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President of the European Commission
Mrs Ursula von der Leyen

Vice-President of the European Commission
Mrs Vera Jourová

FEDERAL UNION OF EUROPEAN NATIONALITIES
FÖDERALISTISCHE UNION EUROPÄISCHER NATIONALITÄTEN
ФЕДЕРАЛИСТСКИЙ СОЮЗ ЕВРОПЕЙСКИХ НАЦИОНАЛЬНЫХ МЕНЬШИНСТВ
UNION FÉDÉRALISTE DES COMMUNAUTÉS ETHNIQUES EUROPÉENNES

Brussels, 20 January 2021

REACTION OF THE MSPI CITIZENS' COMMITTEE TO COMMISSION COMMUNICATION C(2021)171

Dear President Von der Leyen,
Dear Vice-President Jourová

With this letter, we would like to convey the strong disappointment of the Citizens' Committee of the Minority SafePack European Citizens' Initiative with the Communication of the EU Commission outlining its political and legal conclusions on the initiative, which was delivered to us on 15 January. We read with deep regret the refusal of the European Commission to propose any legal acts in all nine areas of the ECI registered by the Commission, thereby ignoring the voices of more than one 1.1 million European citizens who started the initiative.

Representatives of national and linguistic minorities, including the Federal Union of European Nationalities (FUEN) seized the revolutionary tool of participatory democracy introduced in the Lisbon Treaty with great enthusiasm and much hope, seeing it as a great opportunity to make their voices and concerns heard and ultimately to fill the void that characterised the EU legal landscape concerning national and linguistic minorities.

This hope and the confidence that the values enshrined the Treaties are on our side kept us going forward even when the Commission refused the registration of our initiative without any explanation in 2013. We had no doubt that we would win the appeal we lodged at the Court of Justice of the European Union, as we had no doubt that we would win the second court case, which Romania lodged against the Commission's new decision to register the Minority SafePack ECI. We were right on both counts, the Court of Justice confirmed beyond doubt not just that the EU is entitled to adopt legislative proposals in the 9 areas of the ECI, but also that these proposals of contributed to the primary values and objectives of our Union.

We did not stop after the conclusion of the successful signature collection either. In a sign of openness and cooperation, we went the extra mile to make our concerns understood by the European Commission: we expressed our ideas in concrete legal act proposals to the Commission, which we also thoroughly explained during the highly successful public hearing in the European Parliament.

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We also went beyond what was necessary when we sought out and received the support of national and regional governments and legislatures to highlight the strong public backing we have for our initiative across Europe, so that the Commission can be sure: it is not just the vast majority of the European Parliament, which supports us. Even with the difficulties posed by the pandemic, we managed this in the case of the Bundestag of Germany, the Second Chamber of The Netherlands, the Parliament of Hungary, the Landtag of Schleswig-Holstein, Saxony and Brandenburg, the Landtag of the Autonomous Province of Bolzano-South Tyrol and the Frisian Parliament.

This is why we were so astonished to see the full rejection of the European Commission, which apparently gave more importance to showcasing a list of its current actions and projects, which often are not even linked to the goals of the ECI, so as to dismiss the proposals as unneeded, instead of studying the initiative closely and addressing the initiators' concerns.

The response of the Commission also shows the lack of understanding that a European Citizens' Initiative, which speaks for over 1 million citizens from 11 countries must trigger more than a simple inventory of current actions. The principle of good administration would have meant concretely and proactively addressing the concerns of the initiators, signatories and citizens. The Commission could have done this either through the means expressed by us or through any other means it would have found most appropriate as a conclusion of a solid assessment.

The limit of the actions the Commission can take for the protection and promotion of persons belonging to national and linguistic minorities were also misjudged and the decision of the Court of Justice of the European Union concerning the fundamental competences of the Commission in the areas of the Minority SafePack were completely ignored. In addition, the arguments offered by the Commission to justify its lack of follow-up are not valid in many areas.

Thus, there was no clear justification for the refusal to propose a Recommendation of the Council, through which Member States could have shared best practices in the field of minority protection, through the open method of coordination and could have set common goals in the field of education, culture and language for national minorities, thereby raising the protection of national minorities in the EU to a new qualitative level.

As mentioned in our proposals, countless regional and minority languages in Europe are in danger of extinction. This is why we asked for a dedicated European Centre for Linguistic Diversity to promote the research and scientific treatment of endangered and less spoken languages in the EU. The Commission Communication however dismissed our call, by pointing to the existing cooperation with the European Centre for Modern Languages of the Council of Europe. Even though this esteemed institution has a completely different scope of activities and does not pursue any of the objectives we demanded, the Commission considered that it replied to the demands of the ECI, based on the mere ground that regional and minority languages are not expressly excluded from its sphere of activity. Especially in view of the rich cultural heritage in danger in the EU, we still consider this demand to be a central element of the ECI, which should be implemented without fail in order to extend a protective hand to the regional or minority languages on the European continent.

As what regards the geo-blocking proposals, we reiterate the particular importance of unrestricted cross-border access to audio-visual content for small linguistic communities to be able to consume important content in their mother tongue. In its reply, the Commission again largely ignored all our concrete proposals and justifications, making only references to steps it in any way has an obligation to take to comply with existing legislation or to digital service providers, such as Netflix providing more European products in their catalogue in the future, which despite being a good principle it does not address the demand of cross border access to audio-visual media content for national minorities.

Such arguments lacking in relevance on the part of the Commission unfortunately run through the entire Communication of January 15, 2021.

Our disappointment is echoed in several of Europe's national and linguistic minority communities and citizens who have signed our initiative. Despite our disappointment, we will not give up on their trust and aim to take their concerns and demands further in order to make a solid contribution to a Europe that looks upon all its citizens as truly equal.

We are convinced that ultimately also the European Commission will one day also realise the need to express the expectations of those citizens of Europe who belong to national and linguistic minority communities. We continue to extend our hand to the Commission in order to advance this cause the EU.

Respectfully,



Prof. Hans Heinrich Hansen
Honorary President of FUEN

Representative of the MSPI
Citizens' Committee



Hunor Kelemen
President of the Democratic Alliance of
Hungarians in Romania

Deputy Representative of the MSPI
Citizens' Committee