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DRAFT REPORT

on the deliberations of the Committee on Petitions during the parliamentary year 2007
(2008/2028(INI))

Committee on Petitions

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the deliberations of the Committee on Petitions during 2007 (2008/2028(INI))

The European Parliament,

– having regard to Articles 21 and 194 of the EC Treaty, which confer on all European citizens and residents of the Union the right of petition,

– having regard to its previous resolutions on the deliberations of the Committee on Petitions, notably its resolution of 21 June 2007 on the results of the fact-finding mission to the regions of Andalucía, Valencia and Madrid conducted on behalf of the Committee on Petitions[1],

– having regard to Rules 45 and 192(6) of its Rules of Procedure,

– having regard to the report of the Committee on Petitions (A6-0000/2008),

A. recognising the singular importance of the petitions process in allowing individuals the opportunity to draw to the attention of the European Parliament specific issues which are of direct concern to them covering the area of activity of the Union,

B. mindful of the fact that, in spite of considerable progress in the development of the structures and policies of the Union during this period, citizens often remain conscious of many shortcomings in the application of the policies and programmes of the Union as they affect them directly,

C. whereas it is the responsibility of the Member States to apply Community regulations and directives, a responsibility which they may delegate to regional or local political authorities depending upon their own constitutional arrangements,

D. whereas it is legitimate for the European Parliament to exercise democratic oversight and supervision of Union policies, bearing in mind the important principle of subsidiarity, in order to ensure that Union laws are properly implemented and understood and that they fulfil the purpose for which they were designed, debated and adopted by the competent institutions of the Union,

E. whereas European citizens and residents of the Union may actively participate in this activity by exercising their right of petition to the European Parliament in the knowledge that their concerns will be addressed and investigated by the responsible committee and that a suitable reply will be given,

F. whereas the existing Treaties already contain commitments to respect, as core principles of European society, human dignity, freedom, democracy, the rule of law, human rights, equality and the rights of minorities, and whereas the new Treaties on the European Union and on the Functioning of the European Union will further strengthen this by

[1] OJ C 146 E, 12.6.2008, p. 340.

incorporating the Charter of Fundamental Rights, providing for the accession of the Union to the European Convention on Human Rights, and introducing a legal basis for citizens' legislative initiatives, as well as a proper system of administrative law for the European institutions,

G. whereas Article 7 of the Treaty on the European Union as amended by the Treaty of Lisbon lays down procedures whereby the Union can take action to counter serious and persistent breaches by a Member State of the principles on which the Union is founded, as laid down in Article 6 of that Treaty,

H. recalling in this respect that European citizens frequently petition the European Parliament for redress where they feel that their rights as recognised under the Treaties have been infringed and where they find that judicial remedies are unsuitable, impractical, excessively protracted and often expensive,

I. whereas the Committee on Petitions, as the responsible committee, has a duty not only to respond to individual petitions but also to seek to provide viable solutions to the concerns expressed by petitioners, and whereas this constitutes the main objective of its work,

J. whereas the solutions to the concerns of petitioners are generally found as a result of loyal cooperation between the Committee on Petitions, on the one hand, and the Commission, the Member States and their regional and local authorities on the other hand, which together provide non-judicial remedies,

K. whereas, nevertheless, there is not always a clear political willingness on the part of Member States and regional or local authorities to find practical solutions to the problems raised by petitioners,

L. whereas, moreover, although petitioners are not always right or their allegations well-founded, they are nevertheless entitled to expect an explanation and a reasoned response from the committee responsible,

M. whereas petitions may be declared inadmissible if they are not concerned with the area of activity of the European Union, and whereas the petitions process is not a method to be used by citizen as a means of appealing against decisions taken by competent national legal or political authorities with which they may disagree,

N. whereas it is essential that the Parliament provide itself with the means, in terms of effective authority, rules, procedures and resources, to respond efficiently and in good time to the petitions received by it,

