



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels, 23.1.2014  
C(2014)436 final

Mr Michael Berlin  
[personal data deleted  
following the consultation  
of the organisers]

Ms Elisabeth Sabler  
[personal data deleted  
following the consultation  
of the organisers]

**Subject:** **Your request for registration of a proposed citizens' initiative entitled "*The Supreme Legislative & Executive Power in the EU must be the EU Referendum as an expression of direct democracy.*"**

Dear organisers,

I refer to the request for registration of 02 December 2013 of a proposed citizens' initiative entitled "The Supreme Legislative & Executive Power in the EU must be the EU Referendum as an expression of direct democracy".

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 content of your proposed initiative and of the relevant provisions of the Treaties has led to this conclusion.

The main objective of your proposed initiative is to introduce a legal basis for a referendum mechanism at EU level. You do not propose any article of the Treaties as possible legal basis for your initiative.

It follows from Article 4 (2) (b) read in conjunction with Article 2 (1) of Regulation (EU) No 211/2011 that any legal act for which the Commission is invited to submit a proposal by means of a citizens' initiative must be "for the purpose of implementing the Treaties". However, there is no legal basis in the Treaties for a legal act of the Union which would cover the subject matter of your proposed citizens' initiative. Indeed, the proposed initiative could only be implemented by a revision of the Treaties.

In conclusion, the Commission considers that there is no legal basis in the Treaties which would allow the Commission to present a proposal introducing a legal basis for a referendum mechanism at EU level 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 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 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