



Strasbourg, 22.11.2022
C(2022) 8511 final

COMMISSION IMPLEMENTING DECISION

of 22.11.2022

on the request for registration of the European citizens' initiative entitled 'European Day of "Whatever it Takes"', pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council

(Only the English text is authentic)

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on the request for registration of the European citizens' initiative entitled 'European Day of "Whatever it Takes"', pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative¹, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'European Day of "Whatever it Takes"' was submitted to the Commission on 27 July 2022.
- (2) The objective of the initiative as expressed by the organisers is an "appeal to the EU Commission for the institutionalization of the European Day of "Whatever it Takes" – 26.07.2012 to mark in history the institutional wisdom and game-changing capacity of the European Institutions during the Great Recession. An inspiring chapter of EU's functional resiliency and core capabilities for institutions, nations and societies to drive progress while sailing times of multiple-crisis management".
- (3) An annex, as well as an additional document entitled 'Whatever it Takes Manifesto', provide further details on the subject matter, objectives and background to the initiative, by setting out and specifying the reasons to support the initiative. The initiative aims at celebrating a 'Whatever it Takes Day' as a 'symbolic act of pan Europeanism', in reference to the statement made by the former President of the European Central Bank Mario Draghi on 26 July 2012 which, according to the organisers, shaped the history of the euro area and economic integration by providing a comprehensive example of modern leadership and an inspiring vision. They further accompany their proposal with 'three key messages' in support of their plea for a 'WIT Day': '(a) to set in stone one of the most critical efforts to save the Euro, as an act of recognition of the EU institutional wisdom and resilience during the Great Recession that severely threatened Eurozone and national economies; (b) to bring EU voices together and celebrate the European values of democracy, cultural diversity, peace and human rights, in times of easy scorn, societal extremism, Euro-skepticism and populism rising throughout Europe; (c) to shed light on the adaptative power and crisis-solving capabilities that European institutions need to maintain to drive progress and face what lies ahead.'

¹ OJ L 130, 17.5.2019, p. 55.

- (4) On 26 August 2022, pursuant to Article 6(4) of Regulation (EU) 2019/788, the Commission informed the group of organisers of its assessment that the requirements laid down in Article 6(3), first subparagraph, points (a), (d) and (e), of that Regulation were fulfilled and that the requirement laid down in Article 6(3), point (b) was not applicable. The Commission also indicated that the text of the initiative as formulated in the request of 27 July 2022 did not allow it to conclude that it fulfilled the requirement set out in Article 6(3), first subparagraph, point (c) of Regulation (EU) 2019/788 and invited the organisers to clarify the specific objectives of the ‘European Day of “Whatever it Takes”’ and the concrete legal measures the Commission was invited to propose.
- (5) On 26 October 2022, the organisers notified the Commission of their decision to maintain their request for registration pursuant to Article 6(4) of Regulation (EU) 2019/788, without providing further clarifications on the scope of their initiative and the concrete legal measures the Commission is invited to propose.
- (6) It remains therefore unclear whether the institutionalisation of the ‘Whatever it Takes’ day is an event that is specifically related to the economic and monetary policy of the Union or one that aims to mark the capacity of the Union institutions as a whole to face and address challenges in general, or both.
- (7) There are no autonomous provisions in the Treaties providing for the establishment of commemorative days or years. In some cases, special commemorative European ‘days’ or ‘years’ have been formally established by legal acts adopted on the basis of substantive provisions in the Treaties relating to the subject matter of the special commemorations².
- (8) Insofar as the objective of the initiative appears, in substance, to be the institutionalisation of a European Day of “Whatever it Takes” to celebrate the strength of the Union in facing economic and monetary challenges, the Commission cannot identify an appropriate legal basis in Title VIII TFEU concerning the economic and monetary policy which would allow the Commission to submit a proposal for a legal act exclusively establishing such a special commemorative European ‘day’.
- (9) However, the organisers’ description of the initiative contains a series of cross-cutting elements that indicate that the initiative is more general in scope, not targeting specific policy areas, and purely commemorative in nature. One of the key messages of the initiative is indeed ‘to bring EU voices together and celebrate the European values of democracy, cultural diversity, peace and human rights’ which correspond in part to the fundamental values of the Union expressed in Article 2 of the Treaty on European Union and in part to the general objectives of the Union laid down in Article 3 TEU.
- (10) Neither Articles 2 and 3 TEU nor Article 17 TEU, to which the organisers refer in their request for registration, provide the necessary concrete powers to the Commission to submit a proposal for a legal act of the Union, and thus cannot be used as a legal basis for a proposal for a legal act of the Union that would aim at pursuing the objectives of the initiative. However, actions aimed at increasing the awareness of

² See for instance Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012) (OJ L 246, 23.9.2011, p. 5) based on Article 153(2) TFEU and Decision (EU) 2021/2316 of the European Parliament and of the Council of 22 December 2021 on a European Year of Youth (2022) (OJ L 462, 28.12.2021, p. 1), based on Article 165(2) TFEU.

the European Union and its values and communicating with its citizens in general have been adopted on the basis of Article 352 TFEU³.

- (11) Considering that the objectives of the initiative seem to aim at enhancing respect for and promotion of several Union values and seem to target objectives corresponding to those of the Union as laid down in Article 3 TEU, and since the initiative does not seem to aim at the introduction or modification of legislation in any specific policy areas defined in the Treaties, it is concluded that, at least for the purpose of establishing whether the formal conditions for registration are met, it is not manifest that the Commission will be unable to make a proposal for a legal act establishing a commemorative day pursuing the attainment of the objectives of the Treaties on the basis of Article 352 TFEU. That provision allows the Commission to submit a proposal to the Council for measures necessary to attain one of the objectives set out in the Treaties, if the Treaties have not provided the necessary powers.
- (12) For those reasons, none of the parts of the initiative 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.
- (13) This conclusion is without prejudice to the assessment of whether the concrete substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.
- (14) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph of that Regulation.
- (15) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.
- (16) The initiative entitled 'European Day of "Whatever it Takes"' should therefore be registered.
- (17) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'European Day of "Whatever it Takes"' shall be registered.

³ See for instance Council Regulation (EU) No. 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014, p. 3).

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'European Day of "Whatever it Takes"', represented by Mr Rui Pedro GONÇALVES DUARTE and Mr David Jorge FERREIRA DA SILVA acting as contact persons.

Done at Strasbourg, 22.11.2022

For the Commission
Věra JOUROVÁ
Vice-President