O. whereas the petitions process can make a positive contribution to better law-making, notably by identifying areas indicated by petitioners where existing EU law is weak or ineffective having regard to the objectives of the legislative act concerned, and whereas, with the cooperation and under the authority of the competent legislative committee, such situations can be remedied by revising the legislative acts concerned,

P. whereas the petitions process also makes a significant contribution to the identification of instances in which Member States are not correctly applying EU law, which in a number

of cases leads to the Commission opening infringement procedures under Article 226 of the EC Treaty,

Q. whereas the infringement procedure is designed to ensure that a Member State is brought into conformity with existing EU law and is moreover decided upon at the discretion of the Commission without there being any provision for direct parliamentary involvement in this process; noting, nevertheless, that about one-third of infringements are related to issues submitted by petitioners to the European Parliament,

R. whereas an infringement procedure, even if successful, may not directly provide redress in relation to the specific issues raised by individual petitioners,

S. whereas in 2007, when the membership of the Committee on Petitions was increased from 25 to 40, Parliament registered 1 506 petitions (representing a 50% increase compared to 2006), of which 1 089 were declared admissible,

T. recording that in year 2007 a total of 159 petitioners participated in meetings of the Committee on Petitions, not including many others who were present to observe proceedings,

U. whereas six fact-finding visits were organised in 2007 to Germany, Spain, Ireland, Poland, France and Cyprus, as a result of which reports were prepared and recommendations made which were subsequently sent to all interested parties and in particular to the petitioners,

V. whereas nine full committee meetings were organised at which over 500 individual petitions were debated, with the valuable assistance of representatives of the Commission, all petitioners being informed of the outcome,

W. whereas the priority areas of concern to European citizens, as expressed in the petitions process, focus on the following issues: the environment and its protection, including the weakness of Environmental Impact Assessment Directive, the Water Framework Directive, the Drinking Water Directive, the Waste Directives, the Habitats Directive, the Birds Directive, the Money Laundering Directive and others, and including general concerns about pollution and climate change, individual and private property rights, financial services, free movement and rights of workers including pension rights and other social provisions, recognition of professional qualifications, freedom of establishment and allegations of discrimination on grounds of nationality, gender or membership of a minority,

X. whereas the subject-matter of petitions and the course of their examination in 2007 involved major contemporary issues such as climate change, biodiversity loss, water scarcity, regulation of financial services and the European Union's energy supply,

Y. whereas the President of the Commission stated at the ninth meeting of the Conference of the Parties to the UN Convention on Biological Diversity that "the 'business as usual' approach has no chance of achieving the target of significantly reducing global biodiversity loss by 2010"; whereas the Natura 2000 network remains the central tool whereby the EU seeks to attain its own objective of halting biodiversity loss by 2010,

Z. bearing in mind the permanent and constructive relations established between the European Ombudsman, who has the responsibility to investigate citizens' complaints regarding allegations of maladministration in the EU institutions, and the Committee on Petitions, which reports regularly to Parliament on the Ombudsman's Annual Report or on Special Reports – which remain the Ombudsman's last means of action when his recommendations are not followed – of which there was one in 2007,

AA. whereas a request from the committee responsible submitted in June 2005 for authorisation to draw up a report on a Special Report from the Ombudsman to Parliament on maladministration within the European Anti-Fraud Office was refused by a decision of the Conference of Presidents on 15 November 2007,

AB. bearing in mind future developments which will further enhance the involvement of European citizens in the activity and work of the European Union, notably by the introduction of the "citizens' initiative" provided for under the Treaty of Lisbon, which will permit not less than one million individuals from several Member States to call for a proposal for a new legislative act, and for which specific procedures must be introduced involving the Commission, to which such initiatives must be initially addressed, the European Parliament and the Council,

