# Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak

## REGULATION (EU) 2020/1042 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 July 2020

laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 24 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) On 11 March 2020, the World Health Organization announced that the COVID-19 outbreak had become a worldwide pandemic. The Member States have been affected in a dramatic and exceptional way by the consequences of that pandemic. They have taken a series of restrictive measures to stop or slow down the transmission of COVID-19, including lockdown measures to restrict the free movement of their citizens, the prohibition of public events, and the closure of shops, restaurants and schools. Those measures have led to a standstill of public life in almost all Member States.

(2) The measures taken by the Member States have inevitably also had a serious impact on the European citizens' initiative. For European citizens' initiatives ('initiatives') to be valid, Regulation (EU) 2019/788 of the European Parliament and of the Council[(2)] requires the organisers to collect at least 1 million statements of support in at least one quarter of the Member States within a period of 12 months. The collection of statements of support in paper form, local campaigning and the organisation of public events, which are of significant importance for a successful initiative, have become substantially more difficult because of the measures taken in response to the COVID-19 pandemic.

(3) Member States and the Union institutions also have certain legal obligations under Regulation (EU) 2019/788. Those obligations are subject to strict time limits from which Regulation (EU) 2019/788 does not allow any derogations.

(4) The Treaty on European Union grants citizens of the Union the right to approach the Commission with a request inviting it to submit a proposal for a legal act of the Union

**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EU) 2020/1042 of the European Parliament and of the Council. (See end of Document for details)*

for the purpose of implementing the Treaties. The European citizens' initiative is one of the main instruments for citizens of the Union to engage in an easy and accessible way in the democratic and political debate about the Union and to put issues that matter to them on the agenda of the Union.

(5) In the current exceptional circumstances and in particular because of the measures taken by the Member States in response to the COVID-19 pandemic, temporary measures are necessary to preserve the effectiveness of the European citizens' initiative as an instrument, and to provide legal certainty regarding possible extensions of the applicable time limits.

(6) Member States have indicated that, in order to be able to continue to monitor and control the public health situation, they will only gradually reduce the level of restrictions introduced by the measures taken in response to the COVID-19 pandemic. It is therefore appropriate to extend the period for the collection of statements of support by six months, covering the period from 11 March 2020, when the World Health Organization announced that the COVID-19 outbreak had become a pandemic. That extension is based on the assumption that at least during the first six months from 11 March 2020 at least a quarter of Member States or a number of Member States representing more than 35 % of the Union population will have measures in place that will substantially hamper the organisers' ability to collect statements of support in paper form and to carry out local campaigning. The maximum collection period for statements of support for initiatives in respect of which the collection period was ongoing on 11 March 2020 should therefore be extended by six months. Moreover, for initiatives in respect of which the collection period started between 11 March and 11 September 2020, the collection period should be extended until 11 September 2021.

(7) In order to ensure uniform conditions for the implementation of this Regulation and given that the end of the pandemic in the Union is difficult to predict, implementing powers should be conferred on the Commission to further extend the collection period in respect of initiatives for which the collection period is still ongoing on 11 September 2020 where measures in response to the COVID-19 pandemic which substantially hamper the ability of organisers to collect statements of support in paper form and to inform the public of their ongoing initiatives continue to exist after that date in at least a quarter of Member States or a number of Member States representing more than 35 % of the Union population. The six#month extension of the collection period provided for by this Regulation should give the Commission sufficient time to decide whether a further extension of the collection period is justified. Those implementing powers should also allow the Commission to adopt implementing acts to extend the collection period in the event of a new public health crisis linked to a new outbreak of COVID-19, provided that at least a quarter of Member States or a number of Member States representing more than 35 % of the Union population have taken measures that are likely to have the same effect. When adopting those implementing acts, the Commission should indicate the initiatives concerned, with the new end date of their collection periods following any extensions granted, as well as the factual circumstances justifying the granting of such extensions. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(3)].

(8) In its assessment before adopting implementing acts that extend the collection period, the Commission should take into account whether the measures taken by Member States in response to the COVID-19 pandemic or in response to a new COVID-19 outbreak substantially hamper the ability of organisers to collect statements of support in paper form and carry out local campaigning.

(9) The Commission should inform the organisers of the initiatives concerned and the Member States of any extension of the collection period together with the new end date of the collection period in respect of each initiative concerned. In accordance with the Commission's obligation to inform under Article 4(3) of Regulation (EU) 2019/788, those new end dates should also be indicated in the online register and on the public website on the European citizens' initiative.

(10) The measures taken by the Member States in response to the COVID-19 pandemic may significantly affect the ability of competent authorities to complete the verification of statements of support for a given initiative within the time limit of three months laid down in Regulation (EU) 2019/788. For example, there may be fewer staff available, or the competent authorities may have additional tasks and responsibilities as a consequence of the pandemic.

(11) Member States should ensure that, despite the measures taken in response to the COVID#19 pandemic, their administrations function as normally as possible. However, in exceptional circumstances, a Member State should be allowed to submit a reasoned request to the Commission for an extension of the verification period. The request should be substantiated and take into account the effects of pandemic-related measures on the functioning of that Member State's competent authorities. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to grant the requested extension. The extension should not be longer than the initial verification period.

(12) Due to the measures taken by the Member States in response to the COVID-19 pandemic, it may be difficult for Union institutions to organise meetings with organisers or public hearings in the context of the examination of valid initiatives in the Member State in which they intend to organise such meetings or hearings. In such cases, the institutions should be allowed to postpone those meetings or hearings until a date when they are possible in view of the public health situation in that Member State. Where the public hearing is postponed, the Commission should be able to delay the adoption of its communication setting out its legal and political conclusions on the initiative until three months after the public hearing has taken place, to enable the Commission to take due account of the findings at the hearing.

(13) Where the period for collection, verification or examination is extended due to the measures taken by the Member States in response to the COVID-19 pandemic, the retention periods for statements of support laid down in Regulation (EU) 2019/788 should be extended accordingly.

(14) Due to the unforeseeable and sudden nature of the COVID-19 outbreak, and the resulting measures taken by the Member States, which have been repeatedly extended,

as well as the length of time required by the legislative procedures for the adoption of relevant measures, it has not been possible to adopt the temporary measures provided for in this Regulation in time as regards some individual initiatives. For that reason, the temporary measures should also cover the period before the entry into force of this Regulation.

(15) This Regulation should also apply to initiatives registered before 1 January 2020 under Regulation (EU) No 211/2011 of the European Parliament and of the Council[(4)], to which the provisions of that Regulation on the collection of statements of support and on verification and certification by Member States continue to apply pursuant to Article 27 of Regulation (EU) 2019/788.

(16) Considering the temporary nature of the Member States' measures in response to the COVID-19 pandemic, the period of application of this Regulation should also be limited.

(17) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of preserving the efficacy of the European citizens' initiative instrument during the COVID-19 pandemic to lay down temporary measures concerning the time-limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.

(18) This Regulation should be adopted as a matter of urgency, so that situations of legal uncertainty affecting citizens, organisers, national administrations and the Union institutions remain as short as possible, in particular where the relevant time periods for the collection of statements of support, verification and examination in respect of a number of initiatives have already ended or are about to end.

(19) In view of the urgency entailed by the exceptional circumstances caused by the COVID# 19 outbreak, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

(20) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Subject matter**

This Regulation lays down temporary measures applicable to the collection, the verification and the examination periods for registered European citizens' initiatives under Regulation (EU) 2019/788 and Regulation (EU) No 211/2011 ('initiatives'), in