



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels,
SG/C4/OK/CR/rr – Ares(2014)

Mr Michael EFLER

[Personal data deleted following
the consultation of the organisers]

**Subject: Your request for registration of a proposed citizens' initiative
entitled "STOP TTIP"**

Dear organisers,

I refer to your request for registration of 15 July 2014 of a proposed citizens' initiative entitled "STOP TTIP".

Your proposed initiative aims to prevent the negotiation and the conclusion of the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA) respectively, by inviting the Commission to recommend to the Council to repeal the negotiating mandate for TTIP and not to conclude CETA.

You propose Article 207 and 218 of the Treaty on the Functioning of the European Union (TFEU) as possible legal bases for your initiative.

Article 2(1) of Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the Citizens' Initiative defines a citizens' initiative as one which invites the Commission, within the framework of its powers, to submit an appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

According to Article 4(2) of the above-mentioned Regulation, 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 the definition and conditions as laid down in the above-mentioned Regulation.

I regret to inform you that, further to this in-depth examination, the Commission is obliged to refuse the registration of your proposed initiative for the following reasons:

The negotiation of an international agreement precedes and prepares the conclusion of such an agreement. The Council decision authorising the opening of negotiations, and likewise the Commission recommendation on which such decision is based, are therefore only preparatory acts. They prepare the Council decision authorising the signature of an international agreement, which is adopted on the basis of a Commission proposal. As such, the Council decision authorising the opening of negotiations only has effects between institutions and does not modify EU law. The latter happens only when the subject of the negotiations, the international agreement, is signed and concluded.

According to Article 11(4) TEU, a citizens' initiative can concern "matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties". In the area of international agreements, this legal act, which citizens may consider necessary, is the agreement as such, and not the decision authorising the opening of international negotiations, which, as described above, is a preparatory step towards the conclusion of the agreement. As a preparatory act, such a decision, or its repeal, does not fall within the scope of the Regulation.

In addition, a proposed initiative asking the Commission to refrain from submitting a proposal for a legal act (in this case the decision authorising the signature/conclusion of the agreements) or to propose not to adopt a legal act is not admissible under Regulation (EU) No 211/2011 as it does not aim at the submission by the Commission of a proposal for a legal act considered necessary by the citizens for the purpose of implementing the Treaties.

For the reasons outlined above, 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 as well as outside the scope of Regulation (EU) No 211/2011.

We would like to draw your attention to the means of redress available against this decision. 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.

This decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative called "Stop TTIP", represented by Mr Michael EFLER [REDACTED] [REDACTED] acting as contact persons.

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 sincerely,

Catherine Day