AC. whereas in the course of 2007 the members of the Committee on Petitions were able to benefit from the considerable enhancement of the ePetition database and management tool, developed by its secretariat in collaboration with the service responsible for information technology, which provides all members of the Committee and political groups with direct access to all petitions and associated documentation, thus improving their ability to serve petitioners effectively,

AD. noting, nevertheless, that Parliament failed to provide the resources requested in last year's resolution on the work of the Committee on Petitions, to improve internet facilities for the petitions process and to give effect to Rule 192(2) of Parliament's Rules of procedures, which provides that an electronic register "shall be set up in which citizens may lend their support to the petitioner, appending their own electronic signature to petitions which have been declared admissible and entered in the register",

AE. whereas the lack of interoperability of the software used by Parliament prevents many citizens from having equal access to the possibility of petitioning Parliament electronically using their own equipment and software,

AF. whereas it is important for European citizens to be properly informed of the work of the Committee on Petitions as they prepare to vote for a new Parliament in the next European elections scheduled for June 2009,

1. Welcomes the close collaboration between the Committee on Petitions and its secretariat and the services of the Commission and the climate of cooperation that exists between the institutions which seek to respond to the concerns of Europe's citizens; firmly believes, however, that priority should be accorded to enabling the Committee on Petitions itself to further enhance its own independent investigatory facilities, notably through the reinforcement of its secretariat;

2. Reiterates its requests to the Secretary-General to conduct an urgent review of the "Citizens Portal" on Parliament's website with the objective of enhancing the visibility of the portal as regards the right of petition, and to ensure that citizens are provided with the means to append their signatures electronically in support of petitions, as provided for in Rule 192(2) of the Rules of Procedure; urges that the software used must ensure interoperability in order to provide citizens with equal rights in this respect;

3. Considers that the present procedure for registration of petitions unduly delays their examination and is concerned that this may be perceived as displaying a certain lack of sensitivity towards petitioners; urges its Secretary General, therefore, to take the necessary measures to transfer the registration of petitions from the Directorate-General of the Presidency to the secretariat of the committee responsible;

4. Supports the formalisation of a procedure whereby certain petitions in the field of the internal market can be transferred to the SOLVIT network while preserving Parliament's right to examine the issue should a satisfactory solution not be found through SOLVIT;

5. Calls on the Commission to take full account of the recommendations of the Committee on Petitions when reaching decisions regarding the launching of infringement proceedings against Member States, and reiterates its demand that the Committee be directly and officially notified by the Commission when an infringement procedure is launched which is related to a petition under consideration by the Committee;

6. Expresses concern about the excessive length of time taken to conclude infringement cases by the Commission services and the Court of Justice, if and when the Court is involved, and – recognising that this is often the result of slow and often deliberate obstruction within the Member State administrations involved – calls for the introduction of more stringent timescales; expresses its doubts about the efficiency of the so-called 'horizontal infringement procedures", which take longer to conclude; calls for a review of the infringement procedure aimed at ensuring greater respect for the application of EU legislative acts;

7. Calls on the institutions concerned to make better use of this procedure as a means of ensuring full respect for EU law, and deeply regrets that too often the slowness of the procedures used and the frequent obfuscation of what is at stake lead to de facto breaches of EU law by Member States who thus act with impunity against the interests of directly affected local communities who have petitioned Parliament;

8 Considers it problematic that the present system for the monitoring of Community law allows Member States to delay compliance until a pecuniary sanction is actually imminent and still avoid responsibility for past intentional violations, and that citizens often appear to lack adequate access to justice and remedies at national level even when the Court of Justice has ruled that a Member State has failed to respect citizens' rights under Community law,

9. Expresses its concern and dismay at reports by petitioners that, even when they have obtained the support of the Committee on Petitions on the substance of their petition, they too often experience great difficulty in obtaining any compensation from the authorities and national courts involved; believes that such systemic weaknesses need to be further

investigated, notably in so far as they apply to the financial services sector, as in the case of the findings of the Committee of Inquiry into the Equitable Life crisis, which were based on petitions received by Parliament and on which a report was produced in 2007;

