

**Follow up to the European Parliament resolution on the European Citizens' Initiative,  
adopted by the Commission on 2 February 2016**

- 1. Rapporteur:** György SCHÖPFLIN (EPP/HU)
- 2. EP reference number:** A8-0284/2015 / P8\_TA-PROV(2015)0382
- 3. Date of adoption of the resolution:** 28 October 2015
- 4. Subject:** European Citizens' Initiative
- 5. Competent Parliamentary Committee:** Committee on Constitutional Affairs (AFCO)
- 6. Brief analysis/assessment of the resolution and requests made in it:**

The resolution outlines the Parliament's position regarding the implementation of the European Citizens' Initiative (ECI) after three years of the entry into application of Regulation (EU) No 211/2011 (ECI Regulation). The resolution contains a number of observations, suggestions and calls for action in many different areas concerning the implementation of the ECI which can be grouped as follows: (i) actions which could be implemented under the current legal instrument; and (ii) calls for the revision of the ECI Regulation and its specific provisions.

The requests, which could to a certain extent be implemented under the existing legal instrument, concern primarily the following areas: (i) advice and support to organiser as regards registration of proposals; (ii) measures to improve the current online collection tools; (iii) simplification of personal data requirements, subject to Member States agreement; (iv) communication and awareness raising in view of promoting the ECI tool; and (v) funding to support the organisation of ECIs.

On the other hand, the resolution calls on the Commission to submit, as soon as possible, a proposal to revise the ECI Regulation. The Parliament also calls for the revision of a number of specific provisions under the Regulation including *inter alia* the following: (i) the procedure of the follow-up to a successful ECIs; (ii) citizens' committee and liability of organisers; (iii) lowering the age for support to 16 years; (iv) removal of the automatic link between the registration of an ECI and the beginning of the 12-month collection period; and (v) simplification of the online collection of signatures.

- 7. Response to requests and overview of action taken, or intended to be taken, by the Commission:**

The Commission fully agrees with the Parliament on the importance of the ECI as an instrument of participatory democracy to promote European citizens' involvement in EU policy-making and its potential to bridge the gap between citizens and policymakers. The Commission attaches the utmost importance to the ECI and remains fully committed to improve the functioning of the ECI so that it reaches its full potential.

The Commission adopted on 31 March 2015 its first report on the application of Regulation (EU) No 211/2011 on the citizen's initiative (ECI Regulation) in accordance with the review clause foreseen under Article 22 of this Regulation (COM(2015) 145). The Commission report provided a state of play and assessment of the implementation of the ECI and spelled out a list of challenges identified after the first three years of the implementation of this new legislative and institutional framework. The Parliament resolution is a valuable and timely contribution to the ongoing assessment on how the ECI instrument can be improved and the measures to be implemented to this end.

The resolution can be broadly welcomed as regards the suggestions it contains for improvements to be implemented under the current legislative framework. Many of the points raised by the European Parliament have already been identified in the Commission's own Report on the implementation of the ECI, and the Commission is already implementing, and will continue to implement, measures in several of the areas highlighted in the resolution to improve the functioning of the ECI.

However, the Commission considers that after only three years after its effective entry into application, it is at this point too early to launch a legislative revision of the Regulation. Nevertheless, as part of its ongoing assessment of the functioning of the instrument, the Commission will continue to work in 2016 to further assess the possible need for such a revision at a later stage.

The Commission responds in the following in more detail to the specific requests directed to it in the resolution:

***On paragraph 3:*** The Commission fully agrees on the importance of the ECI as an instrument of participatory democracy allowing for an enhancement of citizens' participation in EU affairs; recalls that a "Union of democratic change" is one of its ten priorities of the current Commission, and fully agrees on the potential of the ECI to contribute to this priority objective.

