



## **The European Citizens' Initiative ONE OF US challenges the European institutions before the General Court of the European Union**

Strasbourg, July 25<sup>th</sup> 2014.  
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President of the Citizens' Committee.

On July 25<sup>th</sup> 2014, the European Citizens' Initiative (ECI) ONE OF US lodged an application before the General Court of the European Union (Luxembourg) against the European Commission, the Council of the EU, and the European Parliament, asking for the annulment of the [Commission Communication COM \(2014\) 355 final](#) by which the Commission had decided not to transmit the One of Us legislative proposal to the European Parliament and to the Council, and the annulment of Article 10 (1) (c) of Regulation (EU) No 211/2011.

On the 28<sup>th</sup> of May, the former "Barroso Commission" vetoed the Citizens' Initiative "ONE OF US", the largest petition in the history of European institutions. This initiative, formally supported by almost two million people in Europe, is the largest petition in European history. It demands that Brussels no longer finances any practice that destroys human life before birth.

In the application before the Tribunal, ONE OF US alleges the absence of appropriate answer to the European Initiative One Of Us' legislative proposition and to the issues raised by the Initiative

- The Commission does not respond to the assertion that the human embryo is a human being;
- It wrongfully dismisses the CJEU decision C-34/10 *Oliver Brüstle v Greenpeace e.V* of 18 October 2011 though it is fully relevant to the definition of the status of the embryo;
- Obvious contradictions are not addressed:
  - Research on the embryo is said not to be 'encouraged' but research presupposing the destruction of embryos is financed;
  - Since the 'triple lock' system does not guarantee any specific ethical safeguard,
  - Countries with the least protective ethical measures are financially favored;
- The decision of the Communication regarding the financing of abortion in developing countries is based on the erroneous assumption that
  - Financing organizations promoting and practicing abortion in developing countries would be beneficial to maternal health;

- Offering access to abortion is an international obligation streaming from the ICPD Program of Action in 1994 and the UN Millennium Development Goals.

In the application, ONE OF US also alleges a violation of the democratic process by the Commission:

- The Commission does not provide any legal reason for its refusal to transmit the proposition to Parliament: neither impossibility, nor absence of necessity, nor redundancy;
- The Commission misunderstands the requirements of Regulation (EU) No 211/2011 and maintains a monopoly over the legislative process, contrary to the provisions of TEU and TFEU on the institutional dialogue;
- It does not set out its legal and political conclusions separately, though it is required by Regulation (EU) No 211/2011.

Finally, in its application, ONE OF US alleges the non-conformity of Regulation (EU) No 211/2011 to the Treaties of the European Union

- The objectives of the Lisbon Treaty are to improve the institutions' democratic legitimacy and to encourage the participation of European citizens in the democratic process. If an ECI can be dismissed by the Commission for subjective or arbitrary reasons without being examined by Parliament, the objectives of the Treaty are countered;
- The rule of law is infringed if the Commission's decision is not subject to legal review.

Finally, because it is meaningless to discuss any issue if there is no democracy, the main concern of this application is not primarily the substance of the ONE OF US initiative, but the way in which it has been handled by the European Commission. It is not only about the right to life, but firstly about democracy. The first purpose of the application is to ask the EU to clarify what a European Citizens' Initiative (ECI) is supposed to be, and how they believe it should be treated. All EU citizens, supporters and opponents of the ONE OF US initiative alike, will appreciate this clarification.

The One of Us application sets a clear alternative for the General Court of the EU: either this application will be successful, in which case the ECI will become what it was intended to be: a meaningful and practicable instrument of participatory democracy; or, it will be rejected, which would mean that the ECI is a fake mechanism of participative democracy.