



STATUTORY INSTRUMENTS.

S.I. No. 648 of 2019



EUROPEAN UNION (CITIZENS' INITIATIVE) REGULATIONS 2019

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I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative and Commission Implementing Regulation (EU) No 2019/1799 of 22 October 2019 laying down technical specifications for individual online collection systems pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council on the European citizens' initiative, hereby make the following Regulations:

1. Citation and Commencement

(1) These Regulations may be cited as the European Union (Citizens' Initiative) Regulations 2019.

(2) These Regulations, which make provisions necessary for implementation of Regulation 2019/788 and Regulation 2019/1799 in Ireland, come into operation on 1 January 2020.

2. Interpretation

In these Regulations –

(1) "Competent Authority" means the authority designated under Regulation 3;

"Commission" means the Commission of the European Union;

"European Elector" has the same meaning in these Regulations as it has in the Electoral Act 1992 (No.23 of 1992);

"Register of European Electors" has the same meaning in these Regulations as "the register" has in Part II of the Electoral Act 1992 (No.23 of 1992) in so far as it applies to European Electors;

"Registration Area" has the same meaning in these Regulations as it has in Part II of the Electoral Act 1992 (No.23 of 1992);

"Registration Authority" has the same meaning in these Regulations as it has in Part II of the Electoral Act 1992 (No.23 of 1992);

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 31st December, 2019.

“Regulation 2019/788” means Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens’ initiative;

“Regulation 2019/1799” means Commission Implementing Regulation (EU) 2019/1799 of 22 October 2019 laying down technical specifications for individual online collection systems pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council on the European citizens’ initiative.

(2) A word or expression which is also used in Regulation 2019/788 and Regulation 2019/1799 has, unless the context otherwise requires, the same meaning in these Regulations as it has in Regulation 2019/788 and Regulation 201/1799.

3. Competent Authority

The Minister for Housing, Planning and Local Government is designated as the Competent Authority in the State for the purpose of these Regulations and Articles 20(1) and 20(2) of Regulation 2019/788.

4. Certification of Individual Online Collection Systems

(1) Individual Online Collection Systems submitted to the Competent Authority for certification shall include the security and technical features necessary to enable the Competent Authority to assess the compliance of the organisers’ individual online collection systems with Article 11(4) of Regulation 2019/788.

(2) Individual Online Collection Systems complying with Regulation 2019/1799 shall be regarded by the Competent Authority as meeting the requirements of Article 11(4) of Regulation 2019/788.

5. Verification and Certification of Statements of Support

(1) The Competent Authority may, for the purpose of verifying and certifying statements of support in respect of any citizens’ initiative -

- (a) require Registration Authorities, in respect of any signatory, to examine the Register of European Electors and related registration records for their Registration Area to assess the eligibility of the signatory under Article 2(1) of Regulation 2019/788 and the validity of the data provided by the signatory and to report thereon to the Competent Authority,
- (b) examine, in respect of any signatory, a Register of European Electors and related registration records to assess the eligibility of the signatory under Article 2(1) of Regulation 2019/788 and the validity of the data provided by the signatory,

- (c) notify any signatory that their statement of support will be certified unless the signatory indicates to the Competent Authority before the expiry of a specified period of time that they are not a signatory or that they are not eligible to be a signatory.

6. Offences

Organisers who, in respect of any citizens' initiative -

- (a) make false declarations or provide information which is false, or to their knowledge misleading in a material way,
- (b) make fraudulent use of data,
- (c) use the personal data collected for any purpose other than the intended support for that initiative,
- (d) provide, in accordance with Article 4 (4) of Regulation 2019/788, a translation of any additional information or draft legal act associated with the initiative that does not correspond with the content of the initiative submitted in accordance with Article 6(2) of Regulation 2019/788,
- (e) collect statements of support for an initiative not registered or partially registered in accordance with Article 6 of Regulation 2019/788,
- (f) collect statements of support for an initiative registered or partially registered by the Commission under Article 6 of Regulation 2019/788 before the date of that registration or after a 12 month period has elapsed following the collection period commencement date notified to Commission under Article 8(1) of Regulation 2019/788,
- (g) collect or submit statements of support to the Competent Authority in which the information they have provided on the statements of support does not correspond to the information registered or partially registered by the Commission under Article 6 of Regulation 2019/788,
- (h) collect statements of support through an individual online collection system that has not been certified under Article 11(3) of Regulation 2019/788,
- (i) fail to ensure compliance, throughout the collection period, with the requirements of a certificate for an individual online collection system issued under Article 11(3) of Regulation 2019/788,
- (j) store data in any other Member State, where statements of support are collected on an individual online collection system certified by the Competent Authority under Article 11(3) of Regulation 2019/788,

- (k) fail, where statements of support are collected on an individual online collection system, to make publicly available a copy of the certificate issued under Article 11(3) of Regulation 2019/788 on the website used for the online collection system,
 - (l) fail to destroy statements of support and any copies thereof within the periods set out in Article 19(5) or Article 19(7) of Regulation 2019/788, as appropriate,
 - (m) fail to ensure compliance, throughout the collection period, with the requirements of Article 18(3) of Regulation 2019/788 regarding the collection and processing of email addresses,
 - (n) collect email addresses as part of the statement of support forms or who fail to inform a potential signatory that their right to support an initiative is not conditional on giving their consent to collecting their email address, or
 - (o) fail to destroy email addresses collected in accordance with Article 18(2) of Regulation 2019/788 within the periods set out in Article 19(8) of Regulation 2019/788, as appropriate
- are guilty of an offence.

7. Penalties

(1) Organisers guilty of an offence under these Regulations or Regulation 2019/788, other than an offence mentioned in sub-paragraph (2), are liable on summary conviction to a fine not exceeding a Class A fine.

(2) Organisers guilty of an offence under Regulation 6(a) or Regulation 6(b) are liable-

- (a) on summary conviction to a fine not exceeding a Class A fine, or
- (b) on conviction on indictment, to a fine not exceeding €100,000.

8. Prosecution of Offences

(1) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under these Regulations may be initiated at any time within 2 years from the date of the commission of the offence.

(2) A certificate signed by or on behalf of the person initiating the proceedings as to the date on which evidence relating to the offence came to his or her knowledge shall be *prima facie* evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of these Regulations and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.

(3) Proceedings under these Regulations shall be without prejudice to the power of other competent bodies concerned to take proceedings under other statutory provisions applying to them.

9. Transitional arrangements and repeals.

(1) The following regulations are revoked:

- (a) the European Union (Citizens' Initiative) Regulations 2012 (S.I. No. 79 of 2012); and
- (b) the European Union (Citizens' Initiative) (Amendment) Regulations (S.I. No. 94 of 2014).

(2) The revocations effected by this Regulation shall not apply in respect of European citizens' initiatives that were registered before the commencement of these Regulations.



GIVEN under the Official Seal of the Minister for Housing,
Planning and Local Government,
17 December, 2019.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations make provisions necessary for the purposes of full and effective implementation in Ireland of Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative and EU Commission Implementing Regulation (EU) 2019/1799 of 22 October 2019.

The Regulations put in place the new arrangements that will apply from 1 January 2020 in Ireland to give effect to the European Union Citizens' Initiative. They designate the Minister for Housing, Planning and Local Government as the Competent Authority for the certification of individual online collection systems and the verification and certification of Statements of Support. The Regulations provide that the register of European Electors and related registration records may be checked in establishing the eligibility of signatories to sign a citizens' initiative. They also provide for appropriate penalties in relation to any breach of requirements by organisers of citizens' initiatives.

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