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RAPORT

Petitsioonikomisjoni 2003.–2004. parlamentaarse aasta arutelud
(2004/2090(INI))

Petitsioonikomisjon

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lehekülg

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EUROOPA PARLAMENDI RESOLUTSIOONI ETTEPANEK

petitsioonikomisjoni 2003.–2004. parlamentaarse aasta arutelude kohta (2004/2090(INI))

Euroopa Parlament,

- võttes arvesse Euroopa Parlamendi varasemaid resolutsioone petsioonikomisjoni arutelude kohta;
- võttes arvesse 1989. aasta institutsioonidevahelist kokkulepet petsiooniõiguse suurendamise kohta¹;
- võttes arvesse EÜ asutamislepingu artikleid 21 ja 194;
- võttes arvesse Euroopa ombudsmani 2003. aasta raportit;
- võttes arvesse kodukorra artiklit 45 ja artikli 192 lõiget 6;
- võttes arvesse petsioonikomisjoni raportit (A6-0040/2005);

ning arvestades järgmist:

- A. petsiooni esitamise õigus on põhiõigus, mis on lahutamatult seotud Euroopa Liidu kodakondsusega;
- B. petsiooni esitamise õigus on sätestatud EÜ asutamislepingus alates 1992. aastast ja seda on kinnitatud Euroopa põhiseaduse lepingus, mille Euroopa Parlament võttis vastu 12. jaanuaril 2005 (artikli 8 lõige 2);
- C. õigus pöörduda petsiooniga Euroopa Parlamendi poole ja õigus pöörduda kaebusega Euroopa ombudsmani poole on olulised näited vahenditest, mis on tehtud kättesaadavaks Euroopa kodanikele nende otseste demokraatlike õiguste kasutamiseks;
- D. petsioonide kvaliteet ja kasvav arv näitavad, et Euroopa Liidus elavad kodanikud kasutavad seda õigust, et osaleda Euroopa Liidule muret tekitavate küsimuste lahendamisel, ning see on tõsiasi, mis kohustab Euroopa Parlamenti tegelema petsioonidega tulemuslikult, läbipaistvalt ja viivitusteta;
- E. Euroopa Parlament on alati käsitanud petsioone enda poliitilise järelevalve rakendusvõime suurendamise vahendina, vastates Euroopa Liidu kodanike muredele eelkõige Euroopa õigusaktide potentsiaalsete raskete rikkumiste või kodanike põhiõiguste eiramise osas;
- F. Euroopa kodanikud nõuavad mitte ainult institutsioonide töö paremat kooskõlastamist, vaid ka ühest küljest Euroopa institutsioonide, eriti Euroopa Parlamendi, Euroopa

¹ EÜT C 120, 12.4.1989, lk 90.

Komisjoni, nõukogu, Euroopa ombudsmani ja spetsialiseeritud asutuste, ning teisest küljest liikmesriikide ametiasutuste, sealhulgas riikide ja piirkondlike parlamentide petitsioonikomisjonide ja ombudsmanitalituste kohustuste suuremat läbipaistvust ja selgust, kuna kõik nad annavad Euroopa kodanikele nende seaduslike õiguste kasutamiseks vajalikku abi;

- G. Euroopa Parlament, kellel pärast seda, kui Nice'i lepinguga muudeti EÜ asutamislepingu artiklit 230, on õigus esitada Euroopa Kohtule hagi samadel tingimustel kui nõukogul ja Euroopa Komisjonil, s.t olenemata sellest, kas see mõjutab tema õigusi või mitte, püüab tugevdada veelgi tema käsutuses olevaid õiguslikke ja poliitilisi vahendeid, võimaldades seeläbi lahendada tõhusamalt kodanike õiguslaseid muresid;
- H. Euroopa Parlamendil, mis on otse valitud Euroopa kodanike esinduskogu Euroopa tasandil, lasub kodanike õiguste kaitsmise kohustus ja eesõigus; sellest hoolimata vajab Euroopa Parlament eelkõige Euroopa Komisjoni kui asutamislepingute kaitsja abi ja lojaalset koostööd, kui tema võimuses peaks olema kodanike probleemide lahendamine;
- I. liikmesriigid ja Euroopa Liidu Nõukogu eesistujariik on kohustatud tagama Euroopa kodanikele selle, et riikide valitsused ning piirkondlikud ja kohalikud valitsused, sealhulgas nendele alluvad asutused, austavad ja kohaldavad nõuetekohaselt õigusakte, mis on jõustatud Euroopa institutsioonide seadusandlike volituste kaudu,
 - 1. kinnitab, et petitsioonikomisjon on üks tähtsamatest Euroopa Parlamendi asutustest, mis teostab parlamentaarset kontrolli Euroopa Liidu institutsioonide ja ka riikide, piirkondlike, kohalike ja ühiskondlike asutuste üle, parandades seeläbi Euroopa kodanikega seotud Euroopa Liidu meetmete läbipaistvust ja teadlikkust;
 - 2. märgib, et petitsioonid annavad väga kasuliku pildi sellest, millisel määral täidetakse üksikkodanike arvates nende Euroopa Liiduga seotud ootused, mille suhtes nad sageli tunnevad end eemaletõrjutu, osavõtmatu või väärtalt kohelduna;
 - 3. rõhutab, et petitsiooniprotsessi kaudu saab Euroopa Parlament hinnata poliitiliste eesmärkide ebapiisavat täpsust, õigusliku raamistiku puudusi, poliitika rakendamisel esinevaid probleeme või muid Euroopa Liiduga seotud nõrku kohti, samuti liikmesriikide võimalikke rikkumisi, ja vajaduse korral need ka avalikustada;
 - 4. rõhutab Euroopa Komisjoni konstruktiivset rolli petitsioonide arutamisel ning peab koostööd Euroopa Komisjoniga oluliseks; kutsub Euroopa Komisjoni üles osutama ühenduse õiguse rakendamist käsitlevas aastaaruandes nendele juhtudele, mil pärast Euroopa kodanike petitsioonide esitamist võetud Euroopa Parlamendi meetmed on tinginud rikkumiste suhtes kohaldatavate menetluste algatamise;
 - 5. kutsub üles ühildama ajaliselt täiskogu iga-aastase arutelu ja hääletamise asjaomase komisjoni töö ja Euroopa ombudsmani tegevust käsitleva aastaaruande kohta aruteluga ühenduse õiguse rakendamist käsitleva Euroopa Komisjoni aastaaruande kohta;
 - 6. on rahul sellega, et delegatsioonide saatmine liidu eri liikmesriikidesse või piirkondadesse eesmärgiga uurida petitsiooni esitajate tõstatatud küsimusi kohapeal, kuulata asjaomaste inimrühmade seisukohti ja suurendada pädevate asutuste ja meedia teadlikkust, on