10. Welcomes the fact that in 2007 the Commission and the Court of Justice acted swiftly, including by means of an injunction, to prevent the imminent destruction of an area protected under the Habitats Directive in the Rospuda Valley by the Via Baltica road corridor, in respect of which the Committee on Petitions had conducted its own independent investigation and fact-finding visit and made specific recommendations; laments the fact that there were not more examples of this kind;

11. Urges the Commission, when dealing with petitions and complaints related to environmental policy – which is the predominant concern of petitioners in the EU (more than one-third of petitions concerning the environment in 2007 came from Spain) – to be more ready to act to prevent breaches of EU law, rather than waiting for EU law to be infringed as is so often the case according to the many responses received by the Committee on Petitions on specific matters of concern to EU citizens; notes that the "precautionary principle" has no practical legal force and is too often ignored by responsible authorities in Member States who nevertheless are under an obligation to apply the EC Treaty;

12. Regrets the lack of support given to the Committee on Petitions by the Commission when, as a result of fact-finding visits in particular, compelling evidence is obtained concerning failure to respect citizen's rights as enshrined in the Treaty, or failure to apply legislation designed to protect the environment (notably where large infrastructure projects are planned involving significant financial interests), and calls for new procedures to be established which allow Parliament to bring such cases directly before the Court of Justice;

13. Fully recognises that the petitions process, as recognised in the Treaty, is nevertheless primarily concerned with obtaining non-judicial remedies and solutions with regard to the problems raised by EU citizens through the political process, and in this context welcomes the fact that in many instances satisfactory outcomes are achieved;

14. Recognises also that in many instances satisfactory solutions cannot be found for petitioners because of the weaknesses in the applicable Community legislation itself; regrets that a number of increasingly important installations and activities, such as re-gasification plants, bio-diesel plants and gas pipelines, do not appear to be taken into consideration in Community law in a manner comparable with installations and activities having a similar potential impact on human health, safety and the environment;

15. Calls on the responsible legislative committees, when preparing and negotiating new or revised legislative acts, to pay close attention to the problems reported through the petitions process;

16. Calls on the Commission to be more concerned about the use of Cohesion Funds in areas of the EU where large infrastructure projects have a major impact on the environment, and urges Member States to ensure that EU funds are directed towards sustainable development in the interests of local communities, a growing number of which are

petitioning Parliament to protest that such priorities are not always respected by regional and local authorities; welcomes the work being undertaken by the Committee on Budgetary Control and the Court of Auditors in this respect;

17. Notes that a growing number of petitions received, notably from citizens from the new Member States, concern the question of the restitution of property, even though this subject remains essentially one of national competence; urges the Member States involved to ensure that their laws concerning property rights resulting from regime change are fully in accordance with Treaty requirements and the provisions of the European Convention on Human Rights, as required also by Article 6 of the EU Treaty as amended by the Treaty of Lisbon; emphasises that petitions received on this subject do not concern the system of property ownership but the right to legitimately acquired property; in this context, urges the Commission to be particularly vigilant not only in its dealings with existing Member States but also in its negotiations with candidate countries for EU membership;

18. Reaffirms its commitment to upholding the recognition of rights of European citizens to their private property which has been legally obtained, and condemns all attempts to divest families of their property without due process, proper compensation or respect for their personal integrity; notes an increase in the numbers of petitions received on this issue, especially regarding Spain in 2007, and notes also the report and recommendations of the fact-finding visit conducted by the Committee on Petitions[1] to investigate the problem for the third time; notes that, as regards the Public Procurement Directives, ongoing infringement procedures are still open;

