



Reports of Cases

Case T-158/21

Citizens' Committee of the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe'

v

European Commission

Judgment of the General Court (Eighth Chamber), 9 November 2022

(Law governing the institutions – European citizens' initiative – 'Minority SafePack – one million signatures for diversity in Europe' – Commission communication setting out the reasons for not adopting the proposals for legal acts contained in the European citizens' initiative – Obligation to state reasons – Equal treatment – Principle of sound administration – Manifest error of assessment)

1. *Acts of the institutions – Statement of reasons – Obligation – Scope – Commission communication on a proposed European citizens' initiative – No infringement of the obligation to state reasons or of the principle of sound administration (Art. 296, second para., TFEU; European Parliament and Council Regulation 2019/788, Art. 15(2); Commission Decision 2017/652)*

(see paragraphs 17-19, 23-28, 31)

2. *Citizenship of the Union – Rights of the citizen – Submission of a citizens' initiative – Regulation 2019/788 – Examination by the Commission – Communication on a proposed European citizens' initiative – Judicial review – Limits (Art. 17(1) TEU; European Parliament and Council Regulation 2019/788)*

(see paragraphs 21, 52)

3. *EU law – Principles – Equal treatment – No obligation on the Commission to organise an identical number of meetings with the organisers of every European citizens' initiative (Charter of Fundamental Rights of the European Union, Art. 41; European Parliament and Council Regulation 2019/788, recital 28 and Arts 14 and 15)*

(see paragraphs 39, 40)

4. *Citizenship of the Union – Rights of the citizen – Submission of a citizens' initiative – Areas of education and culture – Competence of the Union – Scope*

(Arts 2(5) and (6)(c) and (e), 165(1) and (4), second indent, and 167(2) and (5), second indent, TFEU; Commission Decision 2017/652, recital 4(a))

(see paragraphs 42-45)

5. *Citizenship of the Union – Rights of the citizen – Submission of a citizens’ initiative – Regulation 2019/778 – Examination by the Commission – Communication containing its decision not to submit a proposal for a legal act to the EU legislature – Proposal for the adoption of a Council recommendation aimed at protecting and promoting linguistic and cultural diversity within the European Union – No manifest error of assessment (Arts 2 and 3(3), fourth subparagraph, TEU; Art. 165(1) TFEU; European Parliament and Council Regulation 2019/788)*

(see paragraphs 56-58, 72, 73, 75, 76, 82, 83, 86, 87)

6. *Citizenship of the Union – Rights of the citizen – Submission of a citizens’ initiative – Regulation 2019/788 – No obligation on the Commission to take specific action envisaged by a European citizens’ initiative (Art. 11(4) TEU; European Parliament and Council Regulation 2019/788)*

(see paragraphs 59, 60)

7. *Citizenship of the Union – Rights of the citizen – Submission of a citizens’ initiative – Regulation 2019/788 – Examination by the Commission – Communication containing its decision not to submit a proposal for a legal act to the EU legislature – Proposal for the creation of a centre for linguistic diversity in the field of regional and minority languages – No manifest error of assessment (Arts 165(3) and 167(3) TFEU; European Parliament and Council Regulation 2019/788)*

(see paragraphs 100, 104, 105, 109, 110)

8. *Citizenship of the Union – Rights of the citizen – Submission of a citizens’ initiative – Regulation 2019/788 – Examination by the Commission – Communication containing its decision not to submit a proposal for a legal act to the EU legislature – Proposal to guarantee approximately equal treatment between stateless persons belonging to national minorities and EU citizens – No manifest error of assessment (Art. 167(2) TFEU; European Parliament and Council Regulation 2019/788; Council Directives 2003/86, 2003/109, 2004/114, 2005/71 and 2009/50)*

(see paragraphs 112, 114, 118-125)

9. *Citizenship of the Union – Rights of the citizen – Submission of a citizens’ initiative – Regulation 2019/788 – Examination by the Commission – Communication containing its decision not to submit a proposal for a legal act to the EU legislature – Proposal to improve cross-border access for national minorities to audiovisual content from other Member States – No manifest error of assessment*

(Art. 56 TFEU; European Parliament and Council Regulation 2019/788; European Parliament and Council Directive 2010/13, recital 104 and Arts 2(1), 3(1), 13, 14 and 33)

(see paragraphs 129, 133-145)

Résumé

The General Court confirms the Commission communication refusing to take the action requested in the European citizens' initiative 'Minority SafePack – one million signatures for diversity in Europe'. The action already taken by the European Union to emphasise the importance of regional or minority languages and to promote cultural and linguistic diversity is sufficient to achieve the objectives of that initiative

The applicant, Citizens' Committee of the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe', requested that the European Commission register the proposed European citizens' initiative (ECI) entitled 'Minority SafePack – one million signatures for diversity in Europe'.¹

The aim of the proposed ECI was to invite the European Union to adopt a series of acts in order to improve the protection of persons belonging to national and linguistic minorities and to strengthen cultural and linguistic diversity in the European Union.

Following the registration of the proposed ECI by the Commission² and the collection of a sufficient number of signatures in support, the applicant submitted the ECI at issue to the Commission. After the European Parliament defined its position on that ECI,³ the Commission adopted, on 14 January 2021, the communication⁴ by which it refused to take the action requested in the ECI, concerning, inter alia, among the nine proposals listed:

- a recommendation of the Council on the protection and promotion of cultural and linguistic diversity in the European Union (proposal 1);
- a decision or a regulation of the Parliament and of the Council to create a centre for linguistic diversity in the field of regional and minority languages that would be financed by the European Union and responsible for promoting diversity at all levels (proposal 3);
- the amendment of EU legislation in order to guarantee approximately equal treatment for stateless persons and citizens of the European Union (proposal 6); and
- an amendment of the Audiovisual Media Services Directive,⁵ to ensure freedom to provide services and the reception of audiovisual content in regions where national minorities reside (proposal 8).