aidanud keskendada tõhusamalt tähelepanu probleemidele ja toonud mitmel juhul kasu petitsioonide esitajatele;

7. rõhutab Euroopa Parlamendi kavatsust kasutada tõhusamalt kodukorra artikli 192 lõiget 1, mis võimaldab asjaomasel komisjonil koostada raport või väljendada muul viisil enda arvamust vastu võetud petitsioonide kohta;
8. tuletab meelde, et Euroopa Komisjonile, nõukogule ja liikmesriikidele või teistele Euroopa Liidu õigust kohaldavatele määratletud asutustele tuleb määrata selged kohustused, nagu osutatakse töödokumendis,¹ mille petitsioonikomisjon esitas Euroopa Tulevikukonvendi eesistujale;
9. rõhutab, et kinnitades petitsiooniõiguse uue põhiseadusega, tuleb kõikide ühenduse institutsioonide ja liikmesriikide jaoks kehtestada ühised käitumiseeskirjad kooskõlas hea haldustava eeskirjaga, mille on koostanud Euroopa ombudsman ja heaks kiitnud Euroopa Parlament;
10. rõhutab, et kui peetakse aru petitsioonide üle, peaks komisjoni istungitel kindlasti osalema ministrite nõukogu või liikmesriigi valitsuse esindaja, eriti juhul, kui petitsioonis käsitletakse Euroopa Liidu õigusalasid küsimusi ja eesmärke, mis on tihedalt seotud asjaomase liikmesriigi siseriikliku õigusega või selle liikmesriigi jaoks poliitiliselt tundlike teemadega; tänab liikmesriike, kes on petitsioonide arutelus sel viisil osalenud, aga soovib siiski tungivalt eesistujariigil kaaluda viise, kuidas suurendada nõukogu osalemist komisjoni tegevuses, näiteks määrates petitsioonidega seotud küsimuste kooskõlastamiseks vanemametniku;
11. palub, et ministrite nõukogu määraks kõikidele liikmesriikide valitsusasutustele ja organitele kolmekuulise tähtaja, mille jooksul nad saavad esitada petitsioonikomisjonile ja petitsiooni esitajale (esitajatele) üksikasjaliku vastuse või põhjenduse edasise viivituse kohta kuude kaupa;
12. usub, et nõukogu eesistujariigi kohustus seoses 16. detsembril 2003. aastal nõukogu, Euroopa Parlamendi ja Euroopa Komisjoni vastu võetud tõhusamat seaduste väljatöötamist käsitleva institutsioonidevahelise kokkuleppe järeldustega tagab nõukogu esindatuse asjakohasel tasandil Euroopa Parlamendi komisjonides;
13. tuletab meelde, et kuna liit on laienenud kümne uue liikmesriigi võrra, peab asjaomane komisjon suurendama keelelist, õiguslast ja poliitilist asjatundlikkust, ning rõhutab vajadust tugevdada ja kohandada jätkuvalt komisjoni sekretariaati, et see suudaks kiiresti vastata kõnealustele uutele tingimustele, kuna see peaks teenindama võrdselt kõiki Euroopa Liidu kodanikke; "hebt hervor, dass generelle Schlussfolgerungen für die weitere Verbesserung der Arbeit des Petitionausschusses für den "Bericht 2004-2005" ausgearbeitet und diesem als Anhang beigelegt werden."
14. märgib, et Euroopa Parlamendil on alates Nice'i lepingu sõlmimisest õigus esitada Euroopa Kohtule hagi teise ühenduse institutsiooni vastu seoses ebapiisava pädevuse,

