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COMMUNICATION FROM THE COMMISSION

on the European Citizens' Initiative 'Cohesion policy for the equality of the regions and sustainability of the regional cultures'

1. INTRODUCTION: THE CITIZENS' INITIATIVE

The European citizens' initiative (ECI), under Article 11(4) of the Treaty on European Union (TEU), enables EU citizens to invite the European Commission to submit a proposal for a legal act of the Union with the aim of implementing the EU Treaties. To do so, they must collect signatures from at least one million EU citizens and reach the required minimum thresholds in at least seven Member States. Regulation (EU) 2019/788¹ (the 'ECI Regulation') sets out detailed rules on the ECI.

'Cohesion policy for the equality of the regions and sustainability of the regional cultures' is the eleventh ECI² submitted to the Commission for examination, having met the thresholds required by the TEU and the ECI Regulation. It is also the first successful initiative to be examined by the Commission under its 2024-2029 mandate.

The organisers describe their objectives as follows:

The cohesion policy of the EU should pay special attention to regions with national, ethnic, cultural, religious or linguistic characteristics that are different from those of the surrounding regions.

For such regions, including geographic areas with no administrative competencies, the prevention of economical backlog, the sustainment of development and the preservation of the conditions for economic, social and territorial cohesion should be done in a way that ensures their characteristics remain unchanged. For this, such regions must have equal opportunity to access various EU-funds and the preservation of their characteristics and their proper economical development must be guaranteed, so that the EU's development can be sustained and its cultural diversity maintained.

In an Annex submitted with their registration request, the organisers presented several proposals to achieve the ECI objectives:

1. Defining the concept of 'national/ethnic minority regions', or simply 'national regions', i.e. 'regions with national, ethnic, cultural, religious, or linguistic characteristics that are different from those of the surrounding regions' in an EU legal act.
2. Beyond defining the concept of national regions, the legal act to be elaborated by the Commission must also explicitly identify these regions, taking into account the criteria in the listed international documents³ and the will of the affected communities.
3. Expanding the list of least favoured regions mentioned in Article 174 of the Treaty on the Functioning of the European Union to include new categories, such as regions with distinct

¹ Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (OJ L 130, 17.5.2019, p. 55–81; ELI: <http://data.europa.eu/eli/reg/2019/788/oj>).

² https://citizens-initiative.europa.eu/initiatives/details/2019/000007_en.

³ The documents listed are: Recommendation 1811/2007 of the Council of Europe on the Regionalisation in Europe; the Framework Convention for the Protection of National Minorities; Recommendation 1201/1993 of the Council of Europe; the European Charter for Regional or Minority Languages; Recommendation 1334/2003 of the Council of Europe; constitutional traditions common to Member States; the case law of the European Court of Justice and the European Court of Human Rights; Article 3 TEU; Article 167 TFEU.

national, linguistic, and cultural characteristics, referred to as national/ethnic minority regions.

4. Ensuring that Union Funds are not used in ways that would alter the ethnic composition, regional identity, or cultural heritage of national regions. This includes preventing the use of Union Funds to support employment policies that encourage the settlement of a workforce with different cultural or linguistic backgrounds.
5. Taking linguistic, ethnic, and cultural boundaries into account when forming the Nomenclature of territorial units for statistics (NUTS). The group of organisers propose that these boundaries should reflect the will of the autochthonous communities, expressed through a local referendum prior to the delimitation of the regions.
6. Ensuring that Member States uphold their international commitments regarding national minorities. The organisers consider that failure to comply with these commitments would constitute a violation of the values listed in Article 2 of the Treaty on European Union, potentially triggering an infringement procedure as outlined in Article 7.

The organisers requested that the Commission register the initiative on 18 June 2013. The Commission initially refused to register the proposed ECI⁴, stating that its subject matter manifestly fell 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. However, following the ruling of the Court of Justice in case C-420/16 P⁵, the Commission registered the initiative on 7 May 2019, albeit in a qualified manner. Article 1(2) of the registration decision⁶ states that statements of support for the initiative could only be collected 'based on the understanding that it aims at proposals from the Commission for legal acts setting out the tasks, priority objectives and the organisation of the Structural Funds and provided that the actions to be financed lead to the strengthening of the economic, social and territorial cohesion of the Union'.

In addition, Recital 5 of the registration decision states that 'legal acts of the Union for the purpose of implementing the Treaties can be adopted in defining the tasks, priority objectives and the organisation of the Structural Funds which may involve grouping the Funds, in accordance with Article 177 of the Treaty on the Functioning of the European Union (TFEU)'.

Accordingly, the Commission's examination of this ECI is based strictly on the content as registered, rather than on the generality of the objectives of the initiative as set out by the group of organisers. The qualified registration of the ECI has been confirmed by the rulings of the General Court⁷ and of the Court of Justice⁸.

⁴ Commission Decision C(2013) 4975 of 25 July 2013.

⁵ Judgment of the Court of 7 March 2019, *Balázs-Árpád Izsák and Attila Dabis v European Commission*, Case C-420/16 P, ECLI:EU:C:2019:177. The organisers, supported by Hungary, had applied to the General Court for the annulment of the Commission's refusal to register the ECI (Case T-529/13). The General Court dismissed the application. The organisers then appealed the judgment to the Court of Justice (Case C-420/16 P), which set aside the judgment of the General Court in Case T-529/13 and annulled Commission Decision C(2013) 4975.

⁶ Commission Decision (EU) 2019/721 of 30 April 2019 on the proposed citizens' initiative entitled 'Cohesion policy for the equality of the regions and sustainability of the regional cultures' (notified under document C(2019) 3304), ELI: <http://data.europa.eu/eli/dec/2019/721/oj>.

⁷ Judgment of the General Court of 10 November 2021, *Romania v Commission*, Case T-495/19, EU:T:2021:781.

⁸ Judgment of the Court of 22 February 2024, *Romania v European Commission, Hungary*, Case C-54/22 P, ELI: <http://data.europa.eu/eli/C/2024/2387/oj>.

Following the verification of the statements of support by the Member State authorities that was finalised in 2022, the organisers formally submitted the ECI to the Commission on 4 March 2025⁹. On the same date, the Commission published the relevant notice confirming the validity of the initiative in the ECI register. They further elaborated on the initiative's objectives during a meeting with the Commission on 25 March 2025 and in a written submission following that meeting, as well as during a public hearing organised by the European Parliament on 25 June 2025. Furthermore, a plenary debate on the ECI took place in the European Parliament on 10 July 2025.

This Communication sets out the Commission's analysis and conclusions regarding the initiative and any action it intends to take in response to the initiative in accordance with Article 15(2) of the ECI Regulation.

2. CONTEXT

2.1. Existing legal framework

EU cohesion policy

With a total budget of EUR 392 billion for the 2021-2027 programming period, cohesion policy is the European Union's main investment policy to implement the Treaty objective of strengthening the economic, social and territorial cohesion.

Under Article 174 TFEU, in order to strengthen its economic, social and territorial cohesion, the Union is committed to 'reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions', and particular attention is to be paid to 'rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions'.

Cohesion policy benefits all EU regions, aiming to boost job creation, enhance business competitiveness, foster economic growth and promote sustainable development, and improve the quality of life for EU citizens.