The Commission fully agrees on the importance of ensuring the right of citizens to use all official languages of the EU, also in the context of the ECI. In application of this principle, it has implemented a number of measures including the following: (i) official information on the ECI instrument made available on the ECI dedicated website is provided in all official EU languages; (ii) replies to questions from citizens and communication with the organisers regarding the proposed ECIs are provided in the EU official language of their choice; (iii) the Commission software for the online collection of statements of support operates in all official EU languages; and (iv) other official information on the instrument such as the "Guide to the European Citizens' Initiative", available in paper version and on the ECI website<sup>1</sup>, and other awareness and communication tools are also made available in all official EU languages.

***On paragraph 4: "[...] calls on the Commission to draw lessons from national experiences of genuinely successful ECIs";***

The Commission will continue to draw lessons from Member States as regards successful experiences in the implementation of participatory democracy mechanisms. It already cooperates actively with the Member States within the experts group on the ECI to identify

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<sup>1</sup> <http://ec.europa.eu/citizens-initiative/public/guide>

solutions and best practices in the implementation of the ECI, for instance as regards the online collection systems. It will also take into consideration new developments and lessons learnt at national level in its assessment of future measures to improve the functioning of the ECI.

***On paragraph 6: "[...] urges the Commission and the Member States, in this connection, to maximise their communication efforts in respect of the instrument in order to bring its existence to the attention of as many citizens as possible and encourage active participation in it";***

***and on paragraph 7: "Calls on the Commission to use all public communication channels to raise awareness, and to take the necessary measures to ensure the transparency of the ECI and facilitate communication relating to current ECIs, for example by creating applications that provide information, send notifications and allow online signing; [...]"***

The Commission fully recognises the need of further awareness raising and improving the communication on the ECI and is constantly striving to implement measures in this field including: (i) the ECI register and dedicated website available in all EU languages which is constantly updated and currently undergoing further improvement; (ii) the development of new functionalities in the open-source software provided free of charge; and (iii) other communication actions and tools such as guidelines, brochures and support as regards official information on the ECI. The Commission is currently assessing how to further develop its outreach activities relating to the ECI, through *inter alia* social media and through its representation offices in the Member States.

The Commission fully endorses the call made by the Parliament for Member States involvement in the dissemination of information on the ECI. Indeed, all institutions and stakeholders have a joint responsibility in this process: the Commission, the other EU institutions and bodies, the Member States and civil society. The Commission is open to discuss ways of further improving communication on the ECI with the Member States, EU institutions and stakeholders.

***On paragraph 8:*** As already outlined in its own report of March 2015, the Commission recognises that more can be done to improve the effectiveness of the instrument and has already implemented, and will continue to implement, a number of measures to this end. The Commission would like to underline that since April 2012, it has handled 56 requests for registration of proposed citizens' initiatives of which a total 36 of them were registered by the Commission (16 registrations in 2012, nine in 2013, five in 2014 and six in 2015). Three initiatives have reached one million signatures and have been formally submitted to and responded by the Commission<sup>2</sup>.

Although the Commission would of course also welcome if the number of proposed initiatives were higher, the launch of new initiatives throughout the past year and their varied subject matters confirm that EU citizens continue to show interest in the instrument and to believe in its potential to contribute to participatory democracy at EU level.

***On paragraphs 9 and 10:*** The Commission is fully committed to provide advice, information and support throughout the whole ECI process. The Commission established already in 2012

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<sup>2</sup> This information reflects the situation on 6 January 2016.

a point of contact providing information and assistance, based in the Europe Direct Contact Centre. Through this point of contact it answers any questions from citizens on the ECI rules and procedures, in all official EU languages. As referred to in the report on the application of the ECI Regulation (March 2015), during the first three years of the ECI operation, the point of contact has answered over 1080 questions. Furthermore, via this point of contact, the Commission also informally answers questions from potential organisers on the issue of whether a possible citizens' initiative may be registered, before a registration request is formally submitted by the organisers to the Commission. As also referred to in the report, since April 2012, the Commission has answered around 15 questions of that kind. Those answers were given without prejudice to any formal reply by the Commission following a possible request for registration of a proposed citizens' initiative. In addition to this contact centre, support is also provided directly by the Commission's services to organisers of initiatives.