¹ Euroopa Tulevikukonvendi presidendile esitatud töödokument. Raportöör: Proinsias De Rossa (PE 318.508/def.).

olulise menetlusnormi rikkumise, EÜ asutamislepingu või selle rakendusnormi rikkumise või võimu kuritarvitamisega, olenemata sellest, kas see mõjutab Euroopa Parlamendi õigusi või mitte;

15. arwab, et Euroopa Parlament võib õiguspäraselt kasutada enda volitusi EÜ asutamislepingu artikli 230 alusel, kui seda on vaja sellise ühenduse õiguse raske rikkumise lõpetamiseks, mis on avastatud petitsiooni uurimise käigus, ning juhul, kui Euroopa Parlamendil ja Euroopa Komisjonil on, olenemata jõupingutustest kokkuleppele jõuda, olulisi tõlgenduslikke erimeelsusi seoses meetmetega, mida ühenduse õiguse kohaselt tuleks asjaomase juhtumi korral kodanike õiguste kaitseks võtta;
16. kutsub nõukogu ja Euroopa Komisjoni üles vaatama koos Euroopa Parlamendiga üle 1989. aasta institutsioonidevahelist kokkulepet, eesmärgiga anda petitsiooni esitajatele tõhusamad heastamisvahendid ja määratleda selge ja ühtne raamistik institutsioonidevaheliseks koostööks asjaomases valdkonnas;
17. arwab, et Euroopa Parlamendile esitatud petitsioonide töötlemise tõhustamiseks ja pidevaks jälgimiseks tuleks luua alaline tööühm;
18. pooldab SOLVIT-süsteemi loomist mitteametliku vahendina, mis aitaks üksikisikutel ja äriühingutel lahendada siseturuga seotud probleeme, ning soovib tungivalt liikmesriikidel tõhustada kõnealust ühtset koostöökava, et muuta SOLVITi kasutamine laiaulatuslikuks;
19. soovib Euroopa Komisjonil tungivalt tugevdada enda jõupingutusi – mis on juba viinud kiiduväärsete tulemusteni – ratsionaliseerida ja kiirendada komisjonisiseseid menetlusi, vastates asjaomaste komisjonide teabepäringutele seoses petitsioonidega;
20. tervitab peatset uue petitsioonide haldamissüsteemi tarkvara kasutuselevõttu ning palub edasilükkamatult kaaluda piisavate inimressursside rakendamist, et oleks võimalik kiirelt sisestada andmeid kõnealusesse uude süsteemi, mis võiks seetõttu võimalikult lühikese aja pärast muutuda täielikult kasutuskõlblikuks;
21. palub, et Euroopa Komisjon määraks kolmekuulise tähtaja, mille jooksul tuleks anda üksikasjalik vastus komisjonile ja petitsiooni esitajale (esitajatele) või mille jooksul esitatakse kuude kaupa viivituse põhjendus;
22. märgib, et kuna petitsioonide kaudu on edukalt suudetud näidata, millist mõju on Euroopa Liidu poliitika avaldanud üksikisikute elule, siis on oluline kaaluda hoolikalt, milline on parim viis muuta esitatud petitsioonide uurimiseks ja töötlemiseks kasutatavad menetlused tõhusamaks ja läbipaistvamaks, arvestades seda, et võrreldes Euroopa Komisjoni kaebuste menetlemisega tunnustatakse petitsiooniprotsessi juba kui kodanike murede lahendamise meetodit;
23. tunnistab, et asjaomase komisjoni töö erineb paljuski teiste parlamentaarsete komisjonide tööst, kuna paljude küsimustega tegeldakse eraldi väljastpoolt saadavate nõuannete ja üksikisikute abiga, samuti tegeldakse mitmete presidendi või täiskogu esitatud teemadega ning sageli lahendatakse küsimused ilma täiskogu või teiste Euroopa Parlamendi organite

abita; leiab, et selleks on vaja menetlusi, mis erinevad tingimata teiste Euroopa Parlamendi komisjonide menetlustest, kuid milleks ei ole vaja kodukorra erisätteid ja mille puhul saaks lähtuda komisjonisestest suunistest, et tagada komisjoni töö jätkuvus, töötulemuste ühtsus ja nende mõju jälgimine;

24. kutsub üles võtma meetmeid selleks, et teavitada uute liikmesriikide kodanikke nende õigusest esitada EÜ asutamislepingu artikli 194 alusel Euroopa Parlamendile petitsioon Euroopa Liidu tegevusvaldkonda kuuluva ja neid otseselt puudutava küsimuse kohta või esitada EÜ asutamislepingu artikli 195 alusel kaebus ombudsmanile, kui Euroopa Liidu institutsioonis või asutuses esineb väidetavalt haldusliku omavoli juhtum;
25. kutsub üles nende liikmesriikide parlamente, kes ei ole veel seda teinud, asutama Euroopa Liidu institutsioonidega peetavate dialoogide ratsionaalsemaks muutmiseks riiklikke petitsioonikomisjone, kes võiksid vajaduse korral teha koostööd Euroopa Parlamendi vastava komisjoniga ning samas pakkuda liidu kodanikele nende õiguste täielikumat kohtuvälist kaitset;
26. palub, et Euroopa Parlamendi president edastaks käesoleva resolutsiooni ja petitsioonikomisjoni raporti nõukogule, Euroopa Komisjonile, Euroopa ombudsmanile, liikmesriikide valitsustele, parlamentidele, petitsioonikomisjonidele ja ombudsmanidele või samalaadsetele pädevatele asutustele.

