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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	3 July 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 339 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/788 as regards the power of the Commission to adopt delegated acts

Delegations will find attached document COM(2026) 339 final.

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2019/788 as regards the power of the Commission to adopt delegated acts

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Recital 35 of Regulation (EU) 2019/788 on the European citizens' initiative[(1)] states that 'to adapt this Regulation to future needs, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the amendment of the Annexes to this Regulation'. Accordingly, Article 23 of Regulation (EU) 2019/788, empowers the Commission 'to adopt delegated acts in accordance with Article 24 to amend the Annexes to this Regulation within the scope of the provisions of this Regulation relevant to those Annexes.'

Article 24(2) of Regulation (EU) 2019/788, conferred this delegation of power on the Commission for a period of five years, which expired on 6 June 2024. The draft proposal amends Article 24(2) of Regulation (EU) 2019/788 to provide for an empowerment of indeterminate duration.

The need for the empowerment is particularly relevant with respect to Annex I to Regulation (EU) 2019/788, establishing the minimum number of signatories per Member State. Article 3(1)(b) of Regulation (EU) 2019/788 states, as one of the conditions for validity of a European citizens' initiative, that: 'in at least one quarter of the Member States, the number of signatories is at least equal to the minimum number set out in Annex I, corresponding 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, at the time of registration of the initiative.'

In accordance with European Council decisions based on Article 14(2) of the Treaty on European Union (TEU), the composition of the European Parliament has changed for every parliamentary term since the adoption of the first Regulation on the European citizens' initiative in 2011[(2)]. Delegated acts adopted in accordance with Article 23 of Regulation (EU) 2019/788 and previously Article 16 of Regulation (EU) 211/2011 have been used to amend Annex I to Regulation (EU) 2019/788 and Regulation (EU) 211/2011 respectively, in advance of each new parliamentary term.

• Consistency with existing policy provisions in the policy area

Not applicable.

• Consistency with other Union policies

Not applicable.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The proposal is based on Article 24 of the Treaty on the Functioning of the European Union (TFEU) on the adoption of the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 TEU.

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(1) Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ L 130, 17.5.2019, p. 55).

(2) Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ L 65, 11.3.2011, p. 1).

- **Subsidiarity (for non-exclusive competence)**

The subject-matter of this Regulation falls under the exclusive competence of the Union according to Article 24 TFEU since only the Union can adopt the rules and procedures governing the European citizens' initiative. Therefore, the subsidiarity principle does not apply.

- **Proportionality**

This proposal complies with the principle of proportionality as set out in Article 5 TEU since it does not go beyond what is necessary to achieve the objectives described above.

This proposal provides for a limited and targeted amendment to Regulation (EU) 2019/788.

- **Choice of the instrument**

Regulation amending a regulation.

Article 24 TFEU provides a specific legal basis for the European citizens' initiative and the adoption by means of regulations of the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 TEU. Only a regulation having direct application can provide the necessary rules and conditions for the implementation of an instrument with European dimension such as the European citizens' initiative.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

This proposal is not accompanied by an impact assessment. This proposal does not alter Regulation (EU) 2019/788 on substance and does not impose new obligations on the concerned parties. It is a targeted technical amendment aimed at re-establishing the power of the Commission to amend the Annexes to Regulation (EU) 2019/788 by means of delegated acts within the scope of the provisions of that Regulation relevant to those Annexes as stated in Article 23 of Regulation (EU) 2019/788.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposal does not have a budgetary impact for the EU institutions.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 of the proposed Regulation replaces paragraph 2 of Article 24 of Regulation (EU) 2019/788 to insert an empowerment of indeterminate duration for the Commission to adopt delegated acts as referred to in Article 23 of Regulation (EU) 2019/788. The wording of the proposed provision reproduces the standard clause from the Appendix to the Interinstitutional Agreement between the European Parliament, the Council and the European Commission on Better Law-Making and its common understanding on delegated acts.

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amending Regulation (EU) 2019/788 as regards the power of the Commission to adopt delegated acts

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,

Whereas:

(1) Article 23 of Regulation (EU) 2019/788[(1)] empowers the Commission to adopt delegated acts in accordance with Article 24 of that Regulation to amend its Annexes within the scope of the provisions of that Regulation relevant to those Annexes. Article 24(2) of Regulation (EU) 2019/788 conferred this delegation of power on the Commission for a period of five years, which expired on 6 June 2024.

(2) There is a need for the Commission to have the power to amend the Annexes to Regulation (EU) 2019/788 by means of delegated acts to adapt them to future needs. In particular, Annex I to Regulation (EU) 2019/788 sets out the minimum number of signatories per Member State in order for an initiative to be valid in accordance with Article 3(1), point (b), of Regulation (EU) 2019/788. That minimum number of signatories per Member State, needs to be updated whenever the composition of the European Parliament changes by means of a European Council decision adopted on the basis of Article 14(2) of the Treaty on European Union.

(3) Regulation (EU) 2019/788 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 24 of Regulation (EU) 2019/788, paragraph 2 is replaced by the following:

'2. The power to adopt delegated acts referred to in Article 23 shall be conferred on the Commission for an indeterminate period of time from [6 June 2019] *[date of entry into force of the basic legislative act or any other date set by the co-legislators]*.'.

(1) Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ L 130, 17.5.2019, p. 55, ELI: http://data.europa.eu/eli/reg/2019/788/oj).

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*.

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*
[...]	*[...]*