The Commission is aware that, as highlighted in the conclusions of its own report, some ECI organisers (and other stakeholders) consider that there is insufficient dialogue and interaction with the Commission at different stages of the ECI's lifecycle. The Commission is looking into further improving the possibilities for dialogue and assistance to potential organisers.

As regards the idea of a dedicated ECI office, the Commission is open to discuss how to improve communication and information on the ECI, but wishes to stress that, as referred to above, similar services already exist today. The Commission takes note of the suggestions made by the Parliament, will look into the role its Representations in the Member States could play in this context and will consider these aspects as part of its ongoing assessment of the ECI instrument.

***On paragraph 11:*** The Commission would like to stress that its comprehensive ECI Website already contains detailed information for citizens as regards the interpretation of legal bases<sup>3</sup> and that such information is also provided upon request via the Europe Direct Contact Centre.

The Commission attaches the utmost importance to the protection of personal data of EU citizens, also in the context of the citizens' initiative. The ECI Regulation contains specific provisions to guarantee the protection of personal data, and Directive 95/46/EC is also fully applicable to the processing of personal data carried out in application of the ECI Regulation. Regulation (EC) No 45/2011 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies is also fully applicable to the ECI Regulation, including in particular as regards the processing of personal data carried out by the Commission in application of the Regulation.

The Commission provides guidance in relation to these aspects in the context of general advice and support to organisers of ECIs, including in particular contact information of the competent authorities in the Member States responsible for the implementation at national level. The Commission takes note of the suggestion from the Parliament and will consider further measures which could be implemented in this field.

***On paragraph 12:*** The Commission would like to emphasise, once again, that its ECI Website contains very comprehensive and detailed information on all aspects of the Citizens' Initiative, and that, as referred above (on paragraphs 6 and 7), the Commission constantly

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<sup>3</sup> <http://ec.europa.eu/citizens-initiative/public/competences>

strives to provide user-friendly information as regards the ECI and the dissemination of this information. The Commission will continue its efforts of providing simple, clear and user-friendly information on the ECI to citizens and organisers. The Commission also welcomes the suggestion of further involvement of national and local elected representatives and is open to further cooperation in this regard.

***On paragraphs 13 and 14:*** The ECI Regulation contains clear provisions on the role of the Parliament in the implementation of the ECI, in particular as regards the hearing organised at the Parliament and in relation to the review clause which requires the Commission to report every three years on the application of the Regulation.

As regards registration of proposed ECIs, the Regulation states very clearly that the Commission is solely responsible for this process. The Commission would also like to reiterate that the decision on whether to register or not a proposed initiative is a legal decision in application of the requirements under the Regulation. When the Commission refuses to register a proposed citizen's initiative, organisers have the possibility to bring an action of annulment against this decision by the Commission. In application of the requirements under Article 4(2) of the ECI Regulation, the Commission duly informs organisers of the reasons for such refusal and of the possible judicial and extrajudicial remedies available to them, including this right to bring proceedings before the General Court under the conditions specified in Article 263 TFEU. Furthermore, in this phase, the Commission ensures the utmost transparency in the implementation of the Regulation through the publication of all decisions regarding the registration or non-registration of proposed initiatives and through related press releases.

Against this background, the Commission remains fully committed to cooperate with the Parliament as regards possible improvements to the functioning of the ECI, and namely as regards improvements related to the organisation of the public hearings organised at the European Parliament once an ECI reaches the necessary thresholds.