It is delivered through four dedicated funds for the 2021-2027 programming period: the European Regional Development Fund (ERDF), to invest in the social and economic development of all EU regions; the Cohesion Fund, to invest in environment and transport in the less prosperous EU countries; the European Social Fund Plus (ESF+), to support jobs and create a fair and socially inclusive society in EU countries; and the Just Transition Fund (JTF) to support the regions most affected by the transition towards climate neutrality.

⁹ This ECI was registered under Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, ELI: <http://data.europa.eu/eli/reg/2011/211/2020-01-01> (the first ECI Regulation). The first ECI Regulation did not set a deadline within which organisers had to submit their valid initiative to the Commission for examination.

Territorial focus

Cohesion policy is designed with a strong territorial focus. The bulk of cohesion policy funding is concentrated on less developed countries and regions in order to help them to grow and catch up with more developed regions. To reduce the economic, social and territorial disparities that persist, the EU helps all citizens, wherever they live, while at the same time increasing the growth potential of the Union.

Cohesion policy also provides special care or investment tools to territories to address specific issues. These benefit: border regions and areas involved in cross-border cooperation; urban areas; remote, mountainous, island and sparsely populated areas; and outermost regions.

The outermost regions benefit from specific measures and from additional funding to offset their structural social and economic situation together with the permanent constraints resulting from the factors referred to in Article 349 TFEU. The northern sparsely populated regions benefit from specific measures and additional funding to offset the severe and natural or demographic handicaps referred to in Article 2 of Protocol No. 6 to the 1994 Act of Accession.

However, cohesion policy is not solely about territorial support. It has a strong impact in many fields. Its investments help to deliver many EU policy objectives and complement other EU policies and funds dealing for example with education, employment, energy, the environment, the single market, research and innovation.

Respect of the horizontal principles

Cohesion policy must be implemented in full respect of the horizontal principles laid out in the EU Treaties, namely:

- Article 2 TEU – establishes the fundamental values on which the EU is founded, including respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. It emphasises that these values are shared by all Member States and underpin a society based on pluralism, non-discrimination, tolerance, justice, solidarity, and gender equality.
- Article 3 TEU – outlines the EU overarching objectives, including sustainable development, social cohesion, and solidarity.
- Article 5 TEU – sets out the principles of subsidiarity and proportionality, ensuring decisions are made as closely as possible to EU citizens.
- Article 10 TFEU – requires the EU to combat discrimination and promote equality across all its policies.

The Charter of Fundamental Rights of the European Union (‘the Charter of Fundamental Rights’) sets out the rights, freedoms and principles that guide the European Union’s policies and actions. It is binding on the EU institutions and on the Member States only when they are implementing EU law¹⁰. Article 21 of the Charter of Fundamental Rights explicitly prohibits discrimination on any ground, including sex, race, colour, ethnic or social origin, genetic

¹⁰ Article 51 of the Charter of Fundamental Rights.

features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, as well as discrimination on grounds of nationality within the scope of EU law.

Developments in the legal framework of cohesion policy

Since the request for registration of the proposed ECI was submitted on 18 June 2013, the legal framework governing cohesion policy has undergone significant developments. These developments have resulted in a marked strengthening of the obligations to respect horizontal principles, a heightened commitment to ensuring compliance with the Charter of Fundamental Rights, and improved citizens engagement.

Key developments introduced in the 2014-2020 and 2021-2027 programming periods include:

- Enhanced respect of horizontal principles, including anti-discrimination: Explicit requirements for the Commission and Member States were introduced to take appropriate steps to prevent discrimination during the preparation and implementation of programmes (Articles 7, 9(9), 15(2)(iii), 96(4)(a), 96(7)(b) and 125(3)(a) of Regulation (EU) No 1303/2013¹¹ as well as the general ex-ante conditionality on anti-discrimination included in Part II of Annex XI to the same Regulation; and Articles 9(3), 22(3)(d)(iv) and 73(1) of Regulation (EU) 2021/1060¹²).
- Stronger safeguards to ensure compliance with the Charter of Fundamental Rights: The 2021-2027 programming period is characterised by stronger safeguards on the respect of fundamental rights and compliance with the Charter of Fundamental Rights, as evidenced by the horizontal enabling conditions in Annex III to Regulation (EU) 2021/1060, including the horizontal enabling condition ‘Effective application and implementation of the Charter of Fundamental Rights’, along with a mechanism for monitoring its fulfilment, as outlined in Article 15 of the same Regulation.
- Improved citizens engagement: Citizens now have better opportunities to interact with their national authorities thanks to several developments, including the introduction of arrangements to ensure the effective examination of complaints related to the funds (Article 74(3) of Regulation (EU) No 1303/2013 and Article 69(7) of Regulation (EU) 2021/1060), the involvement of partners (Article 5 of Regulation (EU) No 1303/2013 and Article 8 of

¹¹ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320; ELI: <http://data.europa.eu/eli/reg/2013/1303/2013-12-17>).

¹² Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159–706; ELI: <http://data.europa.eu/eli/reg/2021/1060/oj>).

Regulation (EU) 2021/1060), and a significant increase in transparency, providing citizens with better access to information (see for example Articles 5(3)(a), 14(2), 26(2), 34(3)(b), 48(1), 115 and 125(3)(a) of Regulation (EU) No 1303/2013 and Articles 38(2), 38(4), 42(5), 43(4), 44(7), 45(3), 46-50, and 73(1) of Regulation (EU) 2021/1060).

Respect of cultural and linguistic diversity and non-discrimination

The respect of the rights of persons belonging to minorities is one of the founding values of the European Union explicitly mentioned in Article 2 TEU¹³. In the same vein, the combat of discrimination and the preservation of cultural and linguistic diversity are among the main objectives of the European Union identified in Article 3(3) TEU¹⁴. In addition, any discrimination on the basis of membership of a national minority is explicitly prohibited in Article 21(1) of the Charter of Fundamental Rights.

These principles apply to all EU policies and actions, regardless of the field of action, thus including cohesion policy. Member States are similarly bound to the extent that their actions under cohesion policy involve implementing EU law, in line with Article 51(1) of the Charter of Fundamental Rights. In cases where there is no implementation of EU law, Member States retain general powers to take decisions about minorities, in accordance with their obligations under their constitutional order and their commitments stemming from international agreements. In this regard, the Council of Europe's European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities remain the relevant legal framework of international law for those Member States that have signed and ratified these agreements.

During the 2021-2027 programming period, in accordance with Article 9(3) of Regulation (EU) 2021/1060, both Member States and the Commission must take appropriate steps to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all phases of the programme cycle – from the preparation to evaluation of programmes. Member States shall include, in their programmes, actions safeguarding equality, inclusion and non-discrimination¹⁵.

¹³ Article 2 TEU: 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'

¹⁴ Article 3(3) TEU: 'The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment.

It shall promote scientific and technological advance. It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.'

¹⁵ Article 22(3)(d)(iv) of Regulation (EU) 2021/1060.

Furthermore, the funds must not support any actions that contribute to any form of segregation or exclusion and, in accordance with Article 73(1) of Regulation (EU) 2021/1060, managing authorities must establish and apply transparent and non-discriminatory criteria and procedures for the selection of operations, ensuring accessibility to persons with disabilities, gender equality, and alignment with the Charter of Fundamental Rights.

