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# REPORT

on the activities of the Committee on Petitions 2013  
(2014/2008(INI))

Committee on Petitions

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the activities of the Committee on Petitions 2013 (2014/2008(INI))

*The European Parliament,*

- having regard to the significance of the right of petition and the importance for parliamentary bodies to be immediately aware of the specific concerns and views of the European citizen or resident, as provided for in Articles 24 and 227 of the Treaty on the Functioning of the European Union,
  - having regard to the provisions of the Charter of Fundamental Rights of the European Union and notably Article 44 on the right to petition the European Parliament,
  - having regard to the provisions of the of the Treaty on the Functioning of the European Union, which regard the infringement procedure, notably article 258 and 260,
  - having regard to Rules 48 and 202(8) of its Rules of Procedure,
  - having regard to the report of the Committee on Petitions (A7-0131/2014),
- A. bearing in mind the petitions received in the year 2013, which was ‘the Year of the European Citizen’ number 2,885, representing an increase of almost 45% on the year 2012; and noting that for the current legislature until now, almost 10,000 petitions have been registered;
- B. whereas even though such a figure remains modest by comparison with the population of the European Union, it nevertheless denotes a marked increase in the awareness of the right of petition and legitimate expectations regarding the usefulness of the petitions process as a means of securing the attention of the European Institutions and the Member States for the concerns of individual citizens, local communities, NGOs, voluntary associations and private businesses;
- C. whereas European citizens are directly represented by the only EU institution elected by them – the European Parliament; bearing in mind that the right to petition offers them the chance to address their representatives directly;
- D. bearing in mind that the right of petition enhances the responsiveness of the European Parliament towards the citizens and residents of the Union, while at the same time providing people with an open, democratic and transparent mechanism for obtaining, where legitimate and justified, a non-judicial remedy for their complaints, notably when this relates to problems with the implementation of European legislation; whereas petitions provide valuable feedback to legislators and executive bodies both at EU and national level;
- E. whereas further irreparable losses in biodiversity must be averted, especially inside Natura 2000 designated sites; whereas Member States have undertaken to ensure the protection of special conservation areas under the Habitats Directive (92/43/EEC) and the Birds

Directive (79/409 EEC); whereas, although the Commission can fully check compliance with EU law only when a final decision has been taken by national authorities, it is important – particularly in relation to environmental matters – to verify at an early stage that local, regional and national authorities correctly apply all relevant procedural requirements under EU law, including implementation of the principle of precaution;

- F. whereas it is necessary to increase citizen participation in the EU decision-making process, with a view to reinforcing its legitimacy and accountability; whereas the petitions process also constitutes a means to establish a reality check regarding the tensions which exist within European societies, particularly during times of economic crisis and social unrest, such as have resulted from the impact of the collapse of the world financial markets and banking systems on the people of Europe; recalling that the Committee on Petitions organised a public hearing involving petitioners on this subject in September 2013; whereas many petitions on financial malpractices and abuses towards consumer rights in the banking sector and particularly the dramatic consequences of household evictions for entire families as a result of abusive mortgage clauses have attracted the attention of the committee;
- G. whereas such petitions as have been addressed to the Committee on Petitions have often provided useful inputs to other committees of the European Parliament which have the responsibility of formulating legislation designed to establish a socioeconomically and environmentally more secure, sound, fair and prosperous basis for the future of all European citizens and residents;
- H. whereas each petition is assessed and treated on its merit, even when brought forth by only one EU citizen or resident, and each petitioner has a right to receive a reply in their own language, or the language they used to submit the petition;
- I. bearing in mind that, depending on the nature and complexity of a petition received, its processing and response time will vary, but that every effort is to be made to duly respond to the concerns of petitioners within a reasonable time-frame and in an appropriate manner, in terms not only of procedure but also of substance;
- J. whereas petitioners whose petitions are subsequently discussed during the regular meetings of the Committee on Petitions are able to participate fully, have the right to present their petition along with more detailed information, and thus actively contribute to the work of the Committee, providing additional and first-hand information to members of the Committee and to the European Commission as well as to the representatives of the Member States who may be present; and whereas in 2013, 185 petitioners attended and were actively involved in the Committee's deliberations;
- K. bearing in mind that the activities of the Committee on Petitions are based entirely on the input and contributions received from petitioners, along with the results of its own investigations into each case as supplemented where necessary with additional expertise from the European Commission, Member States or other bodies; and that its agendas are prioritised and organised on the basis of decisions taken democratically by its members;
- L. bearing in mind that the criteria established for the admissibility of petitions, under the terms of the Treaty and Parliament's rules, indicates that a petition must concern a matter

which comes within the Union's fields of activity and which affects the petitioner directly; and that as a result of this a proportion of petitions received are declared inadmissible because they do not correspond to such criteria;