***On para 15: "[...] invites the Commission to explain in detail the reasons for rejecting an ECI if in its view an ECI which has been submitted is ‘manifestly outside the Commission’s powers’, and at the same time to inform the organisers, in writing and in such a manner as to facilitate their work, of the relevant legal considerations – which should be made fully public in the name of transparency – in order that the validity and complete objectivity of those elements can be subjected to legal scrutiny, that the Commission’s power of discretion as judge and party in the assessment of an initiative’s admissibility can be reduced as far as possible, and that the organisers can decide whether to revise their ECI and resubmit it in a modified form”;*** and paragraph 16:

The Commission decisions on registration are published as soon as they are adopted and made available in a transparent way in the ECI official register. Press releases are also issued each time the Commission takes such a decision. Furthermore, in case of non-registrations, the relevant decision contains *inter alia* detailed explanation on the reasons for which the Commission has considered that the proposed initiative should not be registered and information on the remedies available to organisers.

The Commission agrees that the published replies can effectively serve as valuable guidance to all citizens and future organisers, to help them better understand the nature of the ECI and to formulate draft initiatives that fulfil the registration criteria. For example, two proposed

initiatives ("Unconditional Basic Income" and "Vite l'Europe sociale! Pour un nouveau critère européen contre la pauvreté") which were originally refused as they fell manifestly outside the Commission's competences were able to revise their goals following the Commission's reply stating the reasons for refusal and subsequently went on to be successfully registered ("Unconditional Basic Income (UBI) - Exploring a pathway towards emancipatory welfare conditions in the EU" and " Vite l'Europe sociale ! Pour une coopération renforcée des États membres contre la pauvreté en Europe.").

With regard to registering only part of an initiative, this possibility is not provided under the ECI Regulation, however organisers always have the possibility of re-submitting a modified proposal. As to the possibility of referring those parts of initiatives to the competent authority, this is not provided for either under the ECI Regulation. However, the Commission will take due consideration of this aspect in the context of the ongoing assessment on the functioning of the instrument.

***On paragraph 17, and on paragraph 18: "[...] stresses the need to link the online collection of signatures to the relevant new social and digital media campaigning tools, following the example of other successful online campaigning platforms";***

The Commission fully recognises the importance of technology aspects for the successful implementation of the ECI. For this reason, and also in response to concrete suggestions made by stakeholders, it has implemented, and continues to implement, various measures aimed at making the online collection process more efficient and user-friendly.

As regards the online collection system, the Commission continuously works on the update and improvement of the open-source software offered to organisers of ECIs. Two versions of the software have been released in 2015. In March, a new version was released with the objective of improving its functionalities, including *inter alia* the improvement of the user interface and links with social media. The version released in July primarily addresses changes required following the amendment of Annex III of the ECI Regulation, adopted in March 2015. A new version is currently being finalised including web services allowing organisers for instance to display on their campaigning website the instantaneously updated number of collected signatures. Information on new releases and public demos are made available in the JoinUp website to enable stakeholders' access to updated information on developments, and provide feedback on the previews.

The Commission will look into the possibility of revising the technical specifications for online collection systems, in cooperation with the Member States, in order to simplify requirements whilst maintaining the necessary security requirements.

***On paragraph 19:*** The Commission recalls that its March 2015 report also identified the timeline of the ECI lifecycle as one of the main challenges in the implementation of the instrument. While the time periods for registration and collection of statements of support are subject to a number of requirements under the ECI Regulation, the Commission is already addressing this challenge by closely assisting organisers, notably in relation to the hosting arrangements and the setting-up of the online collection system, so that they can conclude all necessary preparations for online collection as quickly as possible. The Commission takes note of the suggestion made by the Parliament and will analyse possible improvements which could be implemented in this field.

**On paragraph 20:** The tool developed by the Commission under the Interoperability Solutions for European Public Administrations (ISA) is already available to the national authorities in the Member States wishing to use it for the validation of statements of support. The Commission will continue to encourage Member States, in the framework of the experts group on the ECI, to use this tool in order to improve the national implementation process of verification of ECI statements of support in the Member States. However, at present, only two Member States have made use of this tool.

**On paragraph 23:** The Commission fully endorses the Parliament's call for enhanced cooperation of EU inter-institutional cooperation in the communication on the ECI. The Commission's official website<sup>4</sup>, which exists in all official EU languages, already provides comprehensive and detailed information on the ECI, and any new information on the initiatives is instantly uploaded and translated. The Commission is working to further develop the website in order to *inter alia* improve its design to allow for easier access and use by citizens and to provide new features allowing interested stakeholders to directly incorporate the news into their own websites or mobile applications.

