Commission Decision (EU) 2019/1567 of 4 September 2019 on the proposed citizens' initiative entitled ‘Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law’ (notified under document C(2019) 6390) (Only the English text is authentic)

COMMISSION DECISION (EU) 2019/1567

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on the proposed citizens' initiative entitled ‘Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law’

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(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative[1], and in particular Article 4 thereof,

Whereas:

(1) The subject matter of the proposed citizens' initiative entitled ‘Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law’ refers to the following: ‘Regulating commercial transactions with Occupant's entities based or operating in occupied territories by withholding products originating from there from entering the EU market.’

(2) The objectives of the proposed citizens' initiative refer to the following: ‘The Commission, as Guardian of the Treaties, has to ensure consistency of Union's policy and compliance with fundamental rights and international law in all areas of EU law, including CCP. It must propose legal acts to prevent EU legal entities from both importing products originating in illegal settlements in occupied territories and exporting to such territories, in order to preserve the integrity of the internal market and to not aid or assist the maintenance of such unlawful situations’

(3) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.

(4) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.

(5) A legal act covering the subject matter of the proposed citizens' initiative could only be adopted on the basis of Article 215 TFEU.

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision (EU) 2019/1567. (See end of Document for details)*

(6) However, a prerequisite for a legal act to be adopted on the basis of Article 215 TFEU is a decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union which provides for the interruption or reduction, in part or completely, of economic and financial relations with the third country concerned. The Commission does not have the power to submit proposals for such a decision. In the absence of a corresponding decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union, the Commission does not have the power to submit a proposal for a legal act to be adopted on the basis of Article 215 TFEU.

(7) For these reasons, the proposed citizens' initiative entitled ‘Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law’ 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 within the meaning of Article 4(2)(b) of the Regulation, read in conjunction with Article 2, point 1, thereof,

HAS ADOPTED THIS DECISION:

Article 1

Registration of the proposed citizens' initiative entitled ‘Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law’ is hereby refused.

Article 2

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative called ‘Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law’, represented by *[Personal data deleted following the consultation of the organisers]* acting as contact persons.

Done at Brussels, 4 September 2019.

For the Commission

Frans TIMMERMANS

First Vice-President