- M. whereas the right of petition is a key tool for participation and democratic control by citizens, and its proper implementation must be ensured from the beginning to the end of the process; whereas this right must remain fully guaranteed, independently of governmental interests; whereas this principle must be upheld in an exemplary manner at EU level in the handling of petitions within this Parliament and by the Commission;
- N. whereas the above-mentioned criteria have been tested before the courts and that rulings of the European Court of Justice, for example in case T-308/07, have upheld the criteria related to the right to petition and the fact that declarations regarding inadmissible petitions must be well-founded and require justification by the Committee in its subsequent correspondence with the petitioner; and for example in case T-280/09 and T-160/10, in relation to petitions that may be considered as too imprecise in their content;
- O. whereas in addition to petitions received related to the impact of the crisis on European citizens and residents, other key issues of concern to petitioners relate to environmental law – notably issues concerning waste and water management, fundamental rights – notably regarding the rights of the child, the rights of the disabled and health-related issues, right to personal and real property, matters concerning free movement of persons, different forms of discrimination and in particular on ethnic, cultural or language grounds, visas, immigration and employment, and petitions on the application of justice, alleged corruption, delays in legal processes and many other areas of activity;
- P. bearing in mind that because many petitioners, especially among the younger sectors of the population, make great use of the social media as a channel for communication, the Committee on Petitions has developed its own network under the auspices of the European Parliament and is regularly followed by a growing number of persons on mainstream social media, which are especially active and found useful around the times of Committee meetings; and whereas it has also developed a significant number of regular subscribers, currently 1 500, to the Committee's newsletter, the Pétition Journal;
- Q. whereas, in this same context, the Committee on Petitions has been working in conjunction with the relevant services of the European Parliament to develop a new multi-lingual web-portal which replaces the former, more limited, electronic facility for petition submission contained on the Europarl web-site; whereas the new portal is designed to increase administrative efficiency while enhancing the transparency and interactivity of the petitions process for the benefit of petitioners and Members of the European Parliament as well as for the public at large; and whereas its launch in this legislative term is certainly a notable contribution to fostering European citizenship, in line with the institutional objectives of 2013 as 'the European Year of Citizens';
- R. recalling, in this context, the position it upheld on the basis of the 2012 Annual Report which resolved to make the petition procedure more efficient, transparent and impartial while preserving the participatory rights of the members of the Committee on Petitions so that the handling of petitions will stand up to judicial review even at the procedural level;

- S. whereas the Committee on Petitions maintains an active interest in the way in which the Regulation concerning the European Citizens' Initiative is being applied and is mindful of the many weaknesses and the rather cumbersome nature of the existing legal framework which does not fully translate the spirit of the Treaty provision in spite of the efforts of the AFCO and PETI Committees in its elaboration; and whereas the Parliament is to engage in discussions on the revision of this Regulation under the terms of the review clause after three years of its functioning;
- T. whereas the provisions of the ECI Regulation regarding the organisation of a public hearing for a successful Initiative on the premises of the European Parliament are soon to be implemented, involving the lead committee with legislative competence for the subject matter of the Initiative alongside the Committee on Petitions, under the terms of Parliament's Rules of Procedure and the implementing rules adopted by the Bureau;
- U. bearing in mind the valuable role of fact-finding visits regarding petitions under investigation, regularly organised by the Committee on issues to which it has given specific priority, and the need for reports of such visits to be of the highest level of quality and credibility and to be drawn up in faithful cooperation leading to a desirable consensus among participants; recalls the visits undertaken in 2013 to Spain - twice, to Poland, to Denmark, and to Greece; whereas more flexibility in the practical arrangements of these missions, mainly as regards the eligible weeks, would contribute to an even higher success of these visits particularly as regards the availability of members and reducing the risk of cancellation;
- V. bearing in mind the Committee's responsibilities in relation to the office of the European Ombudsman, which is responsible for investigating complaints from EU citizens about possible maladministration within the EU Institutions and bodies, and about which it also produces an Annual Report, based upon the European Ombudsman's own Annual Report; and recalling that in 2013 the Committee was actively involved in the organisation of the election of a new European Ombudsman following the retirement of the then incumbent of this office, Mr Nikiforos Diamandouros;
- W. whereas although a new European Ombudsman, Ms Emily O'Reilly, was successfully elected to serve as from October 1st 2013 by the members of this House, a new election must be organised at the beginning of the next legislature, as is provided for under the Rules of Procedure (Rule 204), and whereas it would be wise to ensure that clear and transparent rules for the process are published in good time which further clarify the responsibility of the Petitions Committee in this process and which ensure adequate transparency for the election, notably by means of an improved dedicated web facility;
- X. whereas the Petitions Committee is a member of the network of European Ombudsmen, which includes some Petitions Committees of national parliaments where they exist, and whereas it appears to be important that cooperation between Petitions Committees themselves should be further highlighted and where practical, further reinforced and that the European Parliament could play a central role in this development in the interest of European citizens;
- Y. whereas the Committee on Petitions intends to be a useful and transparent tool at the service of European citizens and residents, which exercises democratic control and

scrutiny over many aspects of European Union activity, especially regarding the implementation of EU laws by the national authorities; and whereas it can contribute further, on the basis of petitions received, on the one hand to a more coherent and coordinated application of EU legislation and on the other to the improvement of future EU legislation by drawing attention to the lessons that should be learned from the substance of petitions received;

