



Press and Information

Court of Justice of the European Union

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Judgment in Case C-420/16 P

Balázs-Árpád Izsák and Attila Dabis v Commission

## **The Commission erred in law by refusing to register the European citizens' initiative aimed at improving the situation of national minority regions**

*The Court therefore sets aside the judgment of the General Court and annuls the Commission's decision*

Under the EU Treaty, not less than one million EU citizens who come from at least a quarter of the Member States may take the initiative of inviting the Commission, within the framework of its powers, to propose to the EU legislature that it adopt a legal act for the purpose of implementing the Treaties ('European citizens' initiative', ECI). Before they can begin to collect the required number of signatures, the organisers of an ECI must register it with the Commission, which examines in particular its subject matter and objectives. The Commission may refuse to register the ECI, in particular where its subject matter manifestly falls outside the Commission's powers to propose a legal act to the EU legislature.

In accordance with those rules, Mr Balázs-Árpád Izsák and Mr Attila Dabis, together with five other people, submitted to the Commission in June 2013 a proposed ECI entitled 'Cohesion policy for the equality of the regions and sustainability of the regional cultures'. The aim of the initiative is that the cohesion policy of the EU should pay special attention to geographical areas whose ethnic, cultural, religious or linguistic characteristics are different from those of the surrounding areas ('national minority regions'). The main objective of the ECI is thus to enable national minority regions to have access to the advantages of that policy in the form of support, preservation and development measures, in order to prevent them from being disadvantaged economically compared with the surrounding regions.

In this context, the organisers of the ECI assert in particular that the implementation of the EU cohesion policy threatens the specific ethnic, cultural, religious or linguistic characteristics of national minority regions and that those characteristics constitute a severe and permanent demographic handicap which the EU is meant to combat in its cohesion policy.

By decision of 25 July 2013,<sup>1</sup> the Commission refused to register the proposed ECI, on the ground that it fell manifestly outside its powers to propose a legal act to the EU legislature. Mr Izsák and Mr Dabis thereupon brought an action before the General Court for the annulment of the Commission's decision. However, by judgment of 10 May 2016,<sup>2</sup> the General Court dismissed the action brought against the decision, in particular on the ground that the organisers had not demonstrated the existence of that threat and that handicap.

Mr Izsák and Mr Dabis then appealed to the Court of Justice against the judgment of the General Court.

In today's judgment the Court recalls that the aim of an ECI is to encourage participation by citizens and make the EU more accessible, so that ECIs must be easily accessible to citizens.

<sup>1</sup> Commission Decision C(2013) 4975 final of 25 July 2013 concerning the application for registration of the European citizens' initiative 'Cohesion policy for the equality of the regions and sustainability of the regional cultures'.

<sup>2</sup> Case: [T-529/13](#) Balázs-Árpád Izsák and Attila Dabis v Commission, see also Press Release No. [50/16](#).

The Court finds that, as regards the question whether the cohesion policy may serve as a legal basis for taking account at EU level of the interests of national minority regions which consider themselves to be disadvantaged or even threatened by that policy, the General Court considered that the answer to that question should involve an assessment of the facts and evidence, for which the burden of proof was on the organisers of the ECI. The Court observes, however, that by reasoning in that way **the General Court erred in law** with respect to the condition of registration of ECIs and the distribution of tasks between the organisers of an ECI and the Commission in the registration procedure.

Whether the measure proposed in connection with an ECI is within the framework of the Commission's powers **is not a question of fact or of the assessment of evidence subject to the rules on the burden of proof, but essentially a question of the interpretation and application of the provisions of the Treaties.**

Thus, where the Commission receives an application for registration of a proposed ECI, it is not for it to ascertain, at that stage, that proof has been provided of all the factual elements relied on, or that the reasoning behind the proposed ECI and the proposed measures is adequate. It must confine itself to examining whether from an objective point of view **the measures envisaged in the abstract could be adopted on the basis of the Treaties.**

In those circumstances, **the Court sets aside the judgment of the General Court and annuls the decision of the Commission.**

However, the Court confirms the General Court's finding that the specific ethnic, cultural, religious or linguistic characteristics of national minority regions are not covered by the concept of 'severe and permanent demographic handicap', and cannot therefore be taken into consideration on the basis of that concept for the purposes of the cohesion policy. Those characteristics cannot systematically constitute a handicap for economic development in relation to the surrounding regions.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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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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