As regards guidelines, the Commission already provides comprehensive information in all the EU's official languages on the rights and obligations of ECI organisers and on the administrative procedures applicable throughout the ECI process. Nevertheless, the Commission is open to discuss ways of further improving these existing tools.

**On paragraph 24:** As indicated above (on paragraphs 9 and 10), a centralised online point of contact providing information and assistance already exists and is based in the Europe Direct Contact Centre. Moreover, the Commission services provide more specific support directly to organisers, including the offer to host organisers' servers for online collection, information on legal requirements, logistical aspects and technical assistance. General assistance to organisers is also provided by other EU bodies, notably the EESC, which since 2015 offers a translation service to the organisers, and by non-institutional actors, for instance the "ECI Support Centre", run jointly by the European Citizen Action Service, Democracy International and Initiative and Referendum Institute Europe. As indicated above, the Commission will also look further into the role of its Representations in the Member States in this regard.

**On paragraph 25:** *"[...] encourages the Commission to negotiate further with Member States with a view to reducing the number of data requirements, removing – accordingly – the requirement for personal identification numbers and making them more user-friendly, and recalls that an ECI is about participation and agenda-setting rather than binding proposals; suggests that consideration be given to establishing an EU digital citizenship, and recommends providing an interim solution until this EU digital citizenship is established, with a view to resolving the current problems caused by multiple registration; calls on the Commission, therefore, to explore this issue in its digital agenda as a matter of urgency";*

The Commission fully endorses the call by the Parliament and remains committed to further negotiation with the Member States. It recalls that the Commission report of March 2015 confirmed that divergences between the conditions and personal data required from signatories by the different Member States remain an issue of great concern, welcoming the

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<sup>4</sup> <http://ec.europa.eu/citizens-initiative>

constructive approach of those Member States who so far have responded positively to the repeated calls of the Commission to harmonise and simplify their data requirements. The Commission will continue its efforts in encouraging the Member States to simplify these requirements under Annex III of the ECI Regulation.

As regards other digital solutions, the Commission has commissioned a study for the assessment of ICT impacts of the ECI Regulation, which was finalised and published in June 2015<sup>5</sup>. It includes a set of conclusions and recommendations which contribute to the Commission's current assessment of the ECI, and namely as regards the technological measures which could be implemented in the future in order to improve the functioning of the instrument.

As regards measures under the Digital Agenda, the Digital Single Market actions already include the launch of a new eGovernment action plan that should *inter alia* accelerate Member States' transition towards interoperable e-signatures. Furthermore, within the framework of Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS) by September 2018, all Member States must recognise any notified eID from any other Member State. The Commission will discuss with Member States the scope of possible amendments to Annex III of the ECI Regulation in order to provide for the use of eID.

***On paragraph 26:*** The ECI Regulation does not contain any specific age rules for support to ECIs and merely provides that any citizen of the Union of the age to be entitled to vote in the elections to the European Parliament can support ECIs. While this requirement is provided under the ECI Regulation, the Commission takes note of the suggestion made by the Parliament and will consider this aspect in the context of the ongoing assessment of the instrument.

***On paragraph 27: "Acknowledges the delicate problem of organisers' personal liability with regard to data protection when collecting signatories' personal data, and proposes that the range of data required be reduced and that the wording of Article 13 of Regulation (EU) No 211/2011, on liability, be changed to make it clear that personal liability is not unlimited; [...]"***;

The Commission considers that Article 13 plays a fundamental role in safeguarding EU citizens from any damage they might be subject to in the context of the ECI in accordance with the applicable national law. It recalls that the conclusions of the Commission report on the application of the ECI Regulation pointed precisely to the lack of legal personality of the citizens' committees and that several committees have reported concerns about liability and obstacles in this regard. The Commission will also consider this aspect in the context of the ongoing assessment of the instrument.