- Z. whereas this report is the last annual PETI Report of the 7th legislature of the European Parliament which is why it is outlining the Committee's activities in 2013, as well as overviewing the whole parliamentary term and assessing to what extent the PETI Committee managed to meet citizens' expectations, following the entry into force of the Lisbon Treaty;
1. Acknowledges the substantial and fundamental role of the Petitions Committee in defending and promoting the rights of EU citizens and residents, ensuring that through the petitions process the concerns of petitioners are better recognised and their legitimate grievances resolved wherever possible, in a reasonable time-frame;
  2. Is determined to make the petition procedure more efficient, transparent, and impartial, while preserving the participatory rights of the Members of the Committee on Petitions, so that the handling of petitions will stand up to judicial review even at a procedural level;
  3. Emphasises that the Committee on Petitions, along with other institutions and bodies, such as the committees of inquiry and the European Ombudsman, play an independent and clearly defined role as points of contact for each individual citizen; highlights the fact that these bodies, together with the European Citizens' Initiative, are fundamental tools for a democratic EU and the creation of a European demos, and that proper access to them and their reliable functioning must be guaranteed;
  4. Underlines that throughout the current parliamentary term the Petitions Committee was taking up the challenges to meet the expectations of the citizens of the European Union; emphasises the importance of citizens direct involvement in the Parliament's activity and to have their concerns, proposals or complaints specifically addressed by the Committee members; points out the amount of work that had been done to resolve possible infringements of citizens' rights and by cooperating with national, regional and local authorities on issues related to the application of European laws; while maintaining a vital role in reconnecting with European citizens and reinforcing the democratic legitimacy and accountability of the EU decision-making process;
  5. Recalls the Commission's significant role in assisting with the handling of the cases raised by petitions; considers that the Commission's investigation of petitions should go into greater depth and look into the substance of cases with regard to EU legislation; stresses the importance of transparency in these processes and of a proper public access to relevant documents and case-related information;
  6. Stresses the importance of proactive monitoring and timely preventive action by the Commission, where there is well-founded evidence that certain planned and published projects may breach EU legislation;7. Observes the variety of thematic key areas concerned in the citizens' petitions, such as fundamental rights, internal market,

environmental law, public health issues, child welfare, transport and constructions, Spanish Coastal Law, new Regulation on good administration, persons with disabilities, age discrimination, public access to documents, European Schools, Fiscal Union, and the Steel Industry, animal rights and many more;

8. Considers that petitions which fall under said thematic areas lend proof to the issue that the frequencies of widespread situations of unsatisfactory transposition of EU legislation or misapplication of the law are still occurring;
9. Considers it important to enhance cooperation with Member States' parliaments and governments, based on reciprocity, and, where necessary, to encourage Member States' authorities to transpose and apply EU legislation with full transparency; stresses the importance of the Commission's cooperation with the Member States and deplores the negligence of some Member States with regard to full transposition and enforcement of European legislation, in particular on environmental matters;
10. Recalls that the Petitions Committee considers admissible petitions, related to the principles and the contents of the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union, as an inherent part of its activity, and it pursues its investigations on the merits of each case, reminds that, the European Commission has frequently felt itself unable to act when requested by the Committee because of the existence of Article 51 of the Charter; stresses the fact that the expectations of citizens are much greater than the Charter's strictly legal provisions allow for;
11. Congratulates the Committee on the work it has undertaken in relation to petitions received on issues related to disability, about which there has been a significant increase in 2013; notes the efforts which were made to ensure the successful launch of the EU framework under the terms of article 33 of the UN Convention on the Rights of Persons with Disability where the Petitions Committee was associated with the European Commission, the Fundamental Rights Agency and the European Disability Forum, and notes the willingness of the Committee to continue to support this activity; regrets that subsequently the involvement of the Petitions Committee within the UNCRPD Framework has been terminated and that it has been replaced by legislative committees which also have responsibility in this field, considers this latter decision to have been based on a misinterpretation of the functions attributed under the UNCRPD Framework;
12. Notes the amount of attention which was given to some major petitions received regarding the proposed development of a new airport at Notre Dame-des-Landes, near Nantes; acknowledges that significant contributions were received from petitioners which opposed the scheme on environmental grounds and that a substantial petition was also received from those who favoured the project which gave rise to an intensive debate in Committee at which the French authorities and the Director General for Environment at the Commission participated alongside the main petitioners; considers that such serious discussions not only improve public awareness and allow citizens to become actively and legitimately involved, but they also permit several controversial features associated with the project that allegedly conflict with EU law to be clarified and remedies identified which allow for the proper respect of European legislation as it should apply in such

circumstances;

