



Brussels, 21.4.2021
C(2021) 2750 final

COMMISSION IMPLEMENTING DECISION

of 21.4.2021

**on the request for registration of the European citizens' initiative entitled 'Green
Garden Roof Tops'**

(Only the English text is authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative¹, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'Green Garden Roof Tops' was submitted to the Commission on 3 March 2021.
- (2) The objectives of the initiative are expressed as follows: 'In Europe there are many existing stores with an empty rooftop; in most of the cases these rooftops are not being used for any specific purpose. In addition, these rooftops are full of plastic and stones, materials of which the roof is made of. Therefore, these areas are in itself not contributing to the benefits of the environment, rather they are simply increasing the environmental damages. The reason of focusing on the environmental benefits is stemming from our current time environmental crisis. We need to rethink and find ways to increase the awareness of environmental problems and how to bring our society, the economy and the protection of our planet in a healthy balance. Therefore, the core of the plan is to utilize the existing spaces found on rooftops. The idea is to create on different corporations' rooftops a green garden area. In this way the unutilized roofs, could be transformed in means able of improving and aiding the environmental crisis.'
- (3) A background document provides further details on the initiative. In particular, the initiative proposes that employees of the corporations could volunteer to take part in the maintenance of the rooftop gardens and Member States could encourage companies to take an active part in the projects by providing tax credits at the end of each fiscal year. The annex also lists the perceived benefits for the environment and the corporations themselves. The garden rooftops would (1) contribute to improving air quality; (2) contribute to fight climate change; (3) lead to energy savings; (4) improve water filtration and retention and (5) contribute to wildlife habitat. Corporations concerned would benefit in terms of contributing to a good reputation, motivated staff and tax benefits.
- (4) The organisers do not explicitly invite the Commission to adopt a specific legal act, but the envisaged act can be inferred from some of the proposed legal bases for action.

¹ OJ L 130, 17.5.2019, p. 55

From the objectives, read together with the annex, it can be concluded that the initiative is asking for the adoption of a proposal for a legal act which would pursue an environmental objective with a taxation component. The voluntary contribution of the workers would appear to be ancillary to the environmental objective.

- (5) Insofar as the initiative aims to promote the creation of green rooftops with possible financing incentives from the Union or measures of fiscal nature, the Commission has the power to adopt a legal act under Article 192 of the Treaty.
- (6) Insofar as the proposed initiative aims to promote tax credits or deductions from income tax to be granted by the Member States, the Commission has the power to adopt a legal act under Article 115 of the Treaty.
- (7) For these reasons, none of the parts of the initiative 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.
- (8) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.
- (9) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.
- (10) The initiative entitled 'Green Garden Roof Tops' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Green Garden Roof Tops' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the European citizens' initiative entitled 'Green Garden Roof Tops', represented by Ms Almog Yoana SADE and Mr Negev Raphael SADE acting as contact persons.

Done at Brussels, 21.4.2021

For the Commission
Věra JOUROVÁ
Vice-President

