

MAROŠ ŠEFCOVIČ
VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 16 January 2014
ARES(2014) 183660

Dear Minister,

Thank you for your letter dated 12 December 2013 expressing your concern as regards the need for improving guidance to citizens on the registration of European Citizens' Initiatives.

Many proposed initiatives have to be refused because the legal criteria set out in Article 4(2) of the Regulation on the citizens' initiative¹ (hereinafter: the "Regulation") are not fulfilled. The Commission has been fully committed to provide guidance to organisers, within the legal framework provided by the Regulation.

For instance, the Commission website for the citizens' initiative provides extensive information on the registration criteria, in particular on the Commission's powers². The Commission also publishes the refusal letters sent to the organisers whose proposed initiatives did not comply with the registration criteria³.

In addition, in line with the Regulation, the Commission has established a point of contact for information and assistance. This point of contact is based on Europe Direct, a service which answers questions in all official EU languages via email, telephone and chat. Europe Direct is supported by the Commission services, which are consulted on the complex questions that cannot be answered directly. This type of consultation often takes place for questions related to the registration criteria set out in the Regulation, in particular the ones related to the Commission's powers.

In your letter you suggest that the Commission provide more elaborate answers to refused registration requests, including, if possible, an assessment of which parts of the initiative in question may fall within or outside the Commission's powers to submit a proposal for a legal act.

*Nick Hækkerup
Minister for Trade and European Affairs
Ministry of Foreign Affairs
Asiatisk Plads 2
DK-1448 Copenhagen K*

¹ Regulation (EU) No 211/2011 on the citizens' initiative

² <http://ec.europa.eu/citizens-initiative/public/competences>; <http://ec.europa.eu/citizens-initiative/public/competences/faq>

³ <http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered>

It is important to note that Commission answers are legal decisions adopted in accordance with Article 4(3) of the Regulation. As required by the Regulation, the letters should provide grounds for the refusal of registration and identify the possible judicial and extrajudicial remedies available to the organisers. It would not be appropriate to provide guidance to organisers in this context.

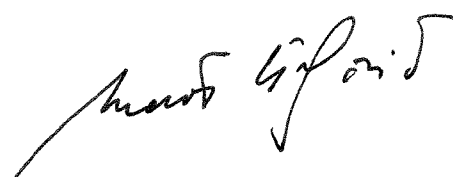
In line with the registration criteria, if a proposed citizens' initiative aims at the adoption of several legal acts (or of one legal act including several distinct components), it cannot be registered if one of these legal acts (or components) does not fulfil the criteria. The Commission is not required to respond to whether or to what extent the other components of the proposed initiative meet these criteria.

The said Regulation does not allow for the registration of only one or several parts of a proposed initiative. This legal situation reflects the need for the Commission to respect the autonomous will of the organisers of a proposed citizens' initiative. The latter would be disregarded if the Commission were entitled to modify the content of a proposed initiative on its own initiative by registering only one or several parts thereof.

More generally, when providing guidance to organisers on the registration criteria, the Commission may give indications on the existence or not of a legal basis in the EU Treaties. It must refrain from advising on the wording of the proposed initiative. This must fully remain in the hands of the organisers.

Please be assured that we will continue to work on improving the guidance provided to organisers and on informing the citizens about the means available to them when preparing a citizens' initiative, so that citizens can fully exploit the opportunities offered by this participatory democracy instrument.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Martin Gifford". The signature is written in a cursive style with a long, sweeping underline that extends to the left.