13. Acknowledges that in 2013, many petitioners voiced their alarm at the apparent injustices which occur in Denmark regarding the administrative and judicial procedures related to parental separation and divorce and the subsequent custody of young children; notes in this context that in the case of bi-national couples there are clear examples of discrimination on grounds of nationality in favour of the spouse from the Member State concerned with the proceedings and against the non-national of that state, with severe and often very negative and dramatic repercussions on the rights of the child; notes in this context severe violations of the fundamental rights of both the petitioner and the child; notes that the Petitions Committee undertook a fact-finding visit to Denmark to investigate such claims directly where the situation appears to be particularly acute; notes that some cases were also recorded from other countries, notably Germany (especially cases concerning the activities of the Jugendamt), France and the UK;
14. Recalls the investigations conducted on the basis of petitions related to the consequences of failed implementation of the Waste Framework Directive throughout the parliamentary term, and the adoption of the relevant report; recalls the recommendations concerning the lack of proper decision-making as regards landfills and the effect of this on local populations; stresses that the situation is far from having been resolved, given the petitions that have been considered subsequently, particularly in relation to the persistence of toxic fires caused by heavily pollutant industrial waste in some areas of Campania, and to the lack of transparency regarding plans and institutional management in Lazio over the last months, following the scheduled closure of the Malagrotta landfill, which is currently the subject of high-level judicial inquiries; recalls the intensive fact-finding visit to Greece conducted in the autumn of 2013 on this subject which has drawn attention to the shortcomings in the application of the relevant waste-related directives, the lack of progress in waste management as regards plans and systems high up in the waste hierarchy, as well as to the impact on the health of populations in certain areas of Greece; notes that several other petitions on waste management deficiencies have been recently submitted concerning other Member States, particularly in the Valencia region of Spain and in the UK;
15. Acknowledges the report of the fact-finding visit to Poland which investigated a proposed open-cast mine site in Lower Silesia; welcomed also the intensive discussions held on this occasion with petitioners and national authorities regarding the possible exploration and exploitation of shale-gas reserves about which the Committee had already conducted a workshop in 2012;
16. Highlights the very constructive work undertaken by the entire Committee as regards the petitions received which concern the Spanish law on coastal management (*Ley de Costas*) both as regards the results and conclusions of the fact-finding visit and as regards the cooperation with both petitioners and the responsible national authorities; recalls that a special ad hoc working group was established by the Committee to look at this complex issue in more detail and to ensure liaison with the very large number of petitioners concerned; recognises that although some advances were obtained for petitioners in the new legislation adopted by the Spanish Parliament there are some unresolved concerns, both in the field of property rights and environmental protection some of which have now

been addressed to the Spanish Constitutional Court; requests the Commission to continue to actively monitor the issue;

17. Welcomes the fact that the fact-finding visit to Galicia, which took place in February 2013, was able to hold extensive discussions with petitioners and the regional authorities on issues related to the lack of proper waste-water treatment facilities in the region which has had an impact on the health of local people and on economic activity in certain areas which are contaminated by sludge and residues which contain substances which endanger public health, the environment and potentially the on-going production of sea-food in certain areas; expects the authorities to commit themselves definitively to act more diligently to resolve these issues, and an integrated plan for waste water treatment and the facilities required for that purpose to be effectively put into operation in all the rías concerned; regrets the lengthy and abnormal procedure in drafting the conclusions of the visit; deplores the fact that the minority report of two delegation members has not been annexed to the report itself;
18. Emphasises the role of reporting obligation of the Committee; draws attention to several resolutions adopted in 2013 in the form of reports such as the Special Report of the European Ombudsman on the Commission's handling of deficiencies in the environmental impact assessment in the Vienna Airport enlargement project, besides the Annual Report on the activities of the European Ombudsman as a whole; stresses the relevant input provided by the Committee thanks to the expertise achieved through the handling of many concrete cases over the years in the forms of opinions to lead committees and in particular to the revision of the EIA Directive as well as the opinion on the location of the seats of the European Union's Institutions; believes that thanks to such documents Petitions Committee can bring the issues of importance to European Citizens to plenary;
19. Recalls that, under Rule 202(2), the Petitions Committee is entitled to submit not only non-legislative own-initiative reports to plenary on matters relating to several petitions, but also short motions for resolutions to be voted on in plenary in relation to urgent matters;
20. Believes that the organisation of public hearings is a very important tool for examining problems raised by petitioners; draws attention to the public hearing held on the impact of the crisis on Europe's citizens and the reinforcement of democratic involvement in the governance of the Union, as well as to the public hearing on making the most of EU citizenship, which analysed the concerns raised in both respects by EU citizens based on petitions received; considers that the information provided in petitions demonstrates the personal impact of the austerity drive on the rights of the petitioners as well as showing the greater role and commitment of civil society; recognizes that to tackle tomorrow's financial challenge Europe needs credible, visible and accountable economic governance; underlines the importance of combating the remaining obstacles to EU Citizens' enjoyment of their rights under EU law as well as promoting EU citizens' political participation in the life of the EU;
21. Considers it essential to its work on particular subjects to use other forms of activity such as parliamentary questions for oral answer dealt with during plenary sittings; recalls they

are a direct form of parliamentary scrutiny of other EU institutions and bodies; points out that it has used its right 9 times in 2013 tabling questions concerning, for instance, disabilities, animal welfare, waste management and European citizens' initiative; deeply regrets the fact that some of the initiatives proposed by the committee are kept in the pipeline for several months before being debated in plenary, thus preventing the recurrent concerns of EU citizens from being voiced and from receiving a direct answer from the Commission;