19. Notes also the serious criticisms raised by the Committee on Petitions following its fact-finding visit to the Loiret, in France[2], in 2007, and in particular urges the French authorities to act decisively to ensure compliance with EU Directives which risk being infringed should certain planned projects for the construction of bridges over the River Loire be allowed to go ahead, bearing in mind that the Loire Valley is not only protected under the terms of the Habitats Directive and the Birds Directive but is also a UNESCO World Heritage Site and Europe's last remaining wild river system;

20. Expresses its ongoing concern about the lack of implementation of the provisions of the Drinking Water Directive in Ireland, which contributed to the serious pollution of drinking water in Galway in particular and in other counties, to the lack of respect for the Irish heritage site of Tara in Lismullen which is severely endangered by the current route chosen for the M3 motorway, to the problems faced by local communities in Limerick, and to other issues raised in the report of the fact-finding visit to Ireland[3] conducted by the Committee on Petitions in 2007; notes that some of these issues are the subject of ongoing infringement procedures;

21. Notes the report on the fact-finding visit to Poland[4] which made recommendations concerning the protection of the Rospuda Valley and the last primeval forest in Europe;

[1] DT 660551.
[2] DT 699755.
[3] DT 689062.
[4] 2007/2118(INI).

urges the Commission to continue to work with the Polish authorities on alternative routes for the Via Baltica road network and rail network as recommended by the report of the Committee on Petitions; also encourages the Commission to ensure that funding is made available to alleviate the pressure on the road system in Augustow in such a way as to protect the local population and preserve the environment of the area;

22. Notes the fact-finding visit to Cyprus in November 2007 by the Chairman and members of the Committee on Petitions; urges the authorities concerned to continue with their efforts to reach a negotiated solution to the outstanding issues of concern to petitioners, notably as regards the sealed-off section of Famagusta which should be returned to its rightful owners as part of a comprehensive settlement;

23. Notes the growing number of petitions and letters received by the Committee on Petitions concerning the most sensitive matter of child custody, on which it is extremely difficult to take action because of the often contradictory personal interests involved, because of the involvement of the courts in many cases, and because of the fact that – except in cases of parents from different EU countries – it is difficult to claim competence for the EU as such; notes however that in Germany, according to petitioners, there may be problems with the Jugendamt system in certain local areas, both systemically and in relation to many individual cases, and asks the German Federal authorities to ensure that the fundamental rights of all EU citizens are properly protected;

24. Records that, in 2007, many British petitioners who had their property confiscated by the British Customs & Excise authorities were still without redress even though the Commission halted infringement proceedings against the UK for failure to respect the Treaty obligation allowing the free movement of goods; urges the British authorities to come up with an equitable solution including the payment of ex gratia payments to petitioners who suffered serious financial loss before the authorities reviewed their practice and, according to the Commission, began to act in conformity with the relevant Directives;

25. Also records the fact that, in Greece, the customs authorities continue to confiscate the cars of Greek nationals who are living abroad and who return to Greece on holiday with foreign number plates on their vehicles, many of whom have been unjustly accused of smuggling and have not had their case duly processed, as previously reported by the Committee to Parliament; urges the Greek authorities to issue clear instructions and guidelines to the Customs Service which fully respect the principle of the free movement of goods and persons within the EU and to provide compensatory payments to the petitioners who have been victims of this practice;

26. Deplores the fact that, among the oldest outstanding petitions still being worked upon, the case of the "Lettori", the foreign language teachers in Italy, continues to be unresolved despite two decisions by the Court of Justice and the support of the Commission and the Committee on Petitions for their case and their grievances; urges the Italian authorities and the individual universities involved, including *inter alia* those of Genoa, Padua and Naples, to act to apply a just solution to these legitimate claims;