EXPLANATORY STATEMENT

Introduction

This document covers the period from 11 March 2003 to 14 March 2004 and has been drawn up pursuant to Rule 192(5) of the Rules of Procedure requiring the Committee on Petitions to inform Parliament of the outcome of its deliberations.

Since this is the first annual report to the new Parliament, the Committee on Petitions wishes to take this opportunity to acquaint the many newly elected MEPs with its functions.

The Committee considers that it offers a particularly valuable service as a direct channel for contact with EU citizens but is also aware that it could work more effectively with increased and improved resources, and its conclusions accordingly contain a number of proposals for consideration and hopefully approval by Parliament.

Right to table petitions

Every EU citizen, every person resident in the EU and every member of a company, organisation or association with its registered office in the EU is entitled to table petitions to the European Parliament on matters falling within the EU's fields of activity. This right is embodied in the EU Treaty, the European Parliament's Rules of Procedure and the EU Charter of Fundamental Rights and is a corollary of European Union citizenship. During the 2003-2004 session, 1313 petitions were tabled on a wide variety of subjects. No fee is payable for tabling petitions. However, many citizens, not least in the new Member States, are unaware of this possibility. We are currently considering how we can remedy this. Recently it has been made possible to table petitions over Internet an option which is becoming increasingly popular.

Petitions are a valuable means of enabling individuals to obtain a formal hearing by the EU institutions, establishing a direct link between them and their elected representatives. Petitions can bring to the European Parliament's attention infringements or incorrect implementation of EU legislation so that action can be taken to remedy matters or areas in which EU legislation may need to be reviewed thereby providing the necessary feedback concerning the effects of resulting decisions.

Committee on Petitions and the European Ombudsman

Citizens can refer to the European Ombudsman any cases of alleged maladministration by the EU institutions or bodies directly affecting them. The respective terms of reference of the Committee on Petitions and the European Ombudsman are closely associated and the public is not always aware of the distinction between them. Over the years the Committee on Petitions and the European Ombudsman have established a successful *modus vivendi*, referring matters to each other where appropriate. *A posteriori* scrutiny by the Committee on Petitions and the European Ombudsman under Community law provides the best guarantee that citizens are given a hearing and their legitimate rights protected.

Relations with the Commission and Council

Since the Committee on Petitions does not in its present form have the necessary human, legal and technical resources to give in-depth legal consideration to petitions received in every case it must avail itself of the resources of the other institutions including the Commission and Council. Cooperation with the Commission has proved particularly successful thanks to the great willingness shown by its staff. The Commission is able to give answers to the Committee's queries notwithstanding the technical or legal nature of the issues raised, reflecting its high level of competence and its accommodating approach. Occasionally it should be noted that responses do not meet the required standard, often because Commission staff are themselves acting under great pressure given their other responsibilities.

Cooperation with the Council has been more limited in scope and should be stepped up, given that the Council's contribution is essential if petitions are to be processed properly and effectively. In this connection, the committee has repeatedly observed that the Interinstitutional Agreement of 12 April 1989, which is also binding on the Council should be reviewed and provisions added concerning transparency, effectiveness and rapidity which are the essential hallmarks of good administrative practice.

Tasks and working conditions of the Committee on Petitions

The Committee on Petitions has first to establish whether petitions are admissible and, if they are, to examine the substance thereof and decide what measures should be taken. One of the Committee's main priorities is to reduce the time taken to process petitions, shorten deadlines and make proceedings more rapid and transparent. In this connection the mandatory procedures contained in the European Ombudsman's Code of Good Administrative Behaviour¹ adopted by the European Parliament on the basis of the report by former 1st Vice-Chairman of the Committee Roy Perry² can only be regarded as the point of departure for the long and complex formalities set in train by the tabling of a petition to the European Parliament.

The time taken to complete the process also depends on the time needed to translate the documents into all European Union working languages and this is not always appreciated by petitioners. Efforts are being made to speed up if this process yet enlargement and the requirement to be able to respond rapidly in the language of the petitioner in the new languages naturally, have brought additional problems which must be resolved as soon as possible.

The Committee on Petitions has always endeavoured to support the Commission in its role as guardian of the Treaties. Regarding procedures for monitoring the implementation of EU legislation by the national authorities, it does not simply refer matters to the Commission but continues to monitor its progress in meeting the deadlines. Despite the Commission's manifest willingness to provide the requisite information within the statutory limit, it is not always able to meet this deadline and may be further held up by the Committee's own extremely full

¹ C5-0438/2000.

² A5-0245/2001.

agenda and its working methods. Sometimes the Commission is only able to give a provisional reply making it necessary for the Committee to postpone consideration of the petition until the Commission can provide further details. The resulting delay can have extremely serious consequences particularly if the petition concerns urgent matters.