22. Notes the constant influx of correspondence from citizens who turn to Parliament for redress on issues that fall outside the EU's area of competence pursuant to Article 227 of the Treaty as well as Article 51 of the Charter of Fundamental Rights; calls for finding better solutions for dealing with these submissions from citizens while taking into account Parliament's obligations with regard to its correspondence with citizens;
23. Acknowledges that environmental issues remain a priority for petitioners, thus highlighting the fact that Member States continue to fall short in this area; observes that many of the petitions focus on public health e.g. waste management, water safety, nuclear energy, and protected animals; points out that many petitions are concerned with new and upcoming projects which increase the dangers of effecting the aforementioned areas; recalls that as Member States strive to address these situations it is clear that finding a sustainable solution is still a hindrance; points to the case of the ILVA steel plant in Taranto that is of major concern, due to the severe deterioration in environmental conditions and the health situation of the local population; urges the Commission to use the mechanisms available to it in order to ensure, as far as possible, immediate compliance by the Italian authorities with the EU environmental legislation;
24. Calls on the Committee on Petitions to continue examining the effects of the ERT case law on the interpretation of Article 51 of the Charter of Fundamental Rights of the European Union and its consequences concerning petitions and to investigate what actual obstacles lie in the way of EU citizens applying for a preliminary ruling from the European Court of Justice in order to obtain reliable interpretations of central issues under European legislation in cases before the national courts;
25. Welcomes the implementation of the European Citizens' Initiative (ECI) on 1 April 2012, as well as the registration of the first ECI, dedicated to policies for Europe's Youth - Fraternity 2020, and the recently successful ECI dedicated to the Right to Water; believes that the ECI constitutes the first instrument of transnational participatory democracy and will enable citizens to become actively involved in the framing of European policies and legislation; reconfirms its commitment to participate in the organisation of public hearings for successful European Citizens' Initiatives with the active involvements of all concerned parliamentary committees; underlines the need for regular review of the state of play with the European Citizens' Initiatives, with the aim of improving the procedure while limiting the red tape and other obstacles; is aware that the outcome of the first parliamentary hearings of the first successful ECIs taking place in 2014 are crucial in setting high procedural standards and meeting citizens' expectations regarding the exercise of this right in the future, and undertakes to give institutional priority to ensuring the effectiveness of the participatory process;

26. Appreciates the Commission's decision to declare 2013 the 'European Year of Citizenship' providing valuable information and insight for EU citizens regarding their rights and of the democratic instruments available to them to assert those rights; considers that the 'European Year of Citizenship' should be used for the broad dissemination of information on the new 'European Citizens' Initiative', therefore providing clear and understandable guidelines in order to curtail the high rate of inadmissibility comparable to the rate that is still to be found in the 'petitions' field; is convinced that the petitions web portal represents a concrete and valuable contribution by Parliament to European citizenship;
27. Calls on the Commission as guardian of the Treaty to ensure that the current inadequate implementation of EU law, as illustrated by the number of petitions submitted to Parliament, is remedied in order to allow EU citizens to take full advantage of their rights;
28. Calls on the Commission to propose legislation to resolve the issues surrounding mutual recognition by Member States of civil status documents and their effects, and in doing so continuing to respect social policies of Member States;
29. Deplores that European citizens continue to experience frequent problems caused by the misapplication of Internal Market law by public authorities while exercising their freedom of movement;
30. Deplores the fact that in the recent time the reports on fact-finding missions and other documents were not translated to the EU official languages, especially the national languages of petitioners;
31. Acknowledges the important role of the SOLVIT network, which regularly uncovers and resolves problems linked to the implementation of internal market legislation; urges for the reinforcement of this tool; recalls that 2013 was the Year of European Citizenship and pays tribute to the institutions and bodies both of the European Union and of the Member States that advertised more intensively their service to European citizens and residents during this year, in light of the principles contained in the Treaties and the facts revealed in this report;

#### **New horizons and relations with other institutions**

32. Points out the importance of making this Committee work more substantial inside the House by raising its profile as a scrutiny Committee; invites the newly elected Petitions Committee to nominate internal Annual Rapporteurs on the major policies, which are of concern of European petitioners, and to enhance cooperation with other parliamentary committees by systematically inviting their members to those debates in the Petitions Committee which concern their respective fields of legislative competence; invites the other parliamentary committees to involve the Petitions Committee more as an opinion giving committee on implementation reports and other instruments to monitor the correct transposition and implementation or eventual revision of the European legislation in the Member States; stresses the importance, also in view of the ever-increasing amount of petitions received and their related undertakings, of enjoying a de-neutralised status in the Parliament's committee portfolio; invites the Plenary Session of the European Parliament to dedicate more time to debates on the petitions of the European citizens and the work of

the Petitions Committees;

