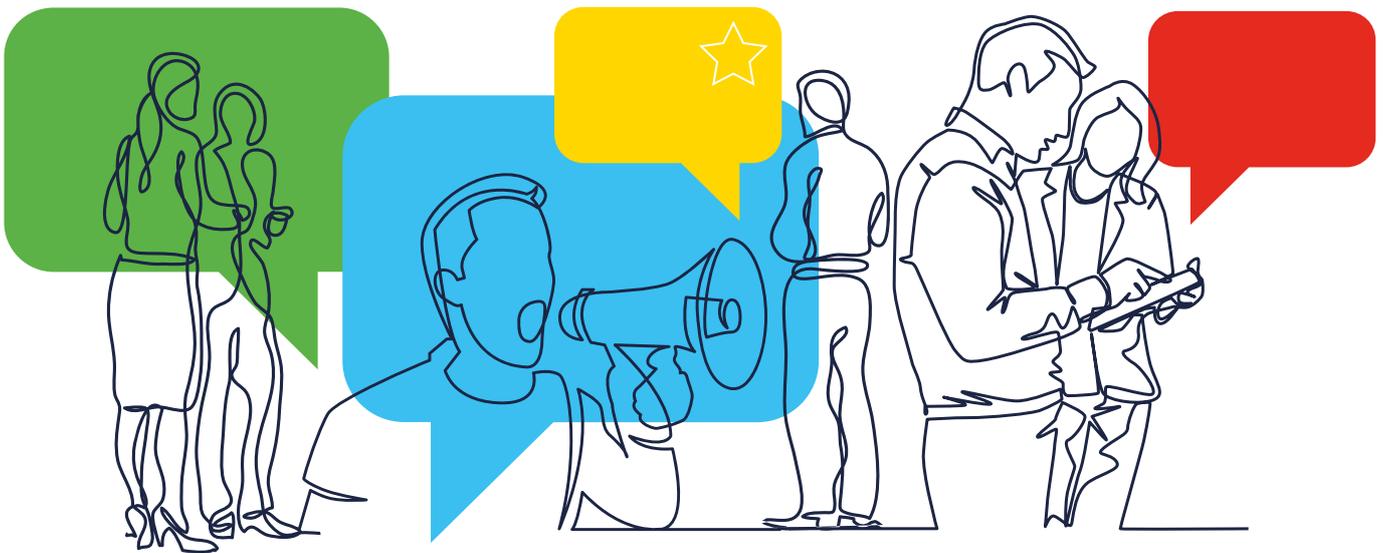




EUROPEAN CITIZENS' INITIATIVE

How to draft a European citizens' initiative



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1

Registering your European citizens' initiative

The European Citizens' Initiative gives citizens of the EU the unique opportunity to directly place their interests at the heart of European policy-making by asking the European Commission (the Commission) to propose legislation on a matter of its competence. If the initiative is successful in gathering 1 million statements of support, the Commission may decide to propose a legal act. Then a legislative procedure starts, in which the European Parliament and the Council of the European Union in most cases co-decide (in some cases, only the Council decides).

As an initiative organiser, the first step will be to get your proposed initiative registered by the Commission. Registration can only take place if the proposal satisfies the following four conditions:

- the group of organisers has been formed and the contact persons designated. Optionally, a legal entity has been created for the purpose of managing the initiative and the representative of the group of organisers has been mandated to act on behalf of the legal entity;
- the proposed initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;
- the proposed initiative is not manifestly abusive, frivolous or vexatious;
- the proposed initiative is not manifestly contrary to the EU values as set out in Article 2 of the Treaty on European Union, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities as well as pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men and in the Charter of Fundamental Rights of the EU.

All initiatives which have been refused registration so far have been identified to fall “‘manifestly outside’ the Commission’s powers. Refusal decisions can be consulted on the Commission website.

This guidance note will give you advice on how to draft your proposed initiative and help you get some knowledge on the framework of the Commission’s powers which is important to make sure that your initiative can be registered.



2

Drafting your European citizens' initiative

The following tips will guide you through the sections you will be asked to provide in order to register your initiative. This information will also be public on the [European Citizens' Initiative website](#) once the registration of your initiative is confirmed. The **Commission will provide the translation of the content of the initiative** (title and objectives), including the annex of max. 5000 characters, into all the official languages of the Union.

| Title (max. 100 characters):

The title will probably be the last step you will think about when preparing your initiative, mainly once you have a clearer idea of your proposal. However, it is essential to put some thought on the title of your initiative as it will be part of your 'branding' together with a visual identity (e.g. logo).