27. Records that the petitions considered by the Committee on Petitions in 2007 included – although it was originally tabled in 2006 – the so-called "One Seat" petition, which was

supported by 1.25 million EU citizens and which called for a single seat for the European Parliament, to be located in Brussels; notes that in October 2007 the President referred the petition back to the Committee, which subsequently called for Parliament to give its opinion on this question, bearing in mind that the seat of the institution is governed by the provisions of the Treaty and that the Member States have the responsibility for taking a decision on this matter; consequently agrees with the petitioners that Parliament should have a single seat in Brussels, and urges the Member States to agree to this and to set a timetable for this to be brought about;

28. Resolves to review the name of the Committee on Petitions, as translated into all EU official languages, for the next legislative term, so as to ensure that the name communicates the nature of the Committee in a comprehensible manner, as this is apparently not the case in certain languages at the moment, and so as to underline the element of participatory democracy in the right of petition; suggests that the term "Committee on Citizens' Petitions" may be more easily understandable;

29. Concerned by the number of petitions received which draw attention to the problems of electoral registration experienced by European citizens who are expatriates or have minority status within a Member State, urges all Member States to pay particular attention to the facilities made available for all EU citizens and eligible EU residents in order to ensure their full participation in the next European elections;

30. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, their committees on petitions and their ombudsmen or similar competent bodies.

EXPLANATORY STATEMENT

The work of the Petitions Committee, and the impact it has had on many European citizens, continued to be the focus of widespread coverage in the press during 2007. Compared to the other Committees who have the heavy responsibility of Parliament's legislative activity which remains the natural priority of the institution, the Petitions Committee has nevertheless demonstrated that its role and function is also essential, given its ability to investigate and report on how European laws are perceived in the Member States.

By responding to the legitimate concerns of EU citizens, by communicating their reactions to other Parliamentary Committees and to the Commission, by working to resolve unacceptable infringements of citizens rights and by questioning national, regional and local authorities about the way they apply EU law the Committee has a large and growing responsibility. Moreover, by involving many petitioners in the activity of the Committee - 159 petitioners spoke and actively participated in Committee meetings in 2007, hundreds more were met in their own region during the six fact-finding visits conducted in 2007, the Parliament itself has shown how it is able to be receptive on a pro-active basis to the European electorate.

In January 2007, the Conference of Presidents agreed to increase the size of the Committee to 40 members (the Committee had asked for 50 in its Annual Report for 2005, voted in 2006) and this increase, from 25, has opened up the Committee to more members from more Member States. However, the Committee still lacks members from a number of important countries. In many ways this does not have any real negative effect on EU citizens as an elected member from one national constituency can legitimately defend the rights of a citizen from another country within the European Parliament. However, in terms of perception, this does require some attention by both individual MEPs and their political groups. Many MEPs who are not members of the Committee frequently attend the Committee anyway when issues concerning their constituents affect them, but they are unlikely to have access to all background material or to be aware of the procedures, which as for any Committee, need to be understood to be effective.

In terms of access to information, the year 2007 marks a real turning point. In the autumn the new ePetitions data base and management system became available to all members and substitute members of the Committee as well as to group staff. This provides immediate on-line access (through the intranet) to all documents pertaining to each petition received as well as other linked information useful for members and their assistants as they prepare their work. Further developments are planned as well as an extension of the internet, but the lack of budgetary resources allocated has slowed down this essential development of service to citizens.

The number of petitioners who submit their petitions electronically through the Parliament web-site has continued to increase in 2007. 42% of petitions received were communicated in this way. However, a larger proportion of these were inadmissible and too many were very short and imprecise and this undermines the Committees ability to provide any real remedy or assistance to the person's concerned. Of the 1506 petitions received in 2007, - fifty per cent more than in 2006 - 34.9% were inadmissible and the petitioners informed accordingly; often with a letter advising them of possible national channels for their concerns. The largest cause

of inadmissibility relates to the question of competence and its corollary, subsidiarity.

The fact remains that about two-thirds of petitions received in 2007 were deemed admissible by the Committee under Rule 191 of Parliament's Rules of Procedure, according to which "Any citizen of the European Union...(or resident)..shall have the right to petition the Parliament on a matter which comes within the European Union's fields of activity and which concerns him or her or it (- an association -) directly". This rule is taken from 194 of the EU Treaty.

