



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Petitions

2011/2027(INI)

25.5.2011

OPINION

of the Committee on Petitions

for the Committee on Legal Affairs

on the twenty-seventh annual report on monitoring the application of EU law
(2009)
(2011/2027(INI))

Rapporteur: Margrete Auken

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SUGGESTIONS

The Committee on Petitions calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Emphasises the fundamental importance of the rule of law as a condition not only for the legitimacy of any form of governance and administration and for genuine democracy in which specific actions comply with the general norms laid down, but also for the predictability and objective soundness of decisions, and as a guarantee that citizens can fully and effectively enjoy their rights as provided by law;
2. Points out that the petition mechanism continues to be used by citizens, civil society organisations and enterprises mainly to report on, and complain about, non-compliance with EU law by Member State authorities on different levels, the main issues invoked being related to the environment and the internal market, with freedom of movement, fundamental rights and citizenship featuring prominently;
3. Considers that many petitions refer to the Charter of Fundamental Rights, even when the Charter is not applicable to Member States' acts, whilst others invoke the values on which the EU is founded; is concerned that citizens feel misled about the actual scope of application of the Charter, and considers it highly important to clarify the scope of applicability and enforcement of the Charter of Fundamental Rights; stresses that the subsidiarity principle, which is a basic pillar of the European Union, needs to be properly explained to ensure that citizens are not confused about the Charter's applicability;
4. Stresses that, whilst the Commission is correct in pointing out that it is primarily the duty of Member States' judicial systems to act on infringements of EU law, citizens often face considerable difficulties stemming from national court procedures, which can prove expensive or too lengthy; considers, therefore, that the guidelines laid down in the Stockholm Programme should be followed;
5. Stresses that the 27th annual report on monitoring the application of EU law (2009) (COM(2010)0538) shows that, despite a fall in the number of infringement cases opened by the Commission, it was still dealing with around 2 900 complaints and infringement files at the end of 2009, and that Member States were still behind schedule with their transposition of directives in more than half of the cases, a situation which is far from satisfactory and for which the Member States' authorities bear most of the responsibility;
6. Welcomes the specific section on petitions contained in the 27th annual report, as requested by Parliament, in which the Commission gives a breakdown of new petitions received and states that 'even if most petitions do not concern infringements they provide Parliament and Commission with useful information on citizens' concerns';
7. Welcomes the Commission's emphasis on the need to improve the prevention of infringements by using all existing tools and ensuring that sufficient means are available;
8. Welcomes the Commission's commitments, but considers that further efforts are needed by all concerned – Member States, the Commission, the Council and Parliament – in order

to make the Union and its internal market a tangible reality for citizens, their organisations and enterprises;

9. Emphasises that preserving consistency in the application of EU law by the Member States and ensuring the role of the Court of Justice in this respect would require that the Commission carefully investigate and, if necessary, initiate infringement proceedings when a petition or complaint is directed against a refusal by a national court to request a preliminary ruling when it would have been obliged to do so under the treaties and the *acquis*;
10. Welcomes the decision of the Committee on Legal Affairs to include Petition 1028/2009 calling for binding norms on infringement proceedings in the work of the Working Group it has set up on Article 298 TFEU;
11. Notes that many petitions refer to conflicts of interest among decision-makers and strongly supports the adoption of a regulation on EU administrative procedures which should also include general principles on infringement proceedings;
12. Notes the number of petitions for which no solution can be provided under EU secondary legislation or directly applicable treaty norms, but which nevertheless indicate violations of the principles required for entering the Union that correspond to the values laid down in Article 2 TEU, with Article 7 TEU regulating the procedures for upholding these values;
13. Welcomes the shorter timeframes needed for investigating alleged infringements through use of the pilot project method, but considers that clarification and further information is needed from the Commission in order for Parliament to be able to judge the success of this method from the point of view of actual compliance by Member States;
14. Considers that greater access to information on infringement files could be provided without jeopardising the purpose of the investigation and that an overriding public interest might well justify access to these files, particularly in cases where human health and irreversible damage to the environment may be at stake; would welcome also the facilitation of access to already publicly available information on infringement files;
15. Welcomes the Commission's greater use of fact-finding missions to investigate infringements *in situ* and considers that coordination and synergies should be sought with the missions carried out by the EP, notably the Committee on Petitions, whilst respecting the independence of each institution.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.5.2011
Result of final vote	+: 22 -: 0 0: 0
Members present for the final vote	Margrete Auken, Elena Băsescu, Victor Boştinaru, Philippe Boulland, Giles Chichester, Roger Helmer, Carlos José Iturgaiz Angulo, Peter Jahr, Lena Kolarska-Bobińska, Miguel Angel Martínez Martínez, Erminia Mazzoni, Willy Meyer, Mariya Nedelcheva, Chrysoula Paliadeli, Nikolaos Salavrakos, Jarosław Leszek Wałęsa, Angelika Werthmann, Rainer Wieland, Tatjana Ždanoka
Substitute(s) present for the final vote	Cristian Dan Preda
Substitute(s) under Rule 187(2) present for the final vote	María Muñiz De Urquiza, Antolín Sánchez Presedo