COURT OF JUSTICE
OF THE EUROPEAN UNION

Judgment of the General Court in Case T-151/24 | End the Cage Age v Commission

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European citizens' initiative 'End the Cage Age': in the absence of an updated timeline, the General Court finds that the Commission has failed to follow up on its intention to put an end to the farming of certain species and categories of animals

The Commission is under an obligation – which is not limited in time – to set out a timeline for all the measures which it intends to take in response to such an initiative

In 2018, the European Commission registered the European citizens' initiative (ECI) 'End the Cage Age', which sought the adoption of legislation prohibiting the use of cages for the farming of certain species and categories of animals. That initiative gathered around 1.4 million statements of support and reached the minimum threshold required in 18 Member States. In a communication of 30 June 2021, the Commission announced its intention to put forward, by the end of 2023, a legislative proposal aimed at prohibiting the use of cages for all of the species and categories of farmed animals covered by that ECI. It also set out the envisaged timeline for that purpose.

In November 2023, when the legislative proposal had still not been put forward, the citizens' committee behind the initiative called on the Commission to confirm its intention to put forward that proposal and, if so, to set out a new timeline. It also requested access to the file relating to that initiative.

By letter of 5 February 2024, the Commission confirmed its intention to take action in response to the ECI, whilst emphasising the need to continue the preparatory work already undertaken and the consultations carried out, in particular with the agricultural sector. However, it did not set out a new timeline and rejected the request for access to the file.

The citizens' committee then brought an action before the General Court of the European Union seeking a declaration that the Commission had failed to fulfil its obligation to set out a new timeline, and seeking annulment of the refusal to grant access to the file.

In its judgment, the General Court upholds the action of the citizens' committee seeking a declaration that the Commission has failed to act. The General Court finds that, by failing to amend its communication of 30 June 2021 in order to set out a new timeline, when the originally envisaged timeline had expired, the Commission failed to fulfil its obligation under the Regulation on the European citizens' initiative, [1] read in the light of the principle of good administration. However, the General Court **rejects the action for annulment** of the refusal to grant access to the file.

In the first place, the General Court finds that the regulation imposes on the Commission **an obligation – which is not limited in time –** to set out a timeline for all the measures which it intends to take in response to an ECI. **That obligation continues for such time as the Commission maintains its intention to take action in response to the ECI** and requires it to amend its initial communication in order to set out a new timeline, in particular where the initially envisaged timeline has passed.

In the second place, that timeline is of particular importance in that it **enables the Commission to keep citizens informed** as to the progress of the measures announced and **enables the European Parliament to assess the implementation of those measures.** Consequently, where the Commission still intends to take action in response to an

ECI after the expiry of the timeline that was initially announced, the absence of a new timeline would risk depriving both that institution and the European Parliament of the necessary elements for them to fulfil their respective obligations of providing information and of carrying out an assessment.

In the third place, the ECI is aimed at encouraging the participation of citizens in the democratic life of the European Union, including in the follow-up to the measures which the Commission intends to take in response to an ECI. In that regard, the timeline for those measures is essential **to allow citizens to participate in the public debate in an informed manner**. Therefore, the absence of a new timeline would deprive citizens of the necessary information for them to participate effectively in that debate, thereby undermining the exercise of their democratic rights. Citizens would also not have precise information in the light of the requirements arising from the **principle of good administration**, which governs relations between the EU administration and the public.

Lastly, as regards the right of access to the file, the General Court states that that right is not limited to proceedings that may result in a decision adversely affecting the person concerned and may therefore be exercised even where that person is not in a position to assert their right to be heard. However, **that right does not apply to the preparation of acts of general application**, such as a communication from the Commission relating to an ECI or a possible legislative proposal.

NOTE: An action for failure to act seeks a declaration that an EU institution, body, office or agency has failed to act, in breach of EU law. The Member States, the EU institutions and individuals may, under certain conditions, bring an action for failure to act before the Court of Justice or the General Court. If the action is well founded, the institution, body, office or agency whose failure to act has been declared contrary to EU law is required to take the necessary measures to comply with the judgment of the Court of Justice or of the General Court.

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 and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The full text and, as the case may be, an abstract of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on 'Curia Web TV' and on 'European Broadcasting Service'.

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[1] Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' Initiative.