¹ Pursuant to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ 2011 L 65, p. 1), repealed and replaced with effect from 1 January 2020 by Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ 2019 L 130, p. 55).

² Commission Decision (EU) 2017/652 of 29 March 2017 on the proposed citizens' initiative entitled 'Minority SafePack – one million signatures for diversity in Europe' (OJ 2017 L 92, p. 100).

³ Parliament Resolution (2020)2846(RSP), P9_TA-PROV (2020)0370 of 17 December 2020.

⁴ Commission Communication C(2021) 171 final of 14 January 2021.

⁵ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ 2010 L 95, p. 1).

By its judgment, the General Court dismisses the applicant's action for annulment of the Commission's communication. This case gives the Court the opportunity, first, to clarify that, subject to compliance with the requirements stemming from Regulation 2019/788, the principle of equal treatment does not impose on the Commission the obligation to organise an identical number of meetings with the organisers of every ECI, and, secondly, to apply the solution adopted by the Court of Justice in *Préfet du Gers and Institut national de la statistique et des études économiques* as regards the rights granted only to EU citizens.⁶

Findings of the Court

First, the Court finds that the Commission complied with the **obligation to state reasons** with regard to the contested communication. Taking into account the initiatives already undertaken by the EU institutions in the areas covered by the ECI at issue and its monitoring of the implementation of those initiatives, the Commission considered that, at that stage, no additional legal act was necessary to achieve the objectives pursued by that ECI.

Second, the Court points out that, in accordance with the **principle of equal treatment**, the number of meetings organised by the Commission with the organisers of an ECI may vary, depending, inter alia, on the nature or complexity of the ECI, with the result that the Commission is not required to organise an identical number of meetings with the organisers of every ECI.

Third, the Court holds that the Commission did not commit any manifest error of assessment as regards the examination of proposals 1, 3, 6 and 8 of the ECI at issue.

Thus, as regards **proposal 1**, the Commission was entitled to refer, in the contested communication, to the Council of Europe Charter⁷ as a reason for its refusal to take the action envisaged by that proposal. The fact that the European Union is not a party to that charter does not establish that the Commission committed a manifest error of assessment, since the applicant does not dispute that the European Union regularly refers to that charter as the legal instrument defining the guidelines for the promotion and protection of regional and minority languages. Furthermore, the fact that certain Member States have not yet signed or ratified it is irrelevant to evaluate the European Union's action in this field. Similarly, the Commission cannot be required, when examining an ECI, to take into consideration only those EU acts which concern all Member States and all persons concerned by that ECI. Moreover, it is immaterial that an act, taken in isolation, does not enable the objectives pursued by an ECI to be fully achieved if all the acts and measures mentioned by the Commission in its communication are capable, collectively, of achieving those objectives.

As regards **proposal 3**, the Court also finds that the Commission justifiably considered that the tasks performed, the objectives pursued and the activities undertaken by the Council of Europe's European Centre for Modern Languages ('the ECML') are capable of contributing to the achievement of the objectives pursued by that proposal of strengthening awareness of the importance of, inter alia, regional or minority languages and of promoting diversity at various levels.

⁶ Judgment of 9 June 2022, *Préfet du Gers and Institut national de la statistique et des études économiques* (C-673/20, EU:C:2022:449).

⁷ European Charter for Regional or Minority Languages of the Council of Europe of 5 November 1992 (*European Treaty Series* – No 148).

In that regard, the Commission was entitled to consider, in the contested communication, that maintaining and developing cooperation with another international organisation in areas corresponding to those which the applicant wished to assign to the centre for linguistic diversity, namely with the ECML, to which the majority of the Member States of the European Union have acceded and which is closely linked to the Council of Europe, is capable of contributing to the attainment of the objectives pursued by proposal 3 and of avoiding the duplication of effort and resources.

As regards **proposal 6**, in so far as the objective of that proposal is to obtain the extension of citizen-related rights to stateless persons and their families, who have been living in their country of origin for the whole of their lives, the Court points out that possession of the nationality of a Member State is an essential condition for a person to be able to acquire and retain the status of citizen of the Union and to benefit fully from the rights attaching to that status. Thus, in accordance with the judgment in *Préfet du Gers and Institut national de la statistique et des études économiques*, rights connected with the status of citizen of the Union cannot be extended to persons who do not possess the nationality of a Member State. In addition, the Commission justifiably considered that its action plan relating to integration and social cohesion⁸ is capable of taking account of the need for stateless persons to be better integrated in society via better employment, education and social opportunities.

As regards **proposal 8**, the Court points out that the Audiovisual Media Services Directive already facilitates the reception and retransmission of audiovisual media services throughout the European Union, including of audiovisual content from neighbouring Member States of a given Member State, in languages likely to be of interest to persons belonging to national minorities residing in the latter. Moreover, the Commission correctly considered that the monitoring of the application of that directive is capable of contributing to achieving an objective pursued by that proposal, namely to improve access to audiovisual content of various origins and languages. Accordingly, the Commission was entitled to conclude that no amendment of that directive was necessary in order to achieve the objective pursued by proposal 8.

⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, entitled 'Action plan for Integration and Inclusion for 2021-2027' (COM(2020) 758 final).