



THE RIGHT TO PETITION

Since the entry into force of the Treaty of Maastricht, every EU citizen has had the right to submit a petition to the European Parliament, in the form of a complaint or a request, on an issue that falls within the European Union's fields of activity. Petitions are examined by Parliament's Committee on Petitions, which takes a decision on their admissibility and is responsible for dealing with them.

LEGAL BASIS

Articles 20, 24 and 227 of the Treaty on the Functioning of the European Union (TFEU), Article 44 of the Charter of Fundamental Rights of the EU.

OBJECTIVES

The right to petition aims to provide EU citizens and residents with a simple means of contacting the European institutions with complaints or requests for action.

ACHIEVEMENTS

A. Eligibility and requirements (Article 227 TFEU)

The right to petition is open to any EU citizen and any natural or legal person that is resident or has a registered office in a Member State, either individually or in association with others.

In order to be admissible, petitions must concern matters which fall within the EU's fields of activity and which affect the petitioners directly. The latter condition is interpreted very broadly.

B. Procedure

The procedure for dealing with petitions is laid down in Rules 215 to 218 of, and Annex V (XX) to, Parliament's Rules of Procedure, which confer such responsibility on a parliamentary committee, the Committee on Petitions.

1. Formal admissibility

Petitions must state the name, nationality and address of each petitioner and be written in one of the official EU languages. They can be tabled either by electronic means through the EP Petitions portal or by post on paper.



2. Material admissibility

Petitions that meet these formal requirements are referred to the Committee on Petitions, which must first decide whether they are admissible. The Committee does this by ascertaining that their subject falls within the EU's fields of activity. Where this is not the case, the petition is declared inadmissible. The petitioner is informed of this and of the reasons for the decision. Petitioners are often encouraged to contact another national, European or international body. The main reasons why petitions are declared inadmissible are that petitioners confuse EU competences, responsibilities and possibilities for action and redress with those of Member States and other international organisations and bodies (such as the UN and the Council of Europe), including in relation to the applicability of the EU Charter of Fundamental Rights.

3. Examination of petitions

Depending on the circumstances, the Committee on Petitions may take one or more of the following actions:

- Ask the European Commission to conduct a preliminary investigation on a petition and provide information regarding compliance with relevant EU legislation;
- Refer the petition to other European Parliament Committees for information or further action (a committee might, for example, take account of a petition in its legislative activities);
- If the petition concerns a specific case requiring individual attention, the Committee may contact the appropriate institutions or authorities or intervene through the permanent representation of the Member State concerned to settle the matter;
- Take any other action considered appropriate to try to resolve an issue or deliver a suitable response to the petition.

The Committee also decides whether to place petitions on the Committee's meeting agenda. In this case, the petitioner, the Commission and Member State representatives are invited. At this meeting, the petitioner presents his/her petition, the Commission gives its opinion orally and comments on its written response to the issues raised in the petition and the representatives of the Member States concerned can be invited to take the floor. Members of the Committee on Petitions then have the opportunity to exchange views on issues raised during the debate and to propose further actions to be taken.

In specific cases, the Committee can decide to hold a hearing or a workshop, conduct a fact-finding visit to the country or region concerned and adopt a mission report containing its observations and recommendations, or prepare and submit a full report to be voted on by Parliament in plenary. It can also decide to submit oral questions to the Commission and/or the Council and to hold a debate in plenary.

If a petition relates to a matter of general interest revealing incorrect transposition or application of EU law, it can lead the Commission to take action with the Member State in question, including through infringement proceedings.



4. Closure

A petition may be closed by the Committee at various stages of the procedure, such as after a decision on admissibility has been taken by the Committee, after a discussion in a Committee meeting, when no further action can be taken on the petition, when a petition is withdrawn by the petitioner, or when the petitioner does not respond within a given deadline.

5. Transparency

Petitions submitted to the European Parliament will become public documents. Summaries of petitions are published in all official EU languages on the Petitions Portal of the European Parliament after a decision on admissibility has been taken by the Committee on Petitions, together with other relevant documents.

The petitioner is informed in writing of all decisions of the Committee concerning his/her petition and of the reasons for these decisions, and provided with relevant information and documentation where appropriate once the decisions become available.

ROLE OF THE EUROPEAN PARLIAMENT

According to the Treaties, the European Parliament is the addressee of citizens' petitions and has consequently the responsibility of ensuring that citizens' concerns expressed in those petitions are taken into full account in the EU. To do so in the best possible way, it has given a dedicated Committee, the Committee on Petitions, the task of dealing with petitions and coordinating the institution's follow-up activities. As highlighted in its annual reports on the deliberations of the Committee in the preceding year^[1], Parliament has always considered petitions as a key element of participatory democracy. It has also underlined their importance in revealing instances of incorrect transposition and implementation of EU law by Member States. In fact, a number of petitions have led to legislative or political action, EU pilot cases, preliminary rulings or infringement proceedings. The Committee on Petitions is particularly active in the fields of fundamental rights (disabilities, children's rights, discrimination, minorities, justice, free movement, voting rights, Brexit), the environment and animal welfare, the internal market, social rights, migration, trade agreements and public health. Fact-finding visits, public hearings, the commissioning of studies, the establishment in 2016 of a Petitions Network ensuring greater cooperation among committees dealing with petitions, and cooperation and dialogue with national parliaments and authorities, as well as with other EU institutions (notably the European Commission and the Ombudsman), are all considered as instruments to ensure that issues raised by citizens in petitions are addressed and resolved. In 2014, Parliament also launched the Petitions Web Portal, which has allowed for greater and improved publicity and transparency of petitions, as well as interaction with and the participation of citizens with the EU^[2].

[1]Annual reports on the deliberations of the Committee on Petitions include information on the number of petitions received, their format, status, outcome, country, language, nationality and subject; the web portal; relations with the Commission, Council and Ombudsman; fact-finding visits, public hearings, studies commissioned and further key issues.

[2]<https://petiport.secure.europarl.europa.eu/petitions/en/home>



Ottavio Marzocchi
05/2019