The table shows the number of petitions concerning the following countries: (countries not mentioned score less than 10)

Country	**Petitions received**
Spain	230
Germany	208
Romania	161
Italy	109
Greece	92
Poland	84
United Kingdom + Gib.	77
Ireland	62
France	50
Bulgaria	43
Portugal	32
Austria	24
Netherlands	23
Malta	23
Cyprus	14
Latvia	14
Hungary	12
Belgium	12
Finland	11

Petitions concerning the European Union as a whole numbered 197.

The above table is helpful and yet also to a certain extent misleading regarding the Committees investigations for which the main themes of activity should also be considered.

The top-ten general themes covered by the petitions received in 2007 are as follows:

Environmental issues, water, etc	288
Fundamental rights	226
Urbanisation	131
Social Affairs & Discrimination	207
Internal Market & Consumers	192
Health	105
Justice	99

Transport issues & Infrastructure	88
Property & Restitution	72
Education & cultural issues	103

Many of these themes are related as, for example certain transport issues will also be concerned with environmental questions. They are intended in the context of this report as an indicative guide to the very wide range of issues dealt with by the Committee, very often in cooperation with other competent committees in the Parliament.

What does emerge from the work of the Committee in 2007, bearing in mind the statistics outlined above, is that European citizens are predominantly concerned with their environment and their natural surroundings and that they are increasingly turning to the European Parliament as a means of fighting abuses which they see threatening their lives and their property.

It has to be said that frequently the EU laws which have been put in place are very often not powerful enough to protect the environment; they fail to correspond to their objectives. The Directive on Environmental Impact Assessment is but one example where an essentially procedural directive may ultimately have no effect on preventing massive infrastructure projects; contrary to what many petitioners and European citizens expect. The Habitats Directive, which is responsible for the designation of Natura 2000 sites to protect bio-diversity in member states, is frequently violated for reasons of supposedly overriding economic interests.

The Landfill Directives are so watered down that European citizens are discovering that they afford totally inadequate protection when a local authority decides to build a new landfill 40 metres away from schools and houses. The end result of this is of course a lot of very frustrated European citizens and a degraded environment. The European Parliament as co-legislator on such issues must realise that there is a lot of legislative revision which needs to be done before EU Environment law meets the expectations of the EU electorate, and in some cases, even meets the objectives contained in existing laws.

It is true that the European Court of Justice has ruled that the contents of EU laws must be commensurate with their objectives; however the road to the Court of Justice remains too long and too winding for most European citizens and the petitions process, though effective up to a point, does not have the real power of a court when it comes to the crunch. This is all to the member states' advantage.

The Fundamental Rights of citizens are also naturally to the forefront of the Committee's work. However, once again in contrast to what citizens are given to believe, the power of the EU to intervene to defend people's rights to their property for example (which is recognised under the European Convention on Human Rights and therefore by the EU Treaty Article 6, as well as the Charter of Fundamental Rights dating from the Nice Treaty) is contested by the European Commission which persistently refuses to acknowledge that "the rules in Member States governing the system of property ownership" (Article 295 TEC - which was founded to make the distinction between collective ownership and private ownership of property,) cannot apply to deny the right of an EU citizen to his legitimately acquired private property, which is also recognised under the right of establishment contained under Article 44e.

The Committee, and the Parliament in its resolution of June 21st 2007, on the other hand believes that it must defend such rights when they are threatened by property developers or anyone else.

Another issue related to the question of the rights of the citizen as contained in the Charter has been raised by a very large number of people who allege that the German child protection agency - the *Jugendamt*, in fact takes too many arbitrary and discriminatory decisions to the detriment of the child in many cases, following the separation or divorce of their bi-national parents - one being from Germany who obtains advantage, the other being from a third country such as Poland, France, Belgium who appears to be the victim. One petitioner from Poland received an apology from the German authorities last year having had his petition investigated.

