



Brussels, 13.9.2013  
C(2013) 5969 final

Mr Hans Heinrich Hansen  
[personal data deleted  
following the consultation  
of the organisers]

Mr Hunor Kelemen  
[personal data deleted  
following the consultation  
of the organisers]

**Subject: Your request for registration of a proposed citizens' initiative**

Title of proposed citizens' initiative: *"Minority SafePack – one million signatures for diversity in Europe"*

Date of request for registration: 15/07/2013

Dear organisers,

I refer to the request for registration of 15 July 2013 of a proposed citizens' initiative entitled "Minority SafePack – one million signatures for diversity in Europe".

As stated in Article 4(2) of Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, the Commission shall register a proposed citizens' initiative within two months from the receipt of the relevant information, provided that the following conditions are fulfilled:

- (a) the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2) of Regulation (EU) No 211/2011;
- (b) the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;
- (c) the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious; and
- (d) the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union (TEU).

The Commission has examined your proposed citizens' initiative to ascertain whether it meets these conditions as laid down in the above-mentioned Regulation.

I regret to inform you that, further to this examination, the Commission hereby refuses the registration of this proposed initiative on the grounds that it falls manifestly outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

The in-depth examination of the provisions of the Treaties that you suggested and of all other possible legal bases has led to this conclusion.

The main objective of your proposed initiative is the adoption by the EU of a set of legal acts to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union. You propose Articles 167, 165, 177, 178, 173, 182, 25, 20, 19, 79, 118, 53, 62, 109, 108, 107 of the Treaty on the Functioning of the European Union (TFEU), Articles 2 and 3 of the Treaty on the European Union (TEU) and Articles 21 and 22 of the Charter of Fundamental Rights as possible legal bases for your initiative.

First of all, while the respect for rights of persons belonging to minorities is one of the values of the Union referred to in Article 2 TEU, neither the Treaty on European Union, nor the Treaty on the Functioning of the European Union provide for a legal base as regards the adoption of legal acts aiming at promoting the rights of persons belonging to minorities.

Likewise, irrespective of their field of action, the Union institutions are bound to respect "cultural and linguistic diversity" (Article 3(3) TEU) and to refrain from discrimination based on "membership of a national minority" (Article 21(1) Charter). However, none of these provisions constitutes a legal basis for whatever action by the institutions.

Some of the acts requested in the Annex to your proposed initiative, that could contribute to achieving the overarching aim of protecting persons belonging to minorities, might individually fall within the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties. However, the Regulation on the citizens' initiative does not provide for the registration of part or parts of a proposed initiative.

In conclusion, the Commission considers that there is no legal basis in the Treaties which would allow the Commission to present a complete set of proposals for the "Minority SafePack" as defined in your application.

For these reasons, your proposed citizens' initiative falls manifestly outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

Should you wish to appeal against this decision, we would like to draw your attention to the means of redress available.

You may either:

- bring proceedings before the General Court under the conditions specified in Article 263 of the TFEU; or
- if you wish to complain about maladministration, file a complaint with the European Ombudsman under the conditions specified in Article 228 of the TFEU.

Please note that this letter will be published on the Commission's website for the citizens' initiative in order to inform the public of this decision in a transparent way.

Yours faithfully,

Catherine Day

