 2013/312/EU⁽³⁾.

On 28 June 2018, the European Council adopted Decision (EU) 2018/937 establishing the composition of the European Parliament which shall apply to the 2019-2024 parliamentary term. It anticipates the withdrawal of the United Kingdom from the European Union and increases the numbers of members of the European Parliament for Denmark, Estonia, Ireland, Spain, France, Croatia, Italy, Netherlands, Austria, Poland, Romania, Slovakia and Finland.

The 2019-2024 parliamentary term begins on 2 July 2019.

The minima set out in Annex I need to be revised accordingly.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Given that the Commission has no margin of discretion with regard to the relevant modifications, public consultations, an impact assessment and the publication of the draft act for stakeholder feedback are not necessary.

The adjustment to be made in Annex I as per Article 3(1)b) of Regulation (EU) 2019/788 must be a strict reflection of the modification made to the composition of the European Parliament by the European Council Decision mentioned above. The delegated act thus faithfully records the adjustment that has been made by the said Decision.

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

⁽¹⁾ OJ L 130, 17.5.2019, p. 55.

⁽²⁾ OJ L 165 I, 2.7.2018, p.1.

⁽³⁾ European Council Decision 2013/312/EU of 28 June 2013 establishing the composition of the European Parliament (OJ L 181, 29.6.2013, p. 57).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 23 of Regulation (EU) 2019/788 stipulates that the Commission is empowered to adopt delegated acts to amend the Annexes to this Regulation within the scope of the provisions of this Regulation relevant to those Annexes. The relevant procedure is further defined in Article 24 of Regulation (EU) 2019/788.

Article 3(1)(b) of Regulation (EU) 2019/788 provides that one of the conditions of validity of an initiative is that in at least one quarter of Member States, the number of signatories is at least equal to the minimum number of citizens set out in Annex I, at the time of registration of the proposed citizens' initiative. These minimum numbers correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by the total number of Members of the European Parliament.

Decision (EU) 2018/937 sets out the composition of the European Parliament for the 2019-2024 parliamentary term.

Given the need to replace Annex I, the Commission decided to adopt this delegated act.

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

of 23.7.2019

replacing Annex I to Regulation (EU) 2019/788 of the European Parliament and of the Council on the European citizens' initiative

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative⁽¹⁾ and in particular Article 23 thereof,

Whereas:

- (1) Article 3(1)(b) of Regulation (EU) 2019/788 provides that one of the conditions of validity of an initiative is that in at least one quarter of Member States, the number of signatories is at least equal to the minimum number of citizens set out in Annex I, at the time of registration of the proposed citizens' initiative. These minimum numbers correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by the total number of Members of the European Parliament.
- (2) On 29 March 2017, the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union.
- (3) On 28 June 2018 the European Council adopted Decision (EU) 2018/937 establishing the composition of the European Parliament⁽²⁾. That Decision, which entered into force on 3 July 2018, sets out the number of representatives in the European Parliament elected in each Member State for the 2019-2024 parliamentary term, which begins on 2 July 2019.
- (4) On 22 March 2019, by Decision (EU) 2019/476, the European Council in agreement with the United Kingdom decided to extend the period under Article 50(3) TEU until 22 May 2019 in the event that the House of Commons approved the Withdrawal Agreement by 29 March 2019, or, if that were not to be the case, until 12 April 2019. The House of Commons did not approve the Withdrawal Agreement by 29 March 2019. On 11 April 2019, by Decision (EU) 2019/584 the European Council, in agreement with the United Kingdom, decided to further extend that period until 31 October 2019.
- (5) In order to mirror the rules contained in Decision (EU) 2018/937 with regard to the minimum number of signatories set out in Annex I of Regulation (EU) 2019/788, it is

⁽¹⁾ OJ L 130, 17.5.2019, p. 55.

⁽²⁾ OJ L 165 I, 2.7.2018, p. 1.

appropriate to replace Annex I to Regulation (EU) 2019/788. That amendment should apply from the date at which Regulation (EU) 2019/788 becomes applicable, that is to say, on 1 January 2020. However, should the withdrawal of the United Kingdom from the European Union take place after that date, the amendment would become applicable after the withdrawal.

(6) Annex I to Regulation (EU) 2019/788 should therefore be replaced,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2019/788 is replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2020 or from the day following that on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) of the Treaty on European Union, whichever is the later.

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

Done at Brussels, 23.7.2019

For the Commission
The President
Jean-Claude JUNCKER