Shared management

The EU budget allocated to the cohesion policy funds is implemented under shared management in accordance with Article 62(1)(b) of the Financial Regulation¹⁶. This means that both the Commission and Member States share responsibility for implementing the funds and ensuring compliance with EU rules and principles.

Under shared management, Member States are responsible for the preparation and the implementation of programmes at the appropriate territorial level in accordance with their institutional, legal and financial frameworks.

At the beginning of the 2021-2027 programming period, a Partnership Agreement was concluded between the Commission and each Member State. This strategic document sets out how cohesion policy funding will be allocated and used at national level, reflecting each Member State's specific development priorities and challenges.

Building on the Partnership Agreements, the Commission subsequently approved individual programmes submitted by Member States. These programmes are tailored to the regional needs and developed in close collaboration with local authorities and a broad range of stakeholders, ensuring they are well-suited to address specific regional and sectoral challenges.

The implementation of these programmes is subject to clearly defined rules and procedures, ensuring transparency, accountability, and effective delivery of EU investment on the ground.

Partnership and multi-level governance

Partnership is one of the fundamental pillars of cohesion policy. It requires Member States to ensure close cooperation between public authorities at various levels of government and a wide range of stakeholders. As detailed in Article 8(1) of Regulation (EU) 2021/1060, the partners should include: regional, local, urban and other public authorities; economic and social partners; research organisations and universities, where appropriate; and relevant bodies representing civil society such as environmental partners, non-governmental organisations, and, more importantly in this case, bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination, where bodies which represent the interests of minorities can also be included.

¹⁶ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

The objective of the partnership principle is to help communities by facilitating a better identification of their respective needs, leading to a stronger collective commitment to meeting cohesion policy programmes' objectives and fostering a sense of ownership among the partners involved. It can also help strengthen support for the common European values by communicating how cohesion policy contributes to understanding and solving local problems, thus bringing the EU closer to people¹⁷.

The crucial role of partnership was reinforced by the European Code of Conduct on Partnership in 2014¹⁸, which provided Member States with clear guidance on how to involve relevant partners in a timely, meaningful, and transparent manner. It requires specific attention to be paid to including groups who may be affected by programmes but who find it difficult to influence them, in particular the most vulnerable and marginalised communities, which are at highest risk of discrimination or social exclusion¹⁹. This entails the explicit recognition that the involvement of representatives from marginalised groups is crucial for effectively implementing and monitoring cohesion policy measures aimed at their inclusion.

Furthermore, under Article 9 of Regulation (EU) 2021/1057²⁰ (the 'ESF+ Regulation'), Member States are obliged to allocate an appropriate amount of their resources of the ESF+ strand under shared management in each programme to the capacity building of social partners and civil society organisations. Where capacity building of the social partners and civil society organisations is identified by a relevant country-specific recommendation adopted in accordance with Articles 121(2) and 148(4) TFEU, the Member State concerned shall allocate an appropriate amount of at least 0.25 % of its resources of the ESF+ strand under shared management for that purpose. Civil society organisations may include representatives of linguistic and cultural minorities, thereby ensuring these groups are supported through training, networking, the promotion of social dialogue, and activities jointly undertaken by social partners.

Enabling conditions

Since the submission of the request for registration of the ECI, enabling conditions have become a key part of cohesion policy, helping to ensure that the necessary requirements for the effective and efficient use of funds are met. Building on the 2014-2020 notion of 'ex ante conditionalities', enabling conditions are to be respected throughout the entire 2021-2027 programming period for expenditure to be eligible for reimbursement. The criteria for the fulfilment of each of the enabling conditions are set out in Annexes III and IV to Regulation (EU) 2021/1060.

¹⁷ Opinion of the European Committee of the Regions (2021), [Effectively engaging local and regional authorities in the preparation of the Partnership Agreements and Operational Programmes for the 2021-2027 period](https://www.europa.eu/press-communications/infobox/committees/european-committee-of-the-regions) | European Committee of the Regions (europa.eu).

¹⁸ Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds (OJ L 74, 14.3.2014, p. 1, ELI: http://data.europa.eu/eli/reg_del/2014/240/oj).

¹⁹ Recital 4, Articles 3(1)(c)(ii), 4(1)(c)(iii) and 6(f) of Commission Delegated Regulation (EU) No 240/2014.

²⁰ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (OJ L 231, 30.6.2021, p. 21).

There are two types of enabling conditions:

- Horizontal enabling conditions, which apply across all cohesion policy programmes and relate to fundamental regulatory frameworks. One of these is the horizontal enabling condition on the ‘Effective application and implementation of the Charter of Fundamental Rights’. It requires Member States to have effective arrangements in place to ensure that programmes comply with the Charter at all stages of programming and implementation.
- Thematic enabling conditions, which apply to the ERDF, the ESF+ and the Cohesion Fund, are mainly linked to specific policy or strategic frameworks. Examples include the thematic enabling conditions ‘National Roma inclusion strategic policy framework’ and ‘National strategic policy framework for social inclusion and poverty reduction’.

Enabling conditions are not only prerequisite conditions for the effective and efficient implementation of investments, they can also be effective drivers of reform within Member States, encouraging the development of sound governance structures and targeted national or regional strategies that enhance the overall impact of cohesion policy investments and ensure their alignment with European Union’s core values, principles and objectives.

Allocation of cohesion funds and eligible regions

The method used in the 2021-2027 programming period to allocate the EU cohesion policy funding among countries and regions is detailed in Annex XXVI to Regulation (EU) 2021/1060. The allocation is based on objective and comparable indicators at NUTS 2 level. All European regions are eligible for cohesion policy support, with volume of financing reflecting the regions’ level of development and social challenges.

The method’s main indicator is the regions’ level of development, with some variations between categories of less developed, transition and more developed regions. Less developed regions have a GDP per capita of less than 75% of the EU average, transition regions have a GDP per capita between 75% and 100% of the EU average, and more developed regions have a GDP per capita above 100% of the EU average. The prosperity gap for each region is calculated using GDP/head (in Purchasing Power Standards (PPS)), taking account of population and of national prosperity. Several additional indicators are then used to fine-tune the allocation according to the situation of the regions. These indicators reflect socio-economic, environmental, and demographic challenges: unemployment, youth unemployment, low level of education, greenhouse gas emission, external migration. Each Member State’s allocation is the sum of the allocations for its individual eligible regions. The final allocation for a Member State can be capped to respect a pre-determined percentage of its total GDP, to ensure that the allocated EU funds can be adequately absorbed by the Member State. This ranges from 2.3% of GDP for regions below 55% of the EU average GNI per capita in PPS to 1.5% for those above 68% of the EU average GNI per capita in PPS.

National allocations are aggregated by category of region (less developed, transition, more developed). Member States must respect, with some flexibility²¹, the allocation to each of the three categories of regions. This is to ensure that the resources are concentrated on the least developed regions in accordance with the TFEU objectives of cohesion policy to reduce economic, social and territorial inequalities.