***On paragraph 28;*** The Commission fully endorses the Parliament's call for more harmonised data requirements for the support to ECIs and the particular attention to be given to the very worrying and numerous cases where citizens, due to the existing requirements, are excluded from their right to support an initiative. It recalls that this challenge was also highlighted in the Commission's own report on the application of the ECI Regulation. The Commission will

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<sup>5</sup> <http://ec.europa.eu/citizens-initiative/files/ECI-expert-group-meeting-15-06-2015-Presentation-study.pdf>



continue its efforts in encouraging Member States to take the necessary measures in order to ensure that no EU citizen is deprived from his or her right to support ECIs.

**On paragraph 29:** As already outlined in its report, the Commission recognises that, while the fact that three initiatives have completed the full ECI lifecycle confirms that the necessary procedures and mechanisms are in place to ensure that the ECI is operational, a number of challenges arise after the first three years of the functioning of the instrument. The Commission has taken actions to facilitate the use of the instrument and is fully committed to implement further measures to make it more effective. The Commission also wishes to stress that it is obliged to respect the existing rules under the Regulation and does not add any bureaucratic hurdles. On the contrary, in order to find citizen-friendly solutions to obstacles encountered by organisers, the Commission has implemented a number of measures and acted well beyond its obligations pursuant to the Regulation, for instance as regards the *ad hoc* solution to offer, free of charge, its servers to host online collection systems, and its technical and administrative assistance to organisers as regards the certification of their online collection systems.

As regards the decrease of the number of initiatives, as referred to above (on paragraph 8), new initiatives have been proposed and registered by the Commission since the publication of its report in March 2015. The total number of initiatives registered in 2015 amounts to six. Although the Commission would always welcome a higher number of proposed ECIs, the recent figures show that EU citizens continue to have interest in the instrument and to believe in its potential.

As regards the follow-up to the successful initiatives, it should be noted that pursuant to the Regulation the Commission can decide which action it intends to take in reply to a successful ECI, providing reasons for taking or not taking that action. In two cases "Water and sanitation are a human right! Water is a public good, not a commodity!" ("Right to Water")<sup>6</sup> and "Stop vivisection"<sup>7</sup>, the Commission has responded positively to the requests and proposals contained therein. Where it has powers to act under the Treaties and provided that the subsidiarity and proportionality principles were respected, the Commission has committed to a set of policy and legislative actions which have been and continue to be implemented<sup>8</sup>.

**On paragraph 30:** The ECI Regulation already foresees a timeframe for the Commission's response to a successful ECI, stipulating that the Commission is required, within three months, to set out in a Communication its legal and political conclusions on the citizens' initiative.

As regards the suggestion to introduce a requirement for the Commission to start preparing a legal act in response to a successful ECI within 12 months after issuing a positive opinion, the Commission considers that the current rules already ensure an efficient and proportionate mechanism which fully reflects and respects the Commission's right of initiative.

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<sup>6</sup> <http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000003>

<sup>7</sup> <http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000007>

<sup>8</sup> Information on the Commission follow-up actions in response to the ECIs "**Right to Water**" and "**Stop vivisection**" is available at the ECI website:  
[http://ec.europa.eu/dgs/secretariat\\_general/followup\\_actions/citizens\\_initiative\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/followup_actions/citizens_initiative_en.htm)

Even in cases where the Commission responds positively, the most appropriate follow-up for the different ECIs may vary in terms of the nature of actions to be taken and the timeframe for their implementation. If the Commission decides to follow-up with a legislative proposal, the preparation of such proposal will always need to respect all Better Regulation principles and allow sufficient time for a proposer evaluation, stakeholder consultation, impact assessment, etc.