The committee has on several occasions, as mentioned above, called for a review of the Interinstitutional Agreement. This is essential, given that the European Parliament effectively speaks on behalf of the citizens in addressing the Commission. Accordingly, the Commission, which frequently considers similar complaints cannot regard the matter as closed after consideration of the complaint and ignore the fact that deliberations within the Committee are ongoing. The Commission decides on a strictly legal basis, the Parliament also must bear in mind broader political considerations if it is to properly resolve certain issues.

The Committee on Petitions, whose remit is embodied in the Treaties, has endeavoured to play a coordinating and consultative role in its relations with the other committees. Hence it refers certain cases to them for information or for an opinion when issues raised by petitioners fall within their remit, asking them to address the matter within the context of their own deliberations.

Given the growing importance of the subsidiarity principle governing the future division of responsibility between Union and Member States, the committee considers that petitioners could where possible be referred to the relevant national or local authorities which are more immediately involved and which should be urged to process the matter as rapidly as possible. This requires closer cooperation with the existing petitions committees in the Member States. Naturally the Committee on Petitions is aware of the different national administrative structures and areas of competence and calls for measures at national and local level to be strengthened and made more transparent so that the right to table petitions is recognised as a direct and meaningful democratic instrument.

It should be added that in a growing number of cases cooperation between the Committee on Petitions and national or local authorities has led to a joint resolution of problems raised by petitioners. This cooperation is especially useful when problems raised are not obviously the sole responsibility of the EU or the national/regional authority. Pragmatic solutions are therefore actively sought and frequently found. Some member states it has to be said are more pragmatic than others!

With a view to introducing more flexible, rapid and effective working methods, new petitions software will be introduced towards the end of 2004 replacing the present completely outdated system installed in 1989. The development of the new system, which was launched last year, has required a major effort on the part of the Committee secretariat and the other services concerned. The system will not only give MEPs better access to information concerning individual petitions but will also facilitate the work of staff responsible for research, planning and the organisation of meetings and streamline the translation and distribution of committee documents, providing an improved service and easier redress for citizens petitioning the European Parliament.

The fact that the Committee secretariat is now based in Brussels as of September 2004, having been progressively transferred there in the course of the recent period, will doubtless

make its day-to-day work more effective. The committee secretariat, however, is still understaffed and its structure must be adapted to meet the new legal, political and linguistic needs arising from enlargement to ten new Member States.

The work of the Committee on Petitions

This report covers the reference period from 11 March 2003 to 13 March 2004, during which 6 reports and 6 opinions were adopted. It should be emphasised that the three reports which were approved in plenary, and drafted under the terms of Rule 175, (now Rule 192), had a particularly wide resonance amongst public opinion and the press. (Reports by Roy Perry on Lloyd's, Proinsias de Rossa on Bushmeat, and Uma Aaltonen on Multiple Sclerosis.

Reports:

Report on the Commission communication to the European Parliament and the European Ombudsman on relations with the complainant in respect of infringements of Community law (COM(2002)141 - C5-0288/2002 - 2002/2148(COS)), adopted on 5 June 2003 (rapporteur: Janelly Fourtou) (A5-0157/2003)

Report on petitions declared admissible: the Lloyd's petitions (Petitions 1273/1977, 71/1999, 207/2000, 318/2000, 709/2000 and 127/2002), adopted on 25 September 2003 (rapporteur: Roy Perry) (A5-0203/2003)

Report on the activities of the European Ombudsman for the year 2002, adopted on 25 September 2003 (rapporteur: Lord Stockton) (A5-0229/2003)

Report on the deliberations of the Committee on Petitions during the parliamentary year 2002-2003, adopted on 25 September 2003 (rapporteur: Laura González Álvarez) (A5-0239/2003)

Report on Petition 461/2000 concerning the protection and conservation of great apes and other species endangered by the illegal trade in bushmeat, adopted on 14 January 2004 (rapporteur: Proinsias De Rossa) (A5-0355/2003)

Report on Petition 842/2001 concerning the effects of discriminatory treatment afforded to persons with multiple sclerosis within the European Union, adopted on 18 December 2003 (rapporteur: Uma Aaltonen) (A5-0451/2003)

Opinions

Opinion on proposal for a Council directive on the conditions of entry and residence of third country nationals for the purposes of studies, vocational training or voluntary service (COM(2002)548 - C5-0502/2002 - 2002/0242(CNS)), adopted on 20 March 2003 (draftsman: Luciana Sbarbati)

Opinion on 2004 budget, adopted on 11 September 2003 (draftsman: Roy Perry)

Opinion on Commission communication on immigration, integration and employment (COM(2003)336), adopted on 1 October 2003 (draftsman: Luciana Sbarbati)

Opinion on follow-up reports to Council Directive 75/442/EEC (waste framework directive), adopted on 6 November 2003 (draftsman: Marie-Hélène Deschamps)

Opinion on communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the road to sustainable production - progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control (COM(2003)354), adopted on 15 December 2003 (draftsman: Jean Lambert)

Opinion on the situation regarding fundamental rights in the European Union (2003), adopted on 17 February 2004 (draftsman: Lord Stockton)

Delegations were sent to the following delegations during the reference period:

Delegation visit to Ireland on 3 and 4 April 2003 (fact-finding mission in response to a number of petitions from Irish citizens concerning water supply and drinking water quality; and to investigate the alleged abuse of rights resulting from the decision to deregulate the Irish Taxi Industry). (28 April 2003 - PE 329.242)

Delegation visit to Italy on 8-10 September 2003 in connection with the Italian Presidency.

