Subject: Consultation on a request for registration of a proposed citizens' initiative – proposed refusal of registration (Ref.: REQ.ECI(2014)000008 - "STOP TTIP")

On 15th July 2014, the Commission received a request to register a proposed citizens’ initiative entitled "STOP TTIP".

You will find enclosed the full text of the proposed initiative as provided by the organisers.

In accordance with Article 4(2) of Regulation (EU) No 211/2011 on the citizens’ initiative, the Commission must confirm the registration of a citizens' initiative before the organisers can start the collection of statements of support from signatories. According to the Regulation, the Commission is required to register a proposed initiative unless:

- It manifestly falls 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;
- It is manifestly abusive, frivolous or vexatious;
- It is manifestly contrary to the values of the Union as set out in Article 2 TEU.

The Commission's analysis is therefore of legal nature, i.e. solely on the legal admissibility of the proposed initiative. No political consideration should be taken into account at this stage.

In this analysis, it is the central objectives of the proposed initiative that should be taken into account. Even if some aspects of the description provided by organisers could be questionable in terms of legal admissibility, registration should be confirmed as long as
the core of the 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 Commission to refuse registration, there must be no doubt that the core of the initiative falls clearly outside the framework of the Commission's powers as set out by the Treaties. In other words, the refusal to register a proposed initiative can only take place if it is clear that there is no legal basis that could allow the Commission to make a proposal related to the core of the initiative, as described by the organisers. This also means that in case of doubt regarding the admissibility of the proposed initiative's central objectives, it must be registered, as it would not fall "manifestly" outside the framework of the Commission's powers.

With this in mind, we consulted the Legal Service on 18 July 2014 in order to ascertain whether this proposed initiative falls manifestly outside the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

The Legal Service replied on 25 July 2014 considering that this proposed initiative falls manifestly outside the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties and that the registration of the initiative should consequently be refused.

The Commission's draft reply to the organisers has been elaborated on the basis of this position. You will find it in the Annex.

We would be grateful if you could send us your comments, if any, on the proposed reply refusing the request for registration by 12 August 2014. For this purpose, please use the Ares function “Answer”.

Please note that if we do not receive any answer from your service by the above deadline, we will consider that you agree with the draft reply.

Yours sincerely,

(signed)  
Elizabeth Golberg

Cc:  Jon NYMAN, Montserrat GAGO DE LA MATA (DG TRADE)  
Enclosure:  Draft reply to organisers; full content of the proposed citizens' initiative  
Contact:  Charlotte Rive (SG.C.4, tel: 74719)