To this end, the identification of the regions at Union level is based on the common system of classification of the regions established by Regulation (EC) No 1059/2003²², most recently revised by Commission Delegated Regulation (EU) 2023/674 of 26 December 2022. The NUTS classification of territorial units is defined on the basis of ‘administrative units’, meaning a geographical area with an administrative authority that has the power to take administrative or policy decisions for that area within the legal and institutional framework of the Member State, and the population thresholds provided for in the Table in Article 3(2) of Regulation (EC) No 1059/2003²³ (‘classification criteria’). Where no administrative units of a suitable scale exist in a Member State for a given level of NUTS, that level shall be created by aggregating an appropriate number of smaller contiguous administrative units. These resulting non-administrative units must generally comply with the population thresholds set out in Article 3(2) of Regulation (EC) No 1059/2003. However, in certain cases, they may deviate from those thresholds because of particular geographical, socio-economic, historical, cultural or environmental circumstances, especially in the islands and the outermost regions, in line with Article 3(5) of Regulation (EC) No 1059/2003. In these cases, Member States shall take into account the objective of Regulation (EC) No 1059/2003, which is to ensure the comparability of the statistics relating to the level of development of the various administrative units. Moreover, where that provision provides that the non-administrative units may deviate from the legally defined population thresholds because of geographical, socio-economic, historical, cultural or environmental circumstances, this refers only to non-administrative units corresponding themselves to an aggregation of administrative units existing in the Member States in question for purely statistical purposes, and without that being able to lead to a modification, in any way, in the political, administrative and institutional framework existing in the Member States in question.

In accordance with Article 5(4) of Regulation (EC) No 1059/2003, in principle, amendments to the NUTS classification can be made every three years at the earliest, unless there is a substantial reorganisation of the relevant administrative structure of a Member State, in which case such amendments may be adopted at shorter intervals. Those amendments are made on the basis of changes in the territorial units introduced upon initiative of the Member States. The Commission is only empowered to adopt delegated acts in accordance with Article 7a to amend the NUTS

²¹ In order to provide Member States with sufficient flexibility in the implementation of their shared management allocations, it is possible to transfer certain levels of funding between the Funds and between shared management and direct and indirectly managed instruments as provided for in Article 26 of Regulation (EU) 2021/1060.

²² Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

²³ The population size of each class of existing administrative units in a Member State must fall within specified thresholds to determine the appropriate NUTS level: for NUTS 1 between 3 million and 7 million; for NUTS 2 between 800 000 and 3 million; and for NUTS 3 between 150 000 and 800 000.

classification in Annex I to Regulation (EC) No 1059/2003, after those changes are communicated to it by the Member State concerned.

2.2. Current policy context

Funding possibilities under the ERDF

Cohesion policy plays an important role in supporting minorities and marginalised groups, as part of efforts to contribute to a better life for people and regions across Europe. For the 2021-2027 programming period, approximately EUR 19 billion from the ERDF has been allocated to inclusive growth areas, including for the inclusion of marginalised groups.

Through infrastructure development, equipment, and cross-border cooperation, ERDF support within cohesion policy programmes reinforces the efforts of Member States and regions in promoting the socio-economic inclusion of marginalised communities and ensuring equal access to quality and inclusive services in employment, education and training, housing, health care, social and long-term care, and culture (Article 3(1)(d) of Regulation (EU) 2021/1058²⁴).

Measures also aim at addressing the local needs. To this end, the investments may also be part of regional or local strategies, including sustainable development strategies or other territorial tools.

Cohesion policy has also strengthened its recognition of the transformative power of culture and cultural heritage and its role in fostering social inclusion and protecting the diversity of European regions. In the 2021-2027 programming period, a total of EUR 5.2 billion from the ERDF has been allocated to interventions directly targeting culture and heritage.

Under such support, great attention has been paid to ensuring equal access to culture and to facilitate cultural diversity, social inclusion and better employment opportunities. Specific measures include the conservation and valorisation of cultural heritage, the development of new cultural services and equipment and cross-border cultural cooperation.

An example of support for regional linguistic and cultural heritage is the restoration of the Henter Mansion²⁵ in the predominantly Hungarian-speaking locality of Sântimbru, Harghita County. Financed under Romania's 2014–2020 Regional Operational Programme, the project aimed to revitalise local identity and promote tourism through traditional crafts and inclusive cultural activities. The renovated mansion now hosts interactive exhibitions and events celebrating Hungarian heritage, including craft demonstrations and folk-dance performances from ethnic Hungarian communities. Special attention is given to inclusion, offering a welcoming space for disadvantaged children and people with disabilities to engage with heritage. Local residents play an active role collecting personal stories and using them to raise awareness across generations. This project has become a model for Hungarian-majority communities in Romania, showing how heritage restoration can foster cultural creation, inclusion, and sustainable rural development.

²⁴ Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60).

²⁵ <https://www.henter.ro/?lang=en>

Funding possibilities in the Interreg context

In the 2021-2027 programming period, 86 Interreg programmes offer regional authorities, economic and social stakeholders as well as civil representatives the opportunity to cooperate across both EU internal and external borders. Based on a place-based approach, Interreg provides support to cultural and linguistic exchanges to promote local heritage and communities, to foster a more inclusive and united Europe and to break down obstacles undermining cooperation capacity.

The most relevant ERDF allocations in this context are: EUR 1.2 billion committed under specific objective 4.6 for tourism and culture; EUR 50 million under specific objective 4.3 for integration of marginalised communities; EUR 300 million under policy objective 5 to support cross-border integrated territorial strategies. In addition, EUR 1.5 billion has been allocated to improving the governance of cooperation, which includes trust building, participatory and people-to-people approaches, institutional capacity building and addressing border obstacles.

Examples of projects aimed at protecting minorities and preserving regional linguistic and cultural characteristics include:

- The Danube Region programme 2021-2027, under the specific objective ‘Enhancing the role of culture and sustainable tourism in economic development, social inclusion and social innovation’. This finances the project ‘Culinary Trail of the Ethnic and Local Cuisine in the Danube Region’²⁶, addressing 30 ethnic groups (including Jewish heritage and heavily marginalised Roma communities), local culinary heritage (including viniculture), and heritage in geographically remote and underdeveloped communities, providing significant economic opportunities for rural areas and small settlements. In doing that, Culinary Trail will enable the Danube Region to capitalise on its vibrant and diverse ethnic landscape, rich and complex history and cultural traditions.
- In the 2014-2020 programming period, the Interreg Nord (SE-FI-NO) programme has dedicated specific objectives related to the preservation and development of Sami languages including among Sami people, the indigenous people traditionally inhabiting this area. Three projects are worth mentioning:
 - Giellagáldu²⁷: the aim of the project was to strengthen the use of Sami languages in various sectors in Finland, Sweden and Norway by producing the necessary terminology and vocabulary, new standards for use in Sami languages and providing advice to the users of the Sami languages.
 - Plupp²⁸: the project’s ambition was to implement 50 performances as an educational arena, where an artistic experience should act as a transfer of Sami language and

²⁶ <https://keep.eu/projects/29507/Culinary-Trail-of-the-Ethni-EN/>

²⁷ <https://keep.eu/projects/20350/Giellag-ldu-Project-EN/>

²⁸ <https://keep.eu/projects/20525/Plupp-the-story-of-the-invi-EN/>

culture. The project resulted in ‘The story of Plupp’, a musical dramatic depiction for children aged 6 to 10 that describes the nature of Sami basic assumptions in a simple, educational and entertaining approach.