However, in spite of discussions in Berlin in March 2007 and subsequent communication with the German authorities the Committee is not yet in a position to formulate a general assessment. Each case is different, emotionally they are all very highly charged; some have been through the courts and others cases are pending. The admissibility of such petitions also need to be carefully assessed because under the Treaty the EU - and therefore the Petitions Committee, should not become involved in issues which are the competence of the member states - in this case district authorities in Germany. The individual cases which have been heard deal with the question of discrimination based upon language and/or nationality where parents have been denied the right to speak to their children during custody visits in the own language.

Also in relation to the rights of European citizens, the Committee also discussed the situation of the Russian speaking minority in Latvia which constitute more than one quarter of the population. From the petitions received it has emerged that, even though there are procedures in place for obtaining full Latvian nationality, many citizens continue to suffer from discriminatory practices in terms of their civic rights and their freedom of movement. The Committee has heard from both petitioners and from the Latvian authorities during the course of its meetings. It has not yet taken a final position on the matter but it has encouraged the Latvian authorities to further develop the naturalisation programme and end the discrimination against many people who are often second or third generation immigrants from original Soviet parentage.

The fact-finding visits of the Committee, involving two or three members and staff, have proved to be of great value both for the institution (in terms of profile and because of their low cost to the taxpayer) and for the petitioners who are the beneficiaries of such visits. The programme and objectives of each visit are discussed and agreed upon in advance and a report is prepared immediately the delegation returns and submitted in writing to the next Committee meeting where the visit is discussed and recommendations agreed upon and approved.

In this way, meetings are able to take place with petitioners and the responsible authorities and other interested parties in the region concerned, and members are able to obtain a much clearer understanding of the subject at issue. Critical reports and recommendations have concerned France, because of the plans to build three new bridges over the Loire near Orléans even though this is a protected area; Poland because of the plans by the previous government to build part of the via Baltica motorway through pristine primeval forests in the Rospuda

Valley; Spain because of the ongoing massive urbanisation programmes in the Mediterranean coastal regions and around Madrid; Ireland because of the lack of respect for EU Directives concerning water and the environment. (References to these reports are attached to the draft resolution)

The additional workload and the raised expectations of European citizens are issues which must be properly addressed by Parliament's authorities. Parliament must continue to increase the efficiency with which petitions are dealt with and reduce the delays which result from increased petition numbers and fewer staff numbers to deal with them. Citizens expect more of the institution; and the institution should therefore provide the human and financial resources which are necessary to fulfil its responsibilities. Compared to the situation a few years ago there is no doubt that considerable progress has been achieved in the management of petitions by the secretariat; in the transparency of the procedures, and in the accessibility of members of the Committee to information. However, whereas the backlog of petitions had been virtually absorbed two years ago, the subsequent increase in petitions and related correspondence, and the diminution in the number of effective staff, has led to unacceptable delays developing before petitioners are informed of the admissibility of their petition. In addition, the more time spent on administering petitions, the less time there is for investigating each case, with the risk that the Committee becomes excessively dependent on the European Commission services for information which may not always be entirely neutral or complete. Unlike many other Committees, the secretariat of the Petitions Committee has a higher profile in the everyday work which involves regular contact with the petitioners of course. They therefore require more support from members just as members continue to require the best advice and support from them.

The Petitions Committee works closely with the Commission services and it values the constructive cooperation it receives from many responsible officials. It works also with the office of the Ombudsman, which is the subject of a separate report. It uses when possible, the opportunities afforded by the SOLVIT system to find speedy responses for simple questions raised related to the Internal Market sector. It works regularly in cooperation with the Member States at different levels, including the national or regional ombudsmen. Above all it works with European citizens to find solutions to their legitimate grievances and respond to their concerns.