



Press and Information

General Court of the European Union

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Judgment in Case T-561/14

European Citizens' Initiative One of Us and others v Commission

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## **The General Court confirms the decision of the Commission not to submit a legislative proposal in the context of the European citizens' initiative 'One of Us'**

*The Commission sufficiently reasoned its decision and did not commit a manifest error in its assessment of the legal situation*

According to the Treaty on European Union, 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 initiative must have it registered with the Commission, which examines in particular its subject matter and objectives.

In 2012 the Commission registered the proposed European citizens' initiative entitled 'One of Us'. The objective of that initiative is to establish a ban and end the financing, by the EU, of activities which presuppose the destruction of human embryos (in particular in the areas of research, development aid and public health), including the direct or indirect funding of abortion. After its registration, the initiative collected the requisite million signatures before being officially submitted to the Commission at the beginning of 2014. On 28 May 2014 the Commission stated in a communication that it did not intend to take any action.

Dissatisfied with the communication of the Commission, the authors of the initiative seek its annulment before the General Court.

In today's judgment, the Court considers, first of all, that the authors of the initiative – in contrast to the entity known as 'European Citizens' Initiative One of Us', which has no legal personality – may, in their capacity as natural persons, bring an action against the communication of the Commission of 28 May 2014, since it produces binding legal effects such as to affect their interests by bringing about a distinct change in their legal position.

As regards the substance, the Court recalls that the Treaties have conferred upon the Commission a near-monopoly on legislative initiative. According to the Court, **the exercise of the right to the European citizens' initiative cannot require the Commission to submit a proposal for a legal act**. A contrary interpretation would result in the Commission being stripped of all discretion in exercising its powers of legislative initiative following a European citizens' initiative.

The Court takes the view, moreover, that **the Commission's communication is sufficiently reasoned**. In particular, the Commission noted that, as all EU expenditure has to be in compliance with the EU Treaties and the Charter of Fundamental Rights, EU law ensures that all EU expenditure, including in the areas of research, development cooperation and public health, must respect human dignity, the right to life, and the right to the integrity of the person. The Commission also explained that current EU legislation already meets numerous requests of the authors of the initiative, including that seeking to have the EU not fund the destruction of human embryos and to put in place appropriate controls. Last, the Commission argued that the support provided by the EU for the health sector in developing partner countries contributes substantively to a reduction in the number of abortions via access to safe and quality services and that a ban on abortion funding in

developing countries would constrain the EU's ability to attain the objectives set out in the Millennium Development Goals, particularly that of maternal health.

Finally, the Court notes that the **Commission did not commit a manifest error of assessment**. Thus, it is without committing such an error that the Commission took into account the right to life and human dignity of human embryos while also taking into account the needs of human embryonic stem cell research, which may result in treatments for currently-incurable or life-threatening diseases, such as Parkinson's, diabetes, stroke, heart disease and blindness. Equally, the Commission demonstrated a link between unsafe abortions and maternal mortality, so that it was able to conclude, without committing a manifest error of assessment, that the ban on abortion funding would constrain the EU's ability to attain the objective of reducing maternal mortality.

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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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