

Appeal brought on 27 January 2022 by Romania against the judgment of the General Court (Tenth Chamber) delivered on 10 November 2021 in Case T-495/19 Romania v Commission

(Case C-54/22 P)

(2022/C 128/16)

Language of the case: Romanian

Parties

Appellant: Romania (represented by: E. Gane, L. Lițu and L.-E. Bațagoi, Agents)

Other parties to the proceedings: European Commission, Hungary

Form of order sought

The appellant claims that the Court of Justice should:

- allow the appeal, set aside the judgment of the General Court in Case T-495/19, in so far as it concerns the analysis relating to the plea based on the infringement of Article 4(2)(b) of Regulation No 211/2011, and adjudicate in Case T-495/19, upholding the application for annulment of Commission Decision (EU) 2019/721;
- or, alternatively, allow the appeal, set aside the judgment of the General Court in Case T-495/19, in so far as it concerns the analysis relating to the plea based on the infringement of Article 4(2)(b) of Regulation No 211/2011, and refer Case T-495/19 back to the General Court so that the latter may adjudicate afresh, uphold the application for annulment and annul Commission Decision (EU) 2019/721;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the appeal, Romania relies on a single ground, alleging the infringement of Article 4(2)(b) of Regulation No 211/2011, in conjunction with Article 5(2) TEU.

Romania submits that the General Court erred in law, thereby infringing the provisions in question.

- (i) First, the General Court so erred by its interpretation concerning the conditions in which the Commission could refuse to register a European citizens' initiative — in particular when it found that such a refusal may occur only where the possibility for the Commission of submitting a proposal for an EU legal act for the purpose of implementing the Treaties may be *totally excluded*.

However, such an initiative, if submitted, manifestly falls outside the framework of the Commission's powers to submit a proposal for an EU legal act if, following a legal assessment *in abstracto* of the measures proposed, there are serious doubts that such measures could be adopted on the basis of the Treaties.

- (ii) Secondly, the General Court erred by its interpretation concerning the possibility for the Commission of registering a proposed European citizens' initiative with reservations or conditionally.

However, in such a situation, the Commission is required to refer to all the mandatory and optional information provided by the organisers and cannot disregard it even in part.