Delegation visit to Greece on 7-9 November 2003 (fact-finding mission in response to petitions concerning the protection of the loggerhead sea turtle (caretta caretta) and compliance with Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora).

The work of the Committee on Petitions consists mainly of considering and attempting to resolve in a satisfactory manner problems submitted to it by individual citizens. In this respect many positive results were achieved of which these are a few examples.

The Petitions Committee has received a large number of petitions concerning the German legislation on chimney sweeps. The first was petition 853/2000. The petitioners objected to the monopoly and privileged status enjoyed by chimney sweeps in Germany and to the conditions for the exercise of this occupation. After analysing the situation and the German legislation the Commission came to the conclusion that by restricting access to and exercise of chimney sweeping activities in Germany, to local skilled chimney sweeps, German legislation in this area was infringing both the right of establishment laid down in Article 43 and freedom to provide services under Article 49 of the EC Treaty. In April 2003 a letter of formal notice was sent to the German government. In December 2003 the Commission informed the Petitions Committee that the German authorities had been in contact with the Commission services and had indicated that they were prepared to modify the German legislation. It was then decided to close the petitions.

Petition 583/2002 by Julia Ann Arathimou concerned the death of her husband as a result of

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an industrial accident in connection with a building project on the island of Corfou. The petitioner maintained that safety measures had been neglected and that the post-mortem report distorted the facts. The Commission concluded that this was a clear case of non-compliance with Greek legislation implementing the Directives on safety and health of workers at work. The case was included in a letter of formal notice to the Greek Government concerning a possible generalised failure in Greece to comply with the Directives in this area. This tragic case is an example of a much wider problem which remains prevalent.

The Committee spent considerable time in evaluating the extent to which the Spanish Hydrological Plan, diverting the course of the Ebro in particular, was in conformity with EU environmental legislation. The Committee never questioned the right of the Spanish authorities to propose such a plan. However, based on petitions signed by local associations and tens of thousands of European citizens, the Committee organised two major hearings where the Commission was able to give an assessment of the various projects, where the Spanish Minister responsible was able to make his case, where Regional governments (notably with different views from Murcia and Aragon) were able to present their views and most importantly where the citizens themselves were able to be heard.

The controversy surrounding this plan extended in to Parliament itself where the Environment Committee effectively vetoed this Committee's request to draft a report on the subject. Nevertheless, the issue was heard, and the petitioners had their rights respected as did the protagonists of the Hydrological Plan. The media was able to comment on a public and open debate where European law and EU finances were involved. There was considerable resonance to this debate in Spain.

Petition 699/2000 concerned the quality of drinking water in the Alicante province of Spain. The Commission decided to open an infringement procedure against Spain and issued a letter of formal notice. The response given by the Spanish authorities was judged to be unsatisfactory and as a result a reasoned opinion was notified to Spain relating to breaches of the standards of Directive 80/778/EEC concerning the quality of water intended for human consumption. After a long correspondence the Spanish authorities finally announced that they had decided to build a plant to produce drinking water from desalinated sea water. The Commission was confident that the problem would thus be solved, and it was decided to close the petition. Petition 586/1996 concerned pollution of water in an area of Barcelona. Also in this case an infringement procedure was opened, and two letters of formal notice were sent to Spain. The petition was closed in 2003, after the Petitions Committee had been informed about the measures taken to resolve the problem.

Petition 418/01. The petitioner's Belgian qualification as a teacher of children with learning difficulties was not recognised by the French authorities as equivalent to the relevant French diploma. It was considered that the procedure followed by the French authorities in this respect failed to comply with the provisions of Directives 89/48/EEC and 92/51/EEC and the Commission accordingly initiated infringement proceedings against France for failure to transpose the directives in respect of access to public service as teachers of children with learning difficulties.

Petition 783/00. This petition concerns a projected discharge for normal and hazardous waste in Monticelli (Piacenza) covering an area of 350 000m², which was authorised without a prior

environmental impact survey as required under Articles 5 to 10 of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, and without following the procedures laid down by Italian law in accordance with Article 4(2) of Directive 85/337/EEC on measures to determine whether an environmental impact assessment is required in respect of a project of one of the classes listed in Annex II. The Commission accordingly decided to initiate infringement proceedings against Italy, sending a letter of formal notice to the Italian Government.

Petition 356/2003. The signatories to this petition call on the European Parliament to initiate infringement proceedings against the Italian Government under Article 7 of the Maastricht Treaty for infringement of the fundamental right of citizens to freedom and pluralism of information and of Article 11(2) of the European Charter of Fundamental Rights concerning freedom of expression and media pluralism. It is argued that this infringement of the freedom of information in Italy is the logical outcome of the control being exercised by one person - the Prime Minister - over large swathes of the media and advertising sector. The Committee on Petitions ruled the petition admissible and decided to forward it to the Constitutional Affairs and Civil Liberties Committees, which subsequently drew up an own-initiative report on the risks of violation in the EU and especially in Italy of freedom of expression and information (Boogerd-Quaak, A5-230/04), adopted at the plenary sitting of 22 April 2004. The preamble of the resolution contained in the report as adopted in Strasbourg explicitly refers to the petition, thereby meeting the wishes and concerns expressed by the petitioners.

