



Press and Information

Court of Justice of the European Union

PRESS RELEASE No 93/17

Luxembourg, 12 September 2017

Judgment in Case C-589/15 P
Alexios Anagnostakis v Commission

The Court confirms that the proposed European citizens' initiative submitted by a Greek national in order to allow the cancellation of the public debt of countries in a state of necessity cannot be registered

The subject matter of such an initiative has no foundation in the Treaties

According to the EU Treaty, EU citizens, not fewer than one million from at least a quarter of all Member States, may take the initiative of inviting the Commission, within the framework of its powers, to propose to the EU legislature to adopt a legal act for the purpose of implementing the Treaties ('European citizens' initiative'). Before being able to begin collecting the requisite number of signatures, the organisers of the European citizens' initiative must have it registered with the Commission, which examines in particular its subject matter and objectives. The Commission may refuse to register the proposed initiative, inter alia where the subject matter of the initiative manifestly falls outside the framework of its powers to propose a legal act to the EU legislature.

Mr Alexios Anagnostakis, a Greek national, is behind the European citizens' initiative 'One million signatures for "a Europe of solidarity"' which he submitted to the Commission on 13 July 2012. The objective of that initiative is to enshrine in EU legislation the 'principle of the "state of necessity" whereby, when the financial and the political existence of a State is in danger because of the serving of an abhorrent debt, the refusal of its payment is necessary and justifiable'. The initiative proposal cites economic and monetary policy (Articles 119 to 144 TFEU) as the legal basis for its adoption.

By decision of 6 September 2012¹, the Commission refused to register Mr Anagnostakis' proposal on the ground that it fell manifestly outside the framework of its powers. Mr Anagnostakis then brought proceedings before the General Court of the European Union to have the Commission's decision annulled. By judgment of 30 September 2015², the General Court dismissed the action of Mr Anagnostakis, holding that with regard to the Treaties, the Commission was not empowered to propose to the EU legislature to enshrine the principle that it should be possible to cancel the onerous public debt of countries in a state of necessity. Mr Anagnostakis then brought an appeal before the Court of Justice seeking to set aside the judgment of the General Court.

By today's judgment, the Court dismisses Mr Anagnostakis's appeal and thus confirms the judgment of the General Court.

The Court points out, first of all, that given the importance of the European citizens' initiative as a means for citizens to participate in the democratic life of the Union, the Commission must give clear reasons for any decision refusing registration of a proposed initiative. However, given that the proposed initiative was very succinct and lacked clarity, the Court confirms the conclusion of the General Court that the Commission's decision contains a sufficient statement of reasons in the present case.

¹ Commission Decision C (2012) 6289 final of 6 September 2012 rejecting the request for registration of the citizens' initiative 'One million signatures for "a Europe of solidarity"', submitted to the Commission on 13 July 2012.

² Case [T-450/12](#) Anagnostakis v Commission see also Press Release No [108/15](#).

The Court then examines the legal reasoning of the General Court concerning Article 122(1) TFEU, according to which the Council may, in a spirit of solidarity between Member States, adopt measures appropriate to the economic situation. It takes the view, like the General Court, that that provision of the TFEU does not cover measures whose main objective is to alleviate the severity of the financing difficulties of a Member State. Furthermore, the Court confirms that that provision cannot serve as a basis for the adoption of a measure or a principle enabling, in essence, a Member State to decide unilaterally not to repay all or part of its debt.

As regards the analysis of Article 122(2) TFEU, under which the Council may grant financial assistance from the Union to a Member State which is experiencing difficulties as a result of natural disasters or caused by natural disasters or exceptional occurrences beyond its control, the Court again confirms the legal reasoning of the General Court. It also considers, therefore, that that provision of the TFEU, first, does not justify the legislative introduction of a general and permanent mechanism of non-repayment of debt based on the principle of the state of necessity and, secondly, solely concerns financial assistance granted by the Union and not that granted by the Member States. The General Court was right to find, therefore, that the adoption of the principle of the state of necessity cannot be regarded as assistance granted by the Union, because such a principle would cover not only debts owed by the Member States to the Union, but also debts owed by the Member States to other natural or legal persons, both public and private (including other Member States).

Lastly, the Court considers, as does the General Court, that the principle of necessity cannot be justified by Article 136 TFEU either, under which the Council adopts measures to strengthen the coordination and surveillance of budgetary discipline in euro area Member States, or to set out economic policy guidelines for those States. There is no reason to conclude that the adoption of the principle of necessity is intended to strengthen the coordination of budgetary discipline or falls within economic policy guidelines, especially since that principle would, in fact, result in replacing the free will of contracting parties, enshrined in Article 136 TFEU, with a legislative mechanism for the unilateral writing-off of public debt.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

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

Press contact: Holly Gallagher 📞 (+352) 4303 3355