- Deanuleagis sámástit²⁹: the goal of the project is to create a network for the Tana river valley language centre, which increases the use of the Sami language in various cross-border language arenas and at the same time promotes the transfer of knowledge about the cultural heritage between the generations.
- Under the 2021-2027 programming period, Sami cooperation is an integral part of the Interreg Aurora (SE-FI-NO) programme.

Relevant opportunities to support cultural heritage and specificity are also provided by the new policy objective 5 for a ‘Europe closer to citizens’. Several integrated territorial strategies were shaped beyond the administrative borders by local communities to promote participatory processes and local initiatives in different types of functional areas known as ‘living basins’.

For instance, under the cooperation programme Spain-France-Andorra (POCTEFA) regional cultures are notably addressed by two of the five integrated strategies adopted:

- The strategy for the West Functional Areas (AFOMEF)³⁰ is promoted by the European Grouping for Territorial Cooperation (EGTC) Euroregion New Aquitaine Euskadi Navarra. It aims to overcome the persisting obstacles to better and more sustainable regional mobility and transport, to a more integrated local labour market and to an extended multilingualism, by reinforcing the use of Basque as common language.
- The EsCaT strategy³¹ (Catalan cross-border area) is carried out by the Department of Pyrénées-Orientales (lead partner), the Generalitat de Catalunya and the Diputació de Girona with the aim to strengthen the interactions in the existing living basins and to improve the quality of life of inhabitants, by focusing on three dimensions: a stable and enabling framework for cooperation; a more resilient territory to climate change; the sense of belonging to a cross-border territory and the active participation of civil society.

Moreover, Interreg Regulation (EU) 2021/1059³² for the 2021-2027 programming period established specific provisions (Articles 24 and 25) to support small-scale projects, which are smaller and easier to implement, as a key tool for encouraging the participation of new types of

²⁹ <https://keep.eu/projects/23826/Deanuleagis-s-m-stit-EN/>

³⁰ <https://www.afomef.eu/fr/accueil>

³¹ <https://www.poctefa.eu/fr/proyectos/efa002-00-id-escat/>

³² Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (OJ L 231, 30.6.2021, p. 94).

final recipients³³, who may not have prior experience with cooperation under Interreg or, more generally, EU funding, such as:

- civil society actors, who can introduce innovation and new dynamics into cooperation;
- local authorities, schools, and associations, which are often excluded from traditional EU funding schemes due to a lack of information or resources to manage them;
- citizens themselves, enabling them to experience the tangible impact of European policy on their daily lives and take ownership of future projects in their local area.

While the programming period is still on-going, EUR 110 million has already been allocated, notably for people-to-people actions, capacity and trust building, citizens' engagement, testing pilot ideas, and community-led and grassroots initiatives.

Funding possibilities under the ESF+

As the EU's main instrument to invest in people and to implement the European Pillar of Social Rights, the ESF+ supports, complements and adds value to the policies of the Member States to ensure equal opportunities, access to the labour market, fair working conditions, social protection and inclusion. The ESF+ has a total budget of EUR 141.65 billion (of which EUR 95 billion is the Union contribution). Out of this, EUR 44 billion is directed to employment, EUR 45.5 billion to social inclusion, EUR 43.3 billion to education and skills and EUR 5.3 billion to address material deprivation.

Marginalised communities are a key target group of the ESF+ and can be supported under all ESF+ specific objectives³⁴. Member States provide support to marginalised communities under the areas of employment, access to education, improving education and training systems and life-long learning, active inclusion, equal access to healthcare and social services and integration of people at risk.

For instance, to promote social inclusion Member States allocate at least 25% of their ESF+ resources to this goal as specified in Article 7(4) of the ESF+ Regulation. In addition, the Fund for European Aid to the Most Deprived (FEAD) has been integrated in the ESF+ to provide food and basic material assistance. All Member States are required to devote at least 3% of their ESF+ resources to this aim, in line with Article 7(5) of the ESF+ Regulation.

All Member States also have to allocate an appropriate amount of their ESF+ resources under shared management to targeted actions and structural reforms in support of youth employment and those which had an average rate above the Union average of young people of 15 to 29 years

³³ Small project funds are established as operations in the sense of the cohesion policy regulations. This means that all the regulatory obligations placed on beneficiaries fall only on the small project fund implementing body, and not on those implementing the small projects themselves. Therefore, those partners in the small projects are "final recipients", and consequently they face fewer obligations and requirements in the implementation of their projects. As a result, this is particularly attractive to small, inexperienced partners, including local organisations and civil society actors who would not previously have participated in larger scale projects due to fear of the administrative burden such involvement might bring. Such projects promote, for example, exchanges between schools, organisation of cross-border sport or cultural events on a local level.

³⁴ Article 4 of Regulation (EU) 2021/2057.

of age who were not in employment, education or training (NEETs) for the period between 2017 and 2019, on the basis of Eurostat data, must dedicate at least 12.5% of their ESF+ resources to youth in line with Article 7(6) of the ESF+ Regulation.

Tackling child-poverty can also rely on dedicated ESF+ funding. The ESF+ requires Member States which had an average rate above the Union average of children of less than 18 years old at risk of poverty or social exclusion for the period between 2017 and 2019, on the basis of Eurostat data, to allocate at least 5% of their ESF+ resources to implement measures to reduce it in line with Article 7(3) of the ESF+ Regulation.

Regarding the specific support for minorities and marginalised groups, the ESF+ supports the inclusion of marginalised communities such as Roma marginalised communities, people with disabilities or chronic diseases, homeless people, children and elderly people. A multi-dimensional integrated approach combining investments in employment, education, healthcare, and housing is promoted together with capacity building for local authorities and grassroot civil society.

Furthermore, along with the ERDF, the ESF+ supports Community-Led Local Development, which empowers local communities to design and deliver projects that address their specific social and economic needs³⁵ as outlined in Article 31 of Regulation (EU) 2021/1060.

During the 2021-2027 programming period, the ESF+ Social Innovation+ initiative has been set up³⁶. It is managed by the European Competence Centre for Social Innovation set up by the Lithuanian European Social Fund Agency (ESFA). This initiative aims at accelerating the transfer and scale-up of tested innovative solutions in the fields of employment, labour mobility, education, and social inclusion. ESFA notably manages the ESF+ Community of Practice on Social Inclusion and the ESF+ Community of Practice on Migrant Integration. It aims at fostering mutual learning and capacity-building activities between ESF+ Managing Authorities and other actors involved in the implementation of ESF+ funding.

There is also the EURoma Network (which was created in 2007, funded with ESF (2007-2020)/ESF+ (2021-2027) and managed by the Fundación Secretariado Gitano and ESFA (for 2021-2027 included in the Social Innovation Initiative+)³⁷. The aim is to contribute to the promotion of social inclusion, equal opportunities and fight against discrimination of the Roma community through the improvement of the use of the ESF+ and the ERDF, with specific work in management committee meetings, thematic analysis and bilateral or multilateral cooperation for partners working for Roma inclusion.

The ESF+ is supporting projects for facilitating inclusion of marginalised communities in different countries, like the educational project to implement activities aimed at developing the competences of representatives of the Roma community from socially excluded localities in Czechia, integrated pathways for social inclusion of young Roma and programmes for socio-

³⁵ More information available via this website: <https://european-social-fund-plus.ec.europa.eu/en/publications/esf-and-community-led-local-development-lessons-future>.

