



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate C : Fundamental Rights and Rule of Law  
**Unit C2 : Fundamental Rights Policy**  
Head of Unit

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Mr Angel Kirilov Radonov  
Macedonian Club for Ethnic  
Tolerance in Bulgaria

Represented by:  
Mr Blagoja Pandovski and  
Mr Sasho Manevski  
NovAsnom  
[Contact@asnom.mk](mailto:Contact@asnom.mk)

Dear Sirs,

I refer to your complaint of 29 August 2022 in which you express concern about the Macedonian minority in Bulgaria. In particular, you state that the Bulgarian authorities have repeatedly denied the Macedonian Club for Ethnic Tolerance to be registered in the Bulgarian National Registry. I apologize for the late reply.

The respect of the rights of persons belonging to minorities is one of the founding values of the European Union and a principle explicitly mentioned in the Treaty on European Union. The Commission, within the limits of its competence, is committed to ensuring that fundamental rights and principles, including freedom of association, non-discrimination and cultural, religious and linguistic diversity, are respected when EU law is implemented.

However, the Commission has no general power as regards minorities, in particular over issues relating to recognition of the status of minorities, their self-determination and autonomy, or the regime governing the use of regional or minority languages. In such cases, Member States retain general powers to take decisions over minorities, including their fundamental rights, 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 thus for Member States to ensure compliance with their constitutional order and their obligations under international law and use all legal instruments available to them to guarantee that fundamental rights of minorities living on their territories are complied with, including the relevant instruments of the Council of Europe, such as the Framework Convention for the Protection of National Minorities.

Please also note that the European Court of Human Rights, whose seat is in Strasbourg, is not an institution of the European Union. It is a court established by the Council of Europe in order to ensure the observance of the Convention for the Protection of Human Rights and Fundamental Freedoms (more commonly known as the European Convention

on Human Rights)<sup>1</sup>. The European Commission, as an institution of the European Union, does not have any power in respect of the procedures of the European Court of Human Rights and is therefore not in a position to take any steps in relation to this part of your complaint.

As regards the Commission decisions you refer to, these decisions have been taken in the context of the application the generalised system of preferences and concern third countries and not EU Member States and are thus not relevant to the present case.

You also refer to Directive 2000/43/EC<sup>2</sup> which implements the principle of equal treatment between persons irrespective of racial or ethnic origin. The Directive offers protection against discrimination on the ground of racial or ethnic origin in certain well-defined fields, namely in employment and vocational training, social protection including social security and healthcare, social advantages, education and access to and supply of goods and services, which are available to the public, including housing. It does not regulate the freedom of association of ethnic minorities and does not apply to the situation you describe.

As regards Article 167 of the Treaty on the Functioning of the European Union (TFEU), in accordance with the principle of conferral of powers (Article 5 of the Treaty on European Union) and pursuant to Article 6 TFEU, the role of the EU in the field of culture is “*to carry out actions to support, coordinate or supplement the actions of the Member States*”. Accordingly, Article 167 TFEU provides that the Union shall contribute to “*the flowering of the cultures of the Member States, while respecting their national and regional diversity*”, and that the Union’s actions in this area must be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action. In carrying out its tasks, the Union may not intervene directly in the management and conservation of cultural heritage and it may not harmonise the laws and regulations of the Member States in the area of culture.

For the above reasons, I have to inform you that it is not possible for the European Commission to follow up on the matter raised in your complaint. In such cases, it is for Bulgaria, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international human rights obligations, including the rights or freedoms guaranteed by the European Convention on Human Rights.

Yours sincerely,

Ingrid Bellander Todino

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<sup>1</sup> <http://www.echr.coe.int/>

<sup>2</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22–26.