Petition 1106/2002. The petitioner expresses concern at the risk of pollution of the Toce river and Lake Maggiore by highly toxic substances from the former Enichem de Pieve Vergonte industrial site, which was responsible for the pollution of the water and fish stocks of Lake Maggiore by DTT (produced there until 1996). Despite this, the soil decontamination programme was never implemented and ownership of the plant was subsequently transferred to a Belgian company. The new chlorine production cycle has led to a further risk of massive pollution by mercury and chlorine derivatives should flooding occur in the industrial site. In September 2003, when a delegation from the Petitions Committee was sent to Rome, the matter was broached in the presence of the petitioner and a representative of the Italian Ministry of the Environment. It was subsequently raised again at the committee meeting of January 2004, enabling it to bring pressure to bear on the Italian Ministry of the Environment to conclude with the company concerned an agreement providing for the removal of mercury from the chlorine production technology in the plant concerned by 31 December 2006.

There are many important petitions which the Committee has considered which remain to be properly resolved. In particular, following the visit of a fact-finding mission to Ireland, mentioned above, the Irish authorities have still not responded to the recommendations made by the Committee concerning the effects on the lives of many families concerned by the deregulation of the Irish taxi industry. Indeed in spite of the support given to the recommendations by the responsible committee of the Irish parliament, the government has remained impervious to the legitimate rights and expectations of many families who found themselves very heavily in debt because of the failure of the Irish authorities to provide them with payments, on deregulation, which bear some resemblance to their acute financial loss. In addition, the method of calculation made by the government's Hardship Panel failed to look at individual situations and favoured arbitrary categories of persons who only now are beginning to receive some very small payments. (For more details see the report mentioned above.)

Also in Ireland, in Kilkenny in particular, the problem of the quality of drinking water remains unresolved and aluminium sludge and organic pollution continue to pour into people's bathtubs and kettles. Proposals to remedy the situation take far too long to be implemented and this also remains a serious concern to the Committee. Infringement procedures in progress against the Irish authorities for this and other similar cases, such as those in Galway and Careroag, take too long to come to fruition and citizens are still obliged to put up for far too long with serious problems about which they have petitioned the Parliament, much to their own frustration and that of the Committee.

The above example demonstrates (there are many more similar examples from other countries) one of the weaknesses in the petitions process which must be resolved if Parliament is to continue to act effectively in response to the sincere concerns of its electorate.

The infringement procedure was designed in 1958 and has hardly changed since. It allows the Commission on a discretionary basis ultimately to take a Member State to the European Court of Justice for non-compliance with EU law, the objective being to ensure compliance and not to right wrongs or redress grievances. (The Court itself has more recently opened up a very small opportunity for citizen's appeals.) However infringement remains the only available blunt instrument in the institutions' armoury and even when it is successfully pursued by the Commission to its positive conclusion, and Member States comply, there is no inherent impact on European citizens which can provide them with direct satisfaction. This remains therefore an inherent weakness and is unresolved even in the new Draft Constitution.

It is therefore proposed that the Petitions Committee and other competent committees, for example AFCO and JURI, work together to investigate this situation fully, in particular the rights and means of redress for European citizens, and make recommendations for the consideration of Parliament in the coming period.

ANNEX I: Petitions received by the European Parliament

<u>Session</u>	<u>Number</u>	<u>% +/-</u>
1985-1986	234	+ 38
1986-1987	279	+ 19
1987-1988	484	+ 73
1988-1989	692	+ 43
1989-1990	774	+ 12
1990-1991	785	+ 1
1991-1992	694	- 12
1992-1993	900	+ 30
1993-1994	1083	+ 20
1994-1995	1352	+ 25
1995-1996	1169	- 14
1996-1997	1107	- 5
1997-1998	1311	+ 18
1998-1999	1005	- 24
1999-2000	958	- 5
2000-2001	886	- 7
2001-2002	1283	+ 45
2002-2003	1514	+ 18
2003-2004	1313	- 13

ANNEX II: Petitions by nationality of petitioner

Germany	299
Austria	14
Belgium	32
Denmark	4
Spain	157
Finland	30
France	134
Greece	115
Ireland	27
Italy	181
Luxembourg	2
Netherlands	36
Portugal	40
United Kingdom	119
Sweden	16
Third countries	107

Petitions by language

German	341
English	238
French	182
Spanish	167
Italian	154
Greek	101
Dutch	50
Portuguese	36
Finnish	23
Swedish	18
Danish	3

ANNEX III: Petitions with more than 1000 signatures

Petition 404/2003, by 'Eurolinux Alliance', bearing **more than 130.000 signatures**, on the patenting of software

Petition 96/2004 by Aron Araya (Eritrean), on behalf of the Eritrean Community in Belgium, bearing **22. 000 signatures**, on respect by Ethiopia of the borders with Eritrea

Petition 279/2003 by Tirzah Loewenstein (British), on behalf of Zimbabwe Vigil Coalition, bearing **15.898 signatures**, on human rights in Zimbabwe