³⁶ More information available via this website: <https://socialinnovationplus.eu/>.

³⁷ More information available via this website: <https://www.euromanet.eu/>.

economic inclusion of Roma women in Spain, as well as tackling child poverty by supporting access to education and care for children with disabilities in Croatia. More examples illustrating the impact of ESF/ESF+ funded projects can be found on the ‘Projects’ section of the ESF+ website, using filters by Country/Topic/Year³⁸.

2.3. Ongoing initiatives and actions relevant in the context of the citizens’ initiative

European Community of Practice on Partnership

To improve the quality of partnership and facilitate the exchange of best practices, in line with Article 18(1) of Commission Delegated Regulation (EU) No 240/2014, the Commission established in 2022 the European Community of Practice on Partnership (ECoPP), which includes non-governmental organisations and civil society organisations engaged in fundamental rights, social rights, inclusion, community development, and disability rights.

The ECoPP consists of 158 members, including coordination bodies and managing authorities nominated by the Member States, and partners mentioned in Article 8 of Regulation (EU) 2021/1060, such as non-governmental organisations at national and sub-national level, civil society organisations, municipalities, regional authorities, economic and social partners, research organisations and universities.

Currently, under the “partners” category, the ECoPP includes 23 public authorities (regional, local and urban), 7 ‘other public authorities’, 20 civil society organisations, 19 non-governmental organisations, 6 research organisations, 5 social partners, and 2 economic partners. Among the members of the ECoPP are bodies representing national minorities, such as Fundación Secretariado Gitano. More such organisations are welcome to apply provided they comply with the specific requests of the calls.

New ECoPP members are accepted on the basis of open calls, which seek to balance geographical coverage, categories of partners and areas of activity. So far, three calls were advertised. The latest open call for applications to become a member of ECoPP was launched in February 2025, advertised on the Inforegio ECoPP webpage³⁹.

Macro-regional strategies

Among the European territorial cooperation instruments, the macro-regional strategies are cooperation frameworks created from Member States’ initiatives to collaborate and coordinate on common policies’ work and to strengthen cohesion. These strategies cover four distinct macro-regions: the Alpine region, the Baltic Sea region, the Danube region, and the Adriatic-Ionian region, bringing together up to 14 countries, including both EU Member States and neighbouring countries.

The four macro-regional strategies focus on various priority areas, such as culture, tourism, and the preservation of national and regional heritage. The strategies for the Danube region and the

³⁸ The website is accessible via this link: <https://european-social-fund-plus.ec.europa.eu/en/projects>

³⁹ More information available via this website: https://ec.europa.eu/regional_policy/policy/communities-and-networks/ecopp_en

Baltic Sea region are particularly active in enhancing the societal and economic value of cultural heritage through innovative and visitor-friendly presentations of heritage sites and museums. In doing so, they also contribute to strengthening regional identity and fostering mutual understanding, coexistence, and cooperation among the participating countries.

3. RESPONSE TO THE EUROPEAN CITIZENS' INITIATIVE

3.1. Proposals beyond the scope of the ECI as registered by the Commission

Regarding some proposals contained in the ECI, the European Union lacks the competence to take legal action. This applies to the proposal to define 'national regions', which refers to regions with national, ethnic, cultural, religious, or linguistic characteristics that are different from those of surrounding regions. It also pertains to the related proposal to identify or list such regions, the proposal to consider linguistic, ethnic, and cultural boundaries when creating the nomenclature of territorial units for statistics (NUTS), and the proposal to ensure that Member States uphold their international commitments concerning national minorities.

The Commission registered the ECI based on the Union's competences under the EU Treaties, specifically within the scope of the cohesion policy framework. As a result, the proposals mentioned in the paragraph above are beyond the scope of the ECI as registered by the Commission. Therefore, the Commission is not in a position to provide any legal and political conclusions on these proposals under Article 15(2) of the ECI Regulation.

- *Defining the concept of 'national/ethnic minority regions', or simply 'national regions', i.e. 'regions with national, ethnic, cultural, religious, or linguistic characteristics that are different from those of the surrounding regions' in an EU legal act.*
- *Beyond defining the concept of national regions, the legal act to be elaborated by the Commission must also explicitly identify these regions, taking into account the criteria and the will of the affected communities.*
- *Taking linguistic, ethnic, and cultural boundaries into account when forming the Nomenclature of territorial units for statistics (NUTS). The group of organisers propose that these boundaries should reflect the will of the autochthonous communities, expressed through a local referendum prior to the delimitation of the regions.*

Regarding these proposals, it is important to note that Article 4(2) TEU states that the EU must respect the equality and national identity of Member States, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It follows that the EU legislature cannot adopt an act which would define national minority regions, capable of benefiting from special attention within the framework of EU cohesion policy, on the basis of autonomous criteria and, therefore, without regard to the political, administrative and institutional status quo existing in the Member States in question.

The EU lacks the competence to mandate changes in the political, administrative and institutional framework existing in the Member States. Furthermore, it does not have general power to legislate as regards minorities, in particular over issues relating to the recognition of the

status of minorities, their self-determination and autonomy, or the regime governing the use of regional or minority languages.

While EU institutions must uphold the values and pursue the objectives set out in Articles 2 and 3 TEU – including in particular, respecting the Union’s rich ‘cultural and linguistic diversity’ and refraining from any form of discrimination based on ‘membership of a national minority’, as stipulated in Article 21 of the Charter of Fundamental Rights – the Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties (Article 51(2) of the Charter).

Concerning the proposal to take linguistic, ethnic, and cultural boundaries into account when forming the NUTS, it should be pointed out that amendments to the NUTS classification of territorial units are made following a proposal by the Member State via their national statistical institutes. Under Article 3(1) of Regulation (EC) No 1059/2003, territorial units are defined on the basis of ‘administrative units’ - geographical areas with administrative authorities capable of making administrative or policy decisions for those areas within the Member State’s legal and institutional framework. That is, the definition of such administrative units and any changes to such definition lie entirely within the responsibility of the Member States.

As indicated above, according to Article 3(5) of Regulation (EC) No 1059/2003, it is possible to aggregate contiguous administrative units to ensure that these aggregated units lie within the population thresholds set by that Regulation, or even to deviate from these thresholds because of particular geographical, socio-economic, historical, cultural or environmental circumstances. The framework thus allows deviations from the criterion defined in Article 3(1) because of historical or cultural circumstances, which may overlap with the situations of national minorities. It is, however, the responsibility of the Member State, to decide under national law whether to take those elements into account in organising the national administrative map that forms the basis for NUTS regions bearing in mind the objectives of Regulation (EC) No 1059/2003. As also indicated above, the Union cannot modify the political, administrative or institutional framework existing in Member States. In fact, as clarified above, those non-administrative units correspond themselves to an aggregation of administrative units existing in the Member States and they are constituted with the sole aim of ensuring the comparability of the statistics relating to the level of development of those various units, without leading to the creation of proper regions with autonomous regional institutions and decision-making powers, as envisaged by the organisers. Therefore, the Union cannot adopt an act which would define national minority regions, capable of benefiting from special attention within the framework of EU cohesion policy, on the basis of autonomous criteria⁴⁰ and, therefore, without due regard to the political, administrative and institutional status quo existing in the Member States in question.