33. Highlights the need to reinforce the Petitions Committee collaboration with the other EU Institutions and bodies, and the national authorities in the Member States; considers its importance to enhance structured dialogue and systematic cooperation with Member States especially with the National Parliaments' Petitions Committees, e.g. by holding regular meetings with the chairs of all national Petitions Committees; creating such a partnership will allow best exchange of experience and practices and more systematic and efficient 'referral of petitions to the competent level and body, and ultimately will bring the European Parliament closer to the European citizens' concerns; welcomes the establishment in Ireland of the Oireachtas Joint Committee on Investigation, Oversight and Petitions, and the useful links it has established with the European Parliament in the course of this year in order to bring about an even better service to citizens; notes that parliaments in other member states are currently considering creating petitions committees or similar bodies, or that some have other processes for dealing with petitions;
34. Calls on the Commission to duly recognise the role of petitions in monitoring the effective implementation of EU law, since petitions are usually the earliest indications that Member States are lagging behind in implementing legal measures; invites the European Parliament to recommend in its Interinstitutional Agreement with the Commission to reduce the time it takes to respond to the Committee's requests and to also keep the Petitions Committee informed of developments in infringement proceedings directly linked to petitions; believes, in general terms, that the European institutions ought to supply more information and be more transparent with regard to EU citizens, in order to combat the increasing perception of democratic deficits;
35. Stresses that close cooperation with the Member States is essential for the work of the Petitions Committee; encourages Member States to play a proactive role in responding to petitions related to the implementation and enforcement of European law, and considers the presence and the active cooperation of Member State representatives at Petitions Committee meetings to be of the utmost importance; is determined to maintain close cooperation and communication between EU Institutions and the citizens;
36. Stresses the importance of the reinforced collaboration with the European Ombudsman by putting in place a new inter institutional agreement; underlines the importance of the involvement of the European Parliament in the network of National Ombudsmen; applauds the excellent relations in the institutional framework between the Ombudsman and this Committee; especially appreciates the regular contributions by Ombudsman to the work of Petitions Committee through the legislative term; reminds that still not all EU citizens have a national ombudsman, which means that not all EU citizens have the equal access to redress; is of an opinion that office of national ombudsman in each Member State within the European Network of Ombudsmen would deliver substantial support for the European Ombudsman;

#### **Working methods**

37. Calls upon MEPs in the Petitions Committee to adopt final internal rules to ensure maximum efficiency and openness in the work of the Committee and to make proposals to revise accordingly the Rules of Procedure of the European Parliament in order to

consolidate their continuous attempts during the whole seventh legislature to improve working methods; calls on the Petitions Committee to adopt clear deadlines in the process of petitions in order to speed up the petitions life-cycle in the European Parliament and make the whole process even more transparent and democratic; underlines that this could put in place a defined lifecycle of the petition from registration until their final closure in the European Parliament, similarly to the existing deadlines for the work in process on legislative and non-legislative files; considers that these deadlines should establish an alert mechanism which automatically draws Members' attention to petitions on which there has not been any action or correspondence for a considerable amount of time, in order to avoid old petitions staying open over years without substantial reason; recalls that fact-finding visits are one of the key investigative instruments of the Petitions Committee, therefore an urgent revision of the relevant rules is needed, in order to enable the newly elected Members to carry out efficient visits and report swiftly back to the petitioners and the Committee on their findings and recommendations;

38. Welcomes the presence of public authorities of the Member State concerned at meetings of the Petitions Committee, as well as of other interested parties; highlights the fact that the Petitions Committee is the only Committee which systematically provides a platform for citizens to voice their concerns directly to Members of the European Parliament and which enables a multiparty dialogue between the EU institutions, the national authorities and petitioners; suggests that in order to facilitate organisation of the meetings as well as to reduce the travel costs in the future, that the Petitions Committee and Parliament's administration explore the possibility for participation of the petitioners or the public authorities by means of video conference or similar facility;
39. Notes the growing number of petitions in the course of the legislative period and remains highly concerned that delays and response times are still too long throughout the registration phase and the admissibility phase in the process; calls for providing the Petitions Committee Secretariat with additional juridical experts and administrative support, to issue recommendations related to whether the petition lies within the competence of European law; considers that, in order to speed up the initial decisions on admissibility, these recommendations, along with petition summaries, should be provided to Members only in English first and then need to be translated into all official languages only when being published; expects that the launch of the new petitions web-portal will diminish the number of questionable submissions which are occasionally registered as petitions;
40. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, and the governments and the parliaments of the Member States, their committees on petitions and their national ombudsmen or similar competent bodies.

## EXPLANATORY STATEMENT

The seventh legislature has been marked by the introduction of the Lisbon Treaty, in December 2009, which almost doubled the legislative competencies and enhanced the relative power of the European Parliament in relation to the other EU Institutions. The Petitions Committee was mainly impacted by the consolidation within the Treaty of the Charter of Fundamental Rights and the final acceptance of the new participatory mechanism for the people of Europe - the European Citizens' Initiative.

