



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 21.1.2013
C(2013) 373 final

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following the consultation
of the organisers]

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Subject: Your request for the registration of a proposed citizens' initiative entitled 'Enforcing selfdetermination Human Right in the EU' – REQ.ECI(2012)000031

Dear organisers,

I refer to the request for the registration of 4 December 2012 of a proposed citizens' initiative entitled 'Enforcing selfdetermination Human Right in the EU', which aims "to accommodate within the EU's legal framework the selfdetermination human right" as set out in, inter alia, the Charter of the United Nations and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights of December 1966.

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 the examination of the provisions of the Treaties mentioned in your application (Articles 1, 2, 3(1), 3(5), 3(6), 11(1), 21, 48(2) TEU) and all other possible legal bases, 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.

In particular, amending the Treaties, as implicitly suggested by your reference to Article 48(2) TEU (ordinary revision procedure), falls outside the scope of the citizens' initiative, as the latter may only be used to request the Commission to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties. Moreover, the Commission has no power to submit a proposal for a legal act of the Union on the basis of Article 21 TEU, which sets out the principles and objectives of the Union's external action.

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 Treaty on the Functioning of the European Union ('TFEU'), or, if you wish to complain about maladministration, file a complaint with the European Ombudsman under the conditions specified in Article 228 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