Petition 675/2003 by Ali Ertem (Turkish), on behalf of the Frankfurt am Main anti-genocide association e.V., bearing **11 000 signatures**, on alleged refusal by Turkey to recognise the Armenian genocide in 1915

Petition 1287/2003 by Tony Constable (British), bearing **5400 signatures**, on the level of British state pensions in relation to taxation

Petition 1277/2003 by Margaret Pryke (British), bearing **4300 signatures**, on unauthorised lorry parking

Petition 258/2003, by Albertine Heyse-Soullié (Belgian), on behalf of 'The Old Horses Lodge', bearing **3551 signatures**, on the conditions of transport of live animals, in particular horses

Petition 1259/2003 by Rocco Margapoti (Italian), on behalf of the 'Case rosse e Settecimini' citizens action groups, bearing **3508 signatures**, objecting to a dangerous waste incineration plant

Petition 187/2004, by Paula Boeuf (French), bearing **3249 signatures**, on prevention of coastal damage by oil tankers

Petition 106/2004 by the Green Horizon Seal Protection Fund (Belgian), bearing **3000 signatures**, on seal hunting in Canada

Petition 638/2003 by Luigi Ravacchioli (Italian), on behalf of the 'Alliance des Syndicats Libres', bearing **3000 signatures**, on defending the pension rights of European Officials

Petition 20/2004, by Alberto J. Revuelta Lucerga (Spanish), on behalf of the Right of Asylum Support Network, **bearing 2711 signatures**, on the Israeli-Arab conflict

Petition 1140/2003 by Edda Witte (German), on behalf of the Association of Divorced Women in the GDR, **bearing 2355 signatures**, on German provisions concerning the division of pension entitlements between married couples

Petition 1130/2003 by Yvon Marais (French), on behalf of the Zac de Ballan-Miré 'Local Residents' Association', **bearing 1529 signatures**, on waste incineration

Petition 766/2003 by Nikolaos Kanaris (Greek), on behalf of the Filopappos residents' committee, **bearing 1800 signatures**, on the conservation of the Filopappos area in Athens

**ANNEX IV: Statistics concerning petitions considered over the reference period
(11.03.03 - 12.03.04)**

OTHER COMMITTEE FOR INFORMATION

POLI	110
AGRI	19
BUDG	6
ECON	11
ENER	8
RELA	0
JURI	40
ASOC	20
REGI	26
TRAN	3
ENVI	89
JEUN	30
DEVE	18
LIBE	55
CONT	8
INST	6
PECH	4
REGL	0
FEMM	7

Delegations

AFSU	1
AMCE	1
AMSU	2
AUST	1
BALT	1
BULG	1
CHIN	2
CHYP	2
EUSE	6
HONG	1
ISRA	4
MAGH	1
OLP	2
ROUM	3
SLOK	2
TCHE	4
TURQ	8
USA	1

OTHER COMMITTEES FOR FURTHER ACTION

POLI	62
AGRI	1
BUDG	0
ECON	0
ENER	0
RELA	0
JURI	2
ASOC	0
REGI	0
TRAN	0
ENVI	4
JEUN	1
DEVE	0
LIBE	7
CONT	0
INST	0
PECH	1
REGL	0
FEMM	2

Delegations

ISRA	1
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OTHER COMMITTEE OR SERVICE FOR OPINION

234/00	Petition calling on Italy to comply with Community directives
244/00	Dispute with the Italian Ministry for Defence concerning the Veronika Schinina-Stalter estate
736/01	Monopoly and abuse of a dominant position by the Italian association of authors and publishers
1530/02	Petition concerning possible infringement by the Italian Government of Article 6 of the Treaty on European Union
356/03	Measures to safeguard the freedom of the press in Italy
383/03	The closure by the Spanish authorities of the ‘Euskaldunen Egunkaria’ newspaper
949/03	Environmental problems caused by a high-speed rail link

MENETLUS

Pealkiri	Petitsioonikomisjoni 2003.–2004. parlamentaarse aasta arutelud			
Menetluse number	2004/2090(INI)			
Alus vastavalt kodukorrale	art 45 ja art 192 lg 6			
Vastutav komisjon	PETI			
Raportöör(id) nimetamise kuupäev	Rainer Wieland 1.9.2004			
Aseraportöör(id)				
Arutamine komisjonis	29.9.2004	7.10.2004	22.11.2004	17.1.2005
Vastuvõtmise kuupäev	18.1.2005			
Lõpphääletuse tulemused	poolt: 20 vastu: 3 erapooletuid: 3			
Lõpphääletuse ajal kohal olnud liikmed	Robert Atkins, Michael Cashman, Proinsias De Rossa, David Hammerstein Mintz, Carlos José Iturgaiz Angulo, Marcin Libicki, Miguel Angel Martínez Martínez, Maria Matsouka, Manolis Mavrommatis, Marie Panayotopoulos-Cassiotou, Richard Seeber, Diana Wallis, Rainer Wieland			
Lõpphääletuse ajal kohal olnud asendusliikmed	Monika Beňová, Ana Maria Gomes, Mieczysław Edmund Janowski, Marianne Mikko			
Lõpphääletuse ajal kohal olnud asendusliikmed (art 178 lg 2)				
Esitamise kuupäev – A6	11.2.2005	A6-0040/2005		
Märkused	...			