Regarding the latter, the Petitions Committee was strongly involved in the legislative procedure which led to the adoption of the Regulation on the ECI in December 2010, being associated to the Committee on Constitutional Affairs, under rule 50 of the Rules of Procedures. Moreover, the PETI Committee has been identified within the Parliament as the committee to be automatically associated to the competent legislative committee within the organisation of the Hearing of the organisers of a successful ECI, to be held by the parliament, under article 10, par. 1. Letter a) of the Regulation 211/2011. This was considered to be a success for our Committee, to which the long and deep expertise in the relations with citizens was recognised.

As we shall see in this report, the implementation of the Charter of Fundamental Rights has proved to be unclear and, in some extent, disappointing for many citizens. Article 51 foresees that the Charter applies to the field of competence of the EU and the European Commission has applied a strict interpretation of this article and this fact needs to be addressed.

This same trust has been, throughout this legislature, weakened in the eyes of many European citizens as a result of the impact of the financial and economic crisis which severely undermined confidence in the Euro and in the banking system generally on a global scale. Not surprisingly, this shattering scenario which affected the lives of the vast majority of European citizens also provoked many petitions.

The Committee has received, thus far, about 10,000 petitions since 2009 which have been registered; about sixty per cent of these have been declared admissible, as they fall within the area of activity of the European Union. In 2013, the number of registered petitions approached the three thousand mark, having grown by over forty-five per cent since 2012, and having doubled since 2011. To be more precise in 2013 the Committee on Petitions received in total 2885 petitions. The PETI Committee managed to process approximately 989 petitions out of which 654 petitions were admissible, 335 inadmissible, 538 have been closed. 199 have been recognised admissible, considered and closed.

The high number of inadmissible petitions is of great concern of the Rapporteur, who believes that a first filter, at the moment of the registration by DG Presidency, should be reintroduced, as previously was the case in 2012. It is also to be noted that the development of the PETI web portal is expected to work as an important filter to the inadmissible petitions.

In 2013 a huge backlog of petitions was registered, among which at the time of the adoption of this report only 30% were assessed. Such delays are regrettable and need a thorough assessment and evaluation, especially in order to find solutions and to avoid similar situations

in the future. There are several reasons identifying this backlog. The number of petitions received has highly increased, almost doubled since 2012. In 2013 the Petitions Committee had been responsible for the organisation of the election of the new Ombudsman and has dealt with a relatively higher number of fact-finding visits and opinions than in the past. The combination of these situations, together with the fact that the traditional way of dealing with petitions has revealed to not be sufficient; therefore leading to the conclusion that the whole petitions treatment process needs to be revised. The Coordinators, on their side, adopted working methods and deadlines for the PETI Secretariat in order to avoid the unacceptable further delays that were registered in 2013. Nonetheless all the Members of the Petitions Committee have worked hard in the legislature to serve all petitioners and treat each petition on its merits.

The Rapporteur is of the opinion that a very large majority of the 35 Members of the Committee call urgently on the need to consolidate the administrative capacity and to enforce clear deadlines of petitions processing in the European Parliament. In the context of the regrettable delays with the petitions processing in 2013 and the constant work during the whole term of the Coordinators of the political groups and the PETI Chairwoman to suggest remedies for this, the Rapporteur decided to dedicate two specific subchapters to the working methods in the PETI Secretariat and to the new horizons and inter-institutional relations of the PETI Committee in the next legislature.

The increasing number of petitions received in 2013 is a fact. It may have resulted from the reinforced legislative powers of the European Parliament in the seventh legislature. It could also result from the feeling of failure and lack of confidence in the public authorities, emphasised by the severe economic and financial crisis Europeans lived through since 2008. In fact, considering the substance of many of the admissible petitions, and a sizeable proportion of the inadmissible ones, it is clear that many people believe that they are not listened to by their national parliaments and institutions.

Finally, we have to note the growing profile and visibility of the European Parliament itself and within it the Petitions Committee. Both the Parliament and the Committee have enhanced their communication practices in a cohesive and deliberate way and the visibility of the Petitions Committee on the social media has seen a steadily expanding inter-active presence.

For all these reasons, the Rapporteur is convinced that in the future more and more Europeans will address petitions to the European Parliament. Therefore, to live up to their expectations, he calls on the European Parliament to take up urgent measures to ensure efficient and transparent petitions processing. The PETI web portal, which is in pilot phase, could be a very sensitive online platform to better inform citizens of their rights to address a petition. Since, it could further boost the number of petitions; its official launching should be accompanied by a proportionally increased administrative capacity. The web portal will certainly improve the quality of the registered petitions thanks to a short questionnaire to be responded to by the petitioner. In other words it could be expected that the documents registered are truly petitions in conformity with the Treaty provisions, and not merely simplified comments or requests for information which does not fall under the meaning of petition. It will also assist citizens in finding alternative sources of assistance in the event that the Committee is unable to respond to their concerns due to a lack of legal competence.

