

**EUROPEAN COMMISSION
SECRETARIAT-GENERAL**

Directorate C - Smart Regulation and Work Programme
The Director

Brussels,
SG.C4/LS/

**NOTE TO [REDACTED]
PRINCIPAL LEGAL ADVISER, LEGAL SERVICE**

Subject: Consultation on a request for registration of a proposed citizens' initiative (Ref.: REQ.ECI(2016)000006 - "Ban glyphosate and protect people and the environment from toxic pesticides").

On 25 November 2016, the Commission received a request to register a proposed citizens' initiative entitled "Ban glyphosate and protect people and the environment from toxic pesticides".

You will find enclosed the full text of the proposed initiative.

In accordance with Article 4(2) of Regulation (EU) No 211/2011 on the citizens' initiative, the Commission must confirm the registration of a citizens' initiative before the organisers can start the collection of statements of support from signatories. According to the Regulation, the Commission is required to register a proposed initiative unless:

- It manifestly falls 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;
- It is manifestly abusive, frivolous or vexatious;
- It is manifestly contrary to the values of the Union as set out in Article 2 TEU.

This consultation is therefore of a legal nature, i.e. solely on the legal admissibility of the proposed initiative. No political consideration should be taken into account at this stage.

In this analysis, it is the central objectives of the proposed initiative that should be taken into account. Even if some aspects of the description provided by organisers could be questionable in terms of legal admissibility, registration should be confirmed as long as the core of the initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union.

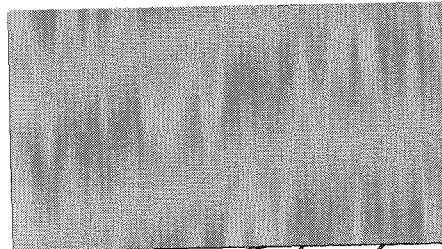
For the Commission to refuse registration there must be no doubt that the core of the initiative falls clearly outside the framework of the Commission's powers as set out by the Treaties. In other words, the refusal to register a proposed initiative can only take place if it is clear that there is no legal basis that could allow the Commission to make a

proposal related to the core of the initiative, as described by the organisers. This also means that in case of doubt regarding the admissibility of the proposed initiative's central objectives, it must be registered, as it would not fall "manifestly" outside the framework of the Commission's powers.

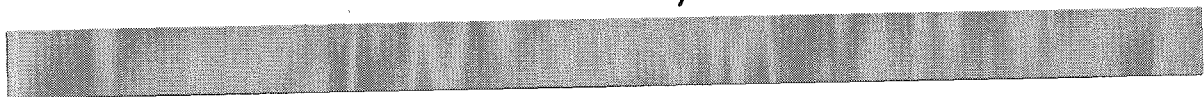
Taking into consideration the provisions of the Treaties suggested by the organisers (*Organisers refer to the following provisions in the request for registration: Art. 38 et seq. TFEU, Art. 43 TFEU, Art. 289 TFEU, Art. 291 TFEU, Art. 294 TFEU*) as well as any other possible legal bases, we would like to ask the opinion of the Legal Service as to whether this proposed initiative falls manifestly outside the Commission's powers. In case it falls manifestly outside the Commission's powers, we would be grateful to receive the legal reasoning behind this evaluation and the arguments that should be included in the refusal letter to be sent to the organisers.

As you know, according to Article 10(1)(c) of Regulation (EU) No 211/2011, the registration of a proposed initiative does not prejudice the final legal and political conclusions of the Commission on this initiative and the action it will take, if any, should the organisers manage to collect the required number of statements of support from citizens within one year from the date of registration.

We would be grateful to receive your reply to this consultation within 5 working days from the receipt of the present note. For this purpose, please use the Ares function "Answer".



Elizabeth Goldberg



Enclosure: Full content of the proposed initiative

Title

Ban glyphosate and protect people and the environment from toxic pesticides

Internal Number

REQ.ECI(2016)000006

Subject

We call on the European Commission to propose to member states a ban on glyphosate, to reform the pesticide approval procedure, and to set EU-wide mandatory reduction targets for pesticide use.

Description

Request Date

25/11/2016

Ban glyphosate-based herbicides, exposure to which has been linked to cancer in humans, and has led to ecosystems degradation; ensure that the scientific evaluation of pesticides for EU regulatory approval is based only on published studies, which are commissioned by competent public authorities instead of the pesticide industry; set EU-wide mandatory reduction targets for pesticide use, with a view to achieving a pesticide-free future.

Provisions of the Treaties considered relevant by the organisers

Art. 38 et seq. TFEU, Art. 43 TFEU, Art. 289 TFEU, Art. 291 TFEU, Art. 294 TFEU

Initiative language

English

Website

<http://www.banglyphosate.eu>

Member Type	Member Name	Member Nationality	Member Birthdate	Member Details

