



Press and Information

General Court of the European Union

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Judgment in Case T-646/13

Bürgerausschuss für die Bürgerinitiative Minority SafePack – one million signatures for diversity in Europe v Commission

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## **The General Court annuls the Commission decision refusing registration of the proposed European citizens' initiative entitled 'Minority SafePack – one million signatures for diversity in Europe'**

*The Commission failed to comply with its obligation to state reasons by not indicating which of the measures among those set out in the annex to the proposed initiative did not come within its competence and by not setting out the reasons in support of that conclusion*

On 15 July 2013, a citizens' committee<sup>1</sup> submitted to the Commission the proposed European citizens' initiative<sup>2</sup> entitled 'Minority SafePack – one million signatures for diversity in Europe'. This initiative called on the EU to improve the protection of persons belonging to national and linguistic minorities and to strengthen cultural and linguistic diversity in the EU. In its annex, the proposal outlined 11 areas in which proposed acts should be drawn up by the EU institutions and, to that end, set out precise suggestions on the types of act to be adopted, the content of those acts<sup>3</sup> and the corresponding legal bases in the Treaty on the Functioning of the European Union.

By a decision of 13 September 2013,<sup>4</sup> the Commission refused to register that proposal on the ground that it manifestly fell outside the powers which enabled the Commission to submit a proposal for the adoption of an EU legal act for the purpose of implementing the Treaties.

In its decision, the Commission acknowledged that respect for the rights of persons belonging to minorities is a value of the EU, that the EU institutions must respect cultural and linguistic diversity and that they are bound to refrain from all discrimination based on membership of a national minority. It added that some of the acts requested could, taken individually, fall within the framework of powers under which it may submit a proposal for an EU legal act. However, it took the view that the regulation on the citizens' initiative<sup>5</sup> does not provide for the registration of one or several parts of a proposed initiative. The Commission accordingly concluded that the EU Treaties provide no legal basis for the purpose of submitting a complete series of proposals as established in the application for registration and that, therefore the proposal at issue manifestly fell outside the framework of its powers.

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<sup>1</sup> Consisting of Mr Hans Heinrich Hansen (Denmark), Mr Hunor Kelemen (Romania), Mr Karl-Heinz Lambertz (Belgium), Ms Jannewietske Annie De Vries (Netherlands), Mr Valentin Inzko (Austria), Mr Alois Durnwalder (Italy) and Ms Anke Spoorendonk (Germany).

<sup>2</sup> For general information on the European citizens' initiative, see the Official Register (<http://ec.europa.eu/citizens-initiative/public/basic-facts>).

<sup>3</sup> The proposals included (i) adapting funding programmes in order to facilitate access to them for smaller regional and minority languages, (ii) creating a centre for linguistic diversity, (iii) adapting the common provisions relating to EU regional funds in such a way as to ensure that the protection of minorities and the promotion of cultural and linguistic diversity are included therein as thematic objectives, (iv) strengthening within the EU the place of citizens belonging to a national minority, with the aim of ensuring that their legitimate concerns are taken into consideration in the election of Members of the European Parliament, and (v) addressing discrimination and promoting equal treatment, including with regard to national minorities.

<sup>4</sup> Commission Decision C(2013) 5969 final of 13 September 2013, rejecting the request for registration of the proposed European citizens' initiative entitled 'Minority SafePack — one million signatures for diversity in Europe'.

<sup>5</sup> Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ 2011 L 65, p. 1).

By today's judgment, the Court upholds the action brought by the citizen's committee against the Commission<sup>6</sup> and annuls the latter's decision on the ground that the reasoning given for refusing registration of the proposal at issue is manifestly inadequate. The Commission, the Court holds, ought to have indicated the measures in the annex to the proposal which do not fall within its competence and ought to have set out the reasons in support of that conclusion.

Thus, the citizen's committee was not in a position to identify the proposals set out in the annex to their proposed citizen's initiative which, according to the Commission, fell outside the framework of the latter's powers, or to know the reasons which led to that assessment. The citizen's committee was therefore prevented from contesting the merits of that assessment, just as the Court is prevented from exercising its review of the legality of the Commission's assessment. In the absence of a full statement of reasons, the possible introduction of a new proposal, taking account of the Commission's objections on the admissibility of certain proposals, would be seriously compromised. This also applies to the attainment of the objectives of the European citizens' initiative to encourage participation by citizens in democratic life and to make the EU more accessible.

Furthermore, the Court leaves open the question whether a proposed European citizens' initiative cannot be registered if some of the measures proposed fall outside the scope of the Commission's powers under which it may submit a proposal for a legal act of the EU for the purpose of implementing the EU Treaties.

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**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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<sup>6</sup> In the proceedings before the General Court, the citizen's committee was supported by Hungary, while the Commission was supported by Slovakia and Romania.