Gathering one million signatures will be a challenge especially because you will also need to convince citizens who are not familiar with the subject of your initiative. Having an attractive title can be a gamechanger especially when trying to capture citizens' first attention to your cause.

| Objectives (max. 1 100 characters without spaces):

You will need to specify what 'legal act of the Union' you want the Commission to propose:

- This must be in a policy area where the Commission has competence.
- This may be binding legislation or a non-binding act (e.g. a Recommendation).

Remember: in some areas, binding legislation cannot entail harmonisation of Member States' laws.



Tips

- Consider making both a short version and a long version of your title - your initiative may be quite technical, so a short title would not be enough to explain it in a comprehensive manner. However, a short version is important especially for social media / campaigning purposes.
- Consider how the title will be translated in other languages –don't forget you will need to be as convincing as possible to citizens not only in your language but also other European languages!
- Don't wait till the very last moment to decide on the title – if you want to consult your partners on the title, start the process immediately as it might take a while for everyone to agree on it.

You must clearly (and briefly) articulate the main objectives to be achieved from the proposed initiative. The main objectives should make clear what outcomes are sought by the proposed initiative. For example:

- ECI ‘End Ecocide in Europe: A Citizens’ Initiative to give the Earth Right’:
“1. Criminalise Ecocide and ensure that natural and legal persons can be held responsible for committing Ecocide according to the principle of superior responsibility. 2. Prohibit and prevent any Ecocide on European territories or maritime territories falling under EU legislation, as well as acts outside the EU committed by EU registered legal persons or EU nationals. 3. Provide for a period of transition to facilitate a sustainable economy”

| What are the competences of the EU?

The competences of the Union are defined in the EU Treaties (Articles 2-6 of the Treaty on the functioning of the European Union – TFEU).

Exclusive competence (see Article 3 TFEU)	Shared competence (see Article 4 TFEU)	Competence to support, coordinate or supplement actions of the Member States (see Article 6 TFEU)	Competence to provide arrangements within which EU Member States must coordinate policy (see Article 5 TFEU)
<ul style="list-style-type: none"> • customs union • the establishing of the competition rules necessary for the functioning of the internal market • monetary policy for the member states whose currency is the euro • conservation of marine biological resources under the common fisheries policy • common commercial policy • concluding international agreements: <ul style="list-style-type: none"> - when their conclusion is required by a legislative act of the EU - when their conclusion is necessary to enable the EU to exercise its internal competence - in so far as their conclusion may affect common rules or alter their scope. 	<ul style="list-style-type: none"> • internal market • social policy, limited to the aspects defined in the TFEU • economic, social and territorial cohesion • agriculture and fisheries, excluding the conservation of marine biological resources • environment • consumer protection • transport • trans-European networks • energy • area of freedom, security and justice • common safety concerns in public health matters, limited to the aspects defined in the TFEU • research, technological development and space • development cooperation and humanitarian aid 	<ul style="list-style-type: none"> • protection and improvement of human health • industry • culture • tourism • education, vocational training, youth and sport • civil protection • administrative cooperation <p>Legally binding EU acts in these areas cannot imply the harmonisation of national laws or regulations.</p>	<ul style="list-style-type: none"> • economic policy • employment • social policies



Tip

- keep your objectives clear and focused!

The provisions of the Treaties you consider relevant for the proposed action:

You must identify one or several Treaty provisions that empower(s) the Commission to act within the relevant competence.

Policy areas	Treaty articles (TFEU*, unless provided otherwise)
<u>Agriculture and fisheries</u>	<u>Articles 38 – 44</u>
<u>Budget</u>	<u>Articles 310 – 324</u>
<u>Civil protection</u>	<u>Article 196</u>
<u>Competition</u>	<u>Articles 101 – 109</u>
<u>Consumer protection</u>	<u>Article 169</u>
<u>Culture</u>	<u>Article 167</u>
<u>Customs</u>	<u>Articles 30 – 33</u>
<u>Development and cooperation</u>	<u>Articles 208 – 213</u>
<u>Economic and monetary policies</u>	<u>Articles 119 – 144</u>
<u>Education, training, youth and sport</u>	<u>Articles 165 – 166</u>
<u>Employment and social affairs</u>	<u>Articles 145 – 161</u>
<u>Energy</u>	<u>Article 194</u>
<u>Enlargement</u>	<u>TEU* – Article 49, Article 212</u>
<u>Environment and climate action</u>	<u>Articles 191 – 193</u>
<u>External trade</u>	<u>Articles 206 – 207</u>
<u>Fight against fraud</u>	<u>Articles 325</u>
<u>Food safety</u>	<u>Articles 43, 168 – 169</u>
<u>Free movement:</u>	
Persons	<u>Articles 45 – 55</u>
Services	<u>Articles 56 – 62</u>
Capital	<u>Articles 63 – 66</u>
<u>Humanitarian aid</u>	<u>Article 214</u>
<u>Industry and enterprise</u>	<u>Article 173</u>
<u>Information society</u>	<u>Articles 179 – 190</u>
<u>Internal market and free movement of goods</u>	<u>Articles 26 – 29, 114, 115</u>
<u>Justice, freedom and security</u>	<u>Articles 67 – 89</u>
Policies on border checks, asylum and immigration	<u>Articles 77 – 80</u>
Judicial cooperation	<u>Articles 81 – 86</u>
Police cooperation	<u>Articles 87 – 89</u>
<u>Non-discrimination and citizenship</u>	<u>Articles 18 – 25</u>
<u>Public health</u>	<u>Article 168</u>
<u>Regional policy – Economic, social and territorial cohesion</u>	<u>Articles 174 – 178, Articles 162 – 164</u>
<u>Research and innovation</u>	<u>Articles 179 – 190</u>
<u>Taxation</u>	<u>Articles 110 – 113</u>
<u>Tourism</u>	<u>Article 195</u>
<u>Transport</u>	<u>Articles 90 – 100</u>