The organisers also refer to the example of Euroregions. However, it should be borne in mind that these are not established on the basis of EU law or within the framework of cohesion policy,

⁴⁰ Regarding the organisers’ proposal to take into account ‘*the will of the autochthonous communities, expressed through a local referendum*’ for the delimitation of regions, it is also important to clarify that the Union cannot impose to the Member States the organisation of a local referendum, as this is a constitutional prerogative of the Member States.

but rather on the basis of intergovernmental agreements entered into voluntarily by the regions concerned.

- *Ensuring that Member States uphold their international commitments regarding national minorities. The organisers consider that failure to comply with these commitments would constitute a violation of the values listed in Article 2 of the Treaty on European Union, potentially triggering an infringement procedure as outlined in Article 7.*

While the respect of rights of persons belonging to minorities is embedded in the EU Treaties and the Charter of Fundamental Rights, and the Commission ensures that fundamental rights are respected when EU law is implemented, the EU has no competence as regards minorities, in particular over issues relating to the recognition of the status of minorities, their self-determination and autonomy, or the regime governing the use of regional or minority languages.

In these cases where there is no EU competence, Member States retain general powers to take decisions about minorities. Hence, as, according to Article 51(1) of the Charter of Fundamental Rights, the provisions of the Charter are only addressed to the Member States when they are implementing EU law, it is under the competence of the Member State to ensure that fundamental rights are respected in accordance with the obligations coming from their constitutional orders or the international agreements they have entered into. Of particular importance are the Council of Europe's European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities, which remain the relevant legal framework of international law for those Member States that have signed and ratified those agreements.

3.2. Proposals within the scope of the ECI as registered by the Commission

On the other hand, the Commission considers the proposal to expand the list of least favoured regions in Article 174 TFEU to include new categories such as national regions, as well as the proposal to ensure equal access to Union funding and ensuring that Union funds are not used in ways that would alter the ethnic composition, regional identity, or cultural heritage of national regions to fall under the scope of the ECI as registered by the Commission.

- *Expanding the list of least favoured regions mentioned in Article 174 TFEU to include new categories, such as regions with distinct national, linguistic, and cultural characteristics, referred to as national/ethnic minority regions.*

The Court of Justice held that Article 174 TFEU describes the objectives of the EU cohesion policy in general terms and gives the European Union an extensive discretion as to the actions it may take in the field of economic, social and territorial cohesion, taking into account a broad concept of the regions that may be concerned by those actions⁴¹.

The third paragraph of Article 174 TFEU specifies that '[a]mong the regions concerned, particular attention should be paid to [...] regions which suffer from severe and permanent

⁴¹ Judgment of the Court of 7 March 2019, *Balázs-Árpád Izsák and Attila Dabis v European Commission*, Case C-420/16 P, EU:C:2019:177, paragraph 68.

natural or demographic handicaps'⁴². The Court of Justice clarified that this list is indicative, not exhaustive⁴³. However, it also upheld the analysis of the General Court in the judgment of 10 May 2016, *Izsák and Dabis v Commission*⁴⁴, according to which the specific ethnic, cultural, religious or linguistic characteristics cannot be regarded as systematically constituting a handicap for economic development in relation to the surrounding regions⁴⁵. The Court of Justice thus held that, by excluding the possibility that a national minority region may because of its specific ethnic, cultural, religious or linguistic characteristics systematically form part of the 'regions which suffer severe and permanent natural or demographic handicaps' within the meaning of the third paragraph of Article 174 TFEU, the General Court correctly interpreted the concept of 'regions concerned' in that provision⁴⁶.

In any event, the EU is not precluded from adopting measures under Articles 177 and 178 TFEU to take into account the respect for persons belonging to national and linguistic minorities, as long as it acts within the powers conferred to it by those provisions. Indeed, the General Court has confirmed that the absence of explicit mention of respect for persons belonging to national and linguistic minorities as one of their specific objectives in those Articles does not preclude the European Union from adopting, within the framework of the powers which it exercises on the basis of those provisions, measures which take account of such an objective⁴⁷.

However, the Commission does not consider it appropriate to take any further legislative action to attain such an objective for the following reasons:

- Cohesion policy is implemented under shared management and operates in respect of the institutional framework of Member States (Article 4(2) TEU). In accordance with Article 7(1) of Regulation (EU) 2021/1060, Member States should prepare and implement programmes at the appropriate territorial level in accordance with their institutional, legal and financial framework. The place-based approach of cohesion policy provides Member States with flexibility to allocate funding to regions based on identified needs to address

⁴² Article 174, third paragraph, TFEU: 'Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.'

⁴³ Judgment of the Court of 7 March 2019, *Balázs-Árpád Izsák and Attila Dabis v European Commission*, Case C-420/16 P, EU:C:2019:177, paragraph 69.

⁴⁴ Judgment of the Court of 10 May 2016, *Izsák and Dabis v Commission*, Case T-529/13, EU:T:2016:282, paragraphs 87 and 89.

⁴⁵ Judgment of the Court of 7 March 2019, *Balázs-Árpád Izsák and Attila Dabis v European Commission*, Case C-420/16 P, EU:C:2019:177, paragraph 70.

⁴⁶ Judgment of the Court of 7 March 2019, *Balázs-Árpád Izsák and Attila Dabis v European Commission*, Case C-420/16 P, EU:C:2019:177, paragraph 71: "Consequently, by excluding, in paragraphs 85 to 89 of the judgment under appeal, the possibility that a national minority region may because of its specific ethnic, cultural, religious or linguistic characteristics systematically form part of the 'regions which suffer from severe and permanent natural or demographic handicaps' within the meaning of the third paragraph of Article 174 TFEU, the General Court correctly interpreted the concept of 'regions concerned' in that provision, and did not therefore err in law on this point."

⁴⁷ Judgment of the Court of 24 September 2019, *Romania v Commission*, Case T-391/17, EU:T:2019:672, paragraph 64.

socio-economic and territorial disparities, as they are familiar with the specific context of the regions concerned.

In this context, cohesion policy offers ample possibilities to finance operations supporting vulnerable groups, including minorities, culture, and cultural heritage. This includes infrastructure, equipment and human capital interventions that foster equal access to quality and inclusive services, contribute to the restoration, preservation and valorisation of cultural and historical heritage and foster the sector's role in economic development, social inclusion and protecting the diversity of European regions. The design and legal framework of cohesion policy allows Member States to take advantage of these possibilities and support such targeted investments, including also as part of integrated territorial development strategies or in the context of cooperation across borders. Member States are best placed to make programming decisions that reflect local realities. This enables them to leverage cohesion policy funding effectively, in line with their national and regional priorities and contributing to the implementation of long-term strategic frameworks. It is in this way that the principle of subsidiarity (Article 5 TEU) is complied with.