***On paragraph 31:*** The Commission fully shares the great importance of the ECI Hearing as a mechanism for dialogue and exchange of views between EU institutions and organisers of successful ECIs. It recalls that its report on the application of the ECI Regulation stresses that the public hearings should be organised in such a manner as to ensure that stakeholders representing different views and perspectives are heard, also given the fact that the three-month period for the preparation of the Commission reply to a successful initiative is extremely short and leaves little time to organise a formal stakeholders consultation. It also noted and deplored that on the occasion of two of the three public hearings organised at the European Parliament, no stakeholders or experts other than the ECI organisers themselves were invited to actively participate.

The Commission is open to further cooperate with the Parliament to improve the organisation of such Hearings, within the scope of the existing rules, in order to enhance dialogue and participation during this important moment of the ECI lifecycle.

***On paragraph 33:*** The Commission is open to cooperate with the Parliament as regards the use of EU budget for the improvement of the functioning of the ECI. However, in view of the fact that the ECI Regulation does not contain any specific provision concerning direct financial support for ECI organisers and their campaigns, the Commission considers that such a measure would entail an excessive risk of fraud or misuse. It also notes that direct funding of ECI campaigns by the Commission could go against the principle of independence of ECIs.

In this context, the Commission would like to emphasise that it already implements measures to alleviate the organisational and financial costs for organisers of ECIs ranging from the *ad hoc* offer of the Commission to provide hosting free of charge and the equally free of charge online collection software to communication measures to promote awareness on the ECI.

***On paragraph 34:*** The Commission attaches the utmost importance to the protection of personal data of EU citizens as well as to the security in the collection and storage of the data provided online in support to ECIs. The Implementing Regulation (EU) No 1179/2011 provides for the technical specifications for online collection systems pursuant to the ECI Regulation.

The Commission has also implemented security measures in its online collection software. As regards the online collection software developed by organisers, while the Commission can provide technical assistance and support, it is the responsibility of organisers to ensure that the existing requirements are ensured, including the certification by the competent national authority of the Member States.

***On paragraph 35:*** The Commission remains fully committed to make the ECI work, and will implement further measures in order to improve its functioning under the current framework, in close cooperation with the Parliament as well as Member States, other EU bodies and stakeholders.

However, the Commission considers that after only three years after its effective entry into application, it is at this point too early to launch a legislative revision of the ECI Regulation. As part of its ongoing assessment of the functioning of the instrument, the Commission will continue to work in 2016 to further assess the possible need for such a revision at a later stage.

The Parliament's resolution and related studies, as well as input and opinions received from other EU institutions and bodies as well as from various stakeholders provide valuable input for this ongoing assessment.

***On paragraph 37:*** The Commission remains fully committed to cooperate with the Parliament, including as regards information on the state of play of ongoing ECIs. Furthermore, it stresses that it already ensures full transparency in the ECI register and website where the relevant information on the specific ECIs is made available and is regularly updated. The Commission encourages the Members of the European Parliament to take note of the detailed and updated information provided on that website.

The Commission will analyse the judgements to be rendered by the Court of Justice in relation to the ECI, and take the necessary measures as appropriate. In this context, it should be noted that, so far, only one judgement has been rendered in relation to the ECI by the General Court of the European Union on 30 September 2015 in Case T-450/12. In this case, the General Court confirmed the Commission decision of not registering the proposed ECI. The case is currently under appeal before the Court of Justice.

***On paragraph 38: "[...] calls on the Commission to support the development of an open-source dedicated ECI software program for mobile devices; welcomes the fact that some ECIs have managed to have an impact at local level";***

As mentioned above, the Commission constantly strives to improve the open-source software provided free of charge to ECI organisers. As part of this continuous development, it is also working on new improvements for handheld devices, smartphones and tablets.

***On paragraph 39:*** The Commission fully endorses Parliament's call to ensure a proper use of the ECI and the need to prevent any abuse of the tool by private interests. The ECI Regulation provides for specific requirements for organisers of ECIs in this regard, at different stages of the procedure, both when a new ECI is proposed for registration and when a citizens' initiative having reached the necessary thresholds is formally submitted to the Commission.

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