NB: This list covers the broad policy areas set out in the EU Treaties and may not be exhaustive. Please consult the full text of the Treaties for more information.

TFEU = Treaty on the Functioning of the European Union TEU = Treaty on European Union

The above text is intended as a guide to help potential organisers of citizens' initiatives. It is not legally binding on the European Commission. It does not claim to be exhaustive and does not represent an official interpretation of the text of the Treaties.

Although you should provide in the Commission's online register the **provisions of the Treaties** you consider relevant for the proposed action, in practice **your initiative will be registered even if** you provide provisions which are not correct, **as far as the initiative fulfils the above conditions, in particular that it does not fall manifestly outside the framework of the Commission's powers to submit a proposal for a legal act of the Union.**

If however your initiative falls manifestly outside the framework of the Commission's powers, the Commission will inform you about its assessment and you will be able to **amend and re-submit your initiative** in conformity with the requirements.

Your initiative can also be **partially registered** if part of it, including its main objectives, does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union. In such a case, you will be able to collect statements of support only in relation to the scope of the registration.

| Optional information:

If you want to provide more detailed information on the subject, objectives and background to your initiative, you can add:

- an annex using the appropriate field (max 5 000 characters);
- additional information including more detailed background information (to be uploaded);
- a draft legal act (to be uploaded).

Please, note that the **translation of the additional information** on the initiative and, if any, of the **draft legal act** will not be provided by the Commission and is the **responsibility of the group of organisers.**

Several organisers have decided to provide additional information in a document attached to their initiatives, including three of those that reached one million signatures, for example:

- Cohesion policy for the equality of the regions and sustainability of the regional cultures
- Stop Vivisection
- Ban glyphosate and protect people and the environment from toxic pesticides
- European Initiative for Media Pluralism

You can shape the document as you prefer to explain and strengthen your initiative and its objective. There are no limits in characters or images provided the file is a maximum of 5 MB.



Draft legal acts are far less common but have been included in some initiatives, for example:

- [Europe CARES - Inclusive Quality Education for Children with Disabilities](#)
- [One of us](#)
- [Mum, Dad and Kids](#)
- [Stop Plastic in the Sea](#)

All these additional elements can help you communicate the objectives of your initiative during the initial registration phase, during the collection of statements of support and in the final examination phase by the Commission.

If your initiative manages to gather 1 million signatures, the Commission will start the examination phase, which will take into account all the content as registered, including the annex, additional information, including the draft legal act. Hence, it is important that you include all the information you want the Commission to consider already at the registration phase because you will not have the opportunity to add these optional details at a later stage!

If you need tailor-made and independent advice or assessment on whether your initiative does not fall manifestly outside the Commission's powers, go to the Seek advice section of the European Citizens' Initiative Forum and submit an enquiry. You will receive personalised advice within a maximum of eight working days.



Tips

- Check for Treaty articles which can be used as a valid legal basis for the Commission to propose an EU legal act. Examples for a few initiatives (based on Commission decisions on registration): 'We are a welcoming Europe, let us help!': Article 77(2)(b), Article 78(2), Article 79(2), Article 82(2)(c) and Article 83(1) and (2) TFEU; 'Stop extremism': Article 114, Article 153, Article 19 TFEU
- Read the Treaty articles carefully. Articles which refer to a 'legislative procedure' (ordinary or special) can be used for an initiative unless the article specifically mentions that an institution other than the Commission makes the proposal. Other articles explicitly mentioning that the Commission is responsible for making a proposal can also be used.
- Remember: listing multiple articles will not necessarily help to get registered!
- Review the successfully registered initiatives for further ideas as well as those for which registration was refused.

The information provided is independent and cannot be considered to be the opinion of the European Commission or of any other EU or national institutions. The Commission cannot be held responsible for any use which may be made of the information contained therein.