- The Commission does not possess any evidence to support the claim that regions' specific ethnic, national, cultural, religious, or linguistic characteristics impact their economic or social development compared to surrounding regions. As a general rule, economic growth depends on many structural factors and policies in place, which impedes any such generalisation. Factors such as natural endowments, market accessibility, or proximity to innovators are generally considered the principal determinants of different growth rates across regions.
- *Ensuring that Union Funds are not used in ways that would alter the ethnic composition, regional identity, or cultural heritage of national regions. This includes preventing the use of Union Funds to support employment policies that encourage the settlement of a workforce with different cultural or linguistic backgrounds.*

In the 2021-2027 programming period, cohesion policy funds may already contribute to the preservation of regional linguistic and cultural characteristics with a view to regional and national economic development⁴⁸. Nevertheless, the right to free movement remains a cornerstone of the European Union. As enshrined in Article 21(1) TFEU⁴⁹ and Article 45 of the Charter of Fundamental Rights⁵⁰, every EU citizen has the right to move and reside freely within

⁴⁸ In accordance with Regulation (EU) 2021/1058, investments supporting the creative and cultural industries, cultural services and cultural heritage sites could be financed under any policy objective provided that they contribute to the specific objectives and that they fall within the scope of support from the ERDF.

⁴⁹ Article 21(1) TFEU: 'Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.'

⁵⁰ Article 45 of the Charter of Fundamental Rights: '1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

2. Freedom of movement and residence may be granted, in accordance with the Treaties, to nationals of third countries legally resident in the territory of a Member State.'

the territory of the Member States. Any attempt to prevent the settlement of workers with different cultural or linguistic backgrounds would contravene this right and would undermine the principle of non-discrimination. The ESF+ supports the integration of workers who choose to exercise their right to free movement, irrespective of their origin, language, or culture.

Territorial cooperation is critical in removing barriers to cross-border mobility and developing cross-border public services while at the same time promoting existing linguistic and cultural diversity as positive resources that can foster more integrated, inclusive and innovative approaches to regional development and territorial cohesion. The development of cross-border integrated territorial strategies, along with the promotion of dedicated schemes for small-scale and people-to-people cooperation projects, have demonstrated their added value to attract new type of beneficiaries, foster civil society involvement, and embrace territorial specificities and characteristics. Such approaches should be maintained and further strengthened in the future.

By emphasising the value of diversity while ensuring integration, the EU can protect regional identities without impeding economic development across its territories.

In addition, the current cohesion policy legal framework already includes safeguards to prevent discrimination in the implementation of the cohesion policy funds (such as horizontal principles, selection criteria and procedures, arrangements for the handling of complaints, the involvement of relevant partners, enabling conditions).

Having appropriate criteria and procedures in place for the selection of operations is one of the key requirements for the management and control systems for programmes. The Commission examines this in the course of its audit work. Should this key requirement not function effectively, this could constitute a serious deficiency in the management and control system which, in the absence of appropriate remedial measures by Member States, may give rise to the interruption or suspension of payments, as well as to financial corrections.

In accordance with the cohesion policy legal framework, Member States are also required to establish arrangements that ensure the effective examination of complaints related to the Funds.

Furthermore, in accordance with the provisions on enabling conditions, they are required to implement effective mechanisms to ensure compliance with the Charter of Fundamental Rights. These mechanisms should include measures to ensure that programmes supported by the funds and their implementation adhere to the relevant provisions of the Charter, as well as arrangements for reporting non-compliance with the Charter to the monitoring committees, including complaints related to the Charter.

Moreover, the inclusion of partnership – specifically involving relevant partners in monitoring committees responsible for approving selection criteria – provides an additional safeguard against discriminatory practices. Relevant partners may include the equality bodies. These bodies are public organisations that assist victims of discrimination, monitor and report on discrimination issues, and contribute to raising awareness of rights and a societal valuing of equality.

4. CONCLUSION

The Commission has carefully analysed the concerns and proposals put forward by the ECI and acknowledges the importance of the issues raised. However, in accordance with the EU Treaties, the Commission's response is necessarily framed by the limits of its competence. As a result, the ECI was registered by the Commission in a qualified manner, with certain proposals being excluded as they fall outside the scope of the Commission's powers under the EU Treaties.

Regarding the proposals beyond the scope of the ECI as registered by the Commission, the Commission notes that the EU lacks the competence to take legal action on the proposal to define 'national regions', identify or list such regions, consider linguistic, ethnic, and cultural boundaries when creating the NUTS, or ensure that Member States uphold their international commitments concerning national minorities. These proposals are therefore not addressed in the Commission's response.

With regards to the proposal to expand the list of least favoured regions in Article 174 TFEU to include new categories, the Commission does not consider that there is sufficient evidence to support the claim that regions with national, ethnic, cultural, religious or linguistic characteristics that are different from those of the surrounding regions are systematically disadvantaged.

Furthermore, the Commission notes that cohesion policy is implemented under shared management. In this context, cohesion policy must operate within the institutional framework of each Member State. While the place-based approach provides Member States with flexibility to allocate funding to territories based on identified needs to address socio-economic and territorial disparities, the decision on how to distribute these funds within their territory remains the prerogative of the Member State and is not an EU competence.

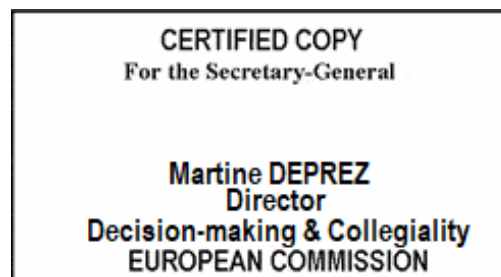
The Commission highlights that the legislative framework currently applicable to cohesion policy contains safeguards, which were not in place when the request for registration of the ECI was submitted on 18 June 2013, to ensure compliance with the Charter of Fundamental Rights and prevent discriminatory practices. The existing rules also provide the necessary tools for Member States to be able to support minorities and marginalised groups.

Against this background, while taking non-discrimination very seriously, the Commission does not consider a new legislative act necessary or appropriate.

The Commission will remain vigilant and proactive in order to ensure non-discriminatory access to Union funding within cohesion policy. It stands ready to use all the tools at its disposal to enforce equal treatment throughout the implementation of cohesion policy in the current programming period.

For the next multiannual financial framework, the Commission has proposed a strengthened, modernised cohesion and growth policy, working in partnership with national, regional and local authorities and ensuring that adequate mechanisms are in place to prevent any form of

discrimination. The national and regional partnership plans as proposed by the Commission⁵¹ will strengthen the link between financial support under the EU budget and the respect of the Rule of Law and the Charter of Fundamental Rights, including to prevent any discrimination based on membership of national minorities. In particular, according to the Commission's proposal, Member States have to put in place and maintain effective mechanisms to ensure compliance with the relevant provisions of the Charter of Fundamental Rights throughout the implementation of the Plan, as well as ensure the respect of the principles of the rule of law. Where a Member State does not fulfil or no longer fulfils these conditions, the Commission will not make the corresponding payments. Finally, Member States will be required to fulfil the key requirements for the management and control systems, notably ensuring "Appropriate transparent and non-discriminatory criteria and procedures for the selection of operations to maximise the contribution of Union funding towards the achievement of the objectives of the Plan and respecting the principles of sound financial management, transparency and non-discrimination, taking account of the Charter of Fundamental Rights of the European Union". This will ensure full respect of Article 21 of the Charter of Fundamental Rights, including the prevention of discrimination based on membership of national minorities.



⁵¹ Proposal for a Regulation of the European Parliament and of the Council establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509 - COM(2025) 565 final, 16.7.2025.