In 2013, over 200 petitioners attended the eleven meetings of the Petitions Committee as well as numerous representatives from the Member States' authorities, who provided clarification regarding the allegations. Many hundreds more were able to observe the proceedings through the web-streaming of the meetings. The Rapporteur strongly recommends the use of new information and video facilities for future PETI Committee meetings, which will bring further cost savings in the organisation of its hearings.

### *Fundamental Rights*

The Committee has, for many years, been receiving petitions, predominantly concerning Germany and the Jugendamt, and recently concerning matters in Denmark, matters related to the rights of children, and more specifically, children of separated or divorced parents. The Committee has made it clear that it cannot resolve such petitions individually except by referral to the authorities of the Member States concerned for a series of reasons, e.g. the Committee cannot over-rule decisions, taken by local courts because of questions of competence and the separation of power. The majority of petitions, in 2013 from Denmark, concerned specific privileges which appear to have been accorded by the social services, courts or the police to Danish spouses against their non-Danish former partners and who in some cases were victims of imprisonment and detention, child abduction and various allegations of abuse. During the Committee fact-finding visit to Copenhagen, Members were unable to obtain access to any overall statistics because of scarce cooperation by the Danish authorities and a clear refusal of the Government Ministers to meet with the Members. Members concluded that there is a systemic failure within the Danish government to face up to the problem and the fact that Denmark has opted-out of a number of Treaty provisions one of which concerns Justice and Home Affairs and aggravates the suspicion that something is seriously wrong.

The Committee has also re-iterated its appeal to the European Commission and the Member States to establish common standards in the health sector in favour of pregnant women and new-born babies and offer effective, preventive treatment initiatives in favour of pregnant women and during childbirth in order to protect their lives.

Petitioners' concerns of a very different nature, but which still fall within the fundamental rights category, regarding the right to legitimately acquired real property. Already in the previous legislature the Committee had investigated the impact of expensive urbanisation in Spain on peoples' rights to their property as well as the environmental impact of such cases. In this legislature, the Committee's attention was turned towards assessing the large number of petitions which concerned the Ley de Costas. Following establishment of special working group on Ley de Costas composed of Member of PETI Committee, the fact-finding visit to Madrid early in 2013 took place. The Members reported on their findings following meetings with senior government officials in Spain and with many petitioners and NGOs who contributed to the Committee findings.

### *Environment*

More Committee time was spent on debating issues of environmental significance than any other sector of activity. The main legislative areas of concern relate to waste management and to the environmental impact of large infrastructure projects.

Petitioners' expressed their concerns about waste management problems of a very serious nature in Italy - notably in the Lazio region and Campania (which was the subject of a fact-finding visit in 2012), and in Greece, where a fact-finding visit was sent in May 2013. Significant petitions were also discussed concerning the landfill at Houghton-le Spring in the UK, and on several sites in France and Spain. Following these fact finding visits, Members adopted their reports and voted recommendations. They identified substantial delay of transposition and implementation of key European legislation, related to the environment and public health, such as the Water Framework Directive. As far as the European Commission is concerned, Members would wish that provided information would be used to better ensure that the EU law is properly applied in this field.

The Committee spent some considerable time in 2013 assessing three petitions received from petitioners in France about the proposed new airport at Notre Dame des Landes, near Nantes. Two of the petitions were submitted by local environmental associations and backed up with considerable expertise which pitted the projects which had the support of the French Government in favour of the new airport, with their legal obligations under EU environmental law. The third petition was submitted by many local people, who fully supported the project and substantiated their support with some extremely detailed documentation. The PETI Committee was not authorised to send a fact finding delegation therefore it organised a debate between the petitioners and high level officials from the French Transport Ministry and the Director General of DG Environment in the EC. It became clear that a number of shortcomings exist in the construction plans for the airport that need to be rectified if they are to be in compliance with EU law. The Commission indeed indicated that an infringement was still open against France for non-application of environmental legislation relating to impact assessments.

The Committee also reported on a Special Report by the European Ombudsman related to complaints about the lack of environmental impact assessment during the process leading to the expansion of Vienna Airport.

Much of the Committee's work related to its investigation of petitions in the environmental field was put to good use when it provided opinion for the Environment Committee on the revised Directive on Environmental Impact Assessment where a number of the Committee's proposed amendments, based upon our experiences and specific examples, were in the end approved by the lead Committee and included in the negotiations with the Council. Included among these were proposals about cross-border impact assessments which resulted from the Committee's investigation into a wind-farm project on the Czech-German border.

Another issue which required a considerable amount of analysis relates to the petitions received from Galicia and the extent to which certain 'Rias' were suffering from inadequate water treatment facilities and the consequent discharge of untreated urban effluent into the sheltered water where in some areas the shell-fish industry was potentially affected. A fact-finding visit investigated the situation early in 2013 and had in-depth discussions with different groups of petitioners and with the Galician Government and local mayors. Due to, significant differences that emerged among the members of the delegation, the recommendations were finally approved in December but with a dissenting minority opinion.

The Committee also organised a fact-finding visit to Poland in order to address petitioners concerns, and those of the local communities in Lower Silesia, regarding plans to develop an open-cast lignite mine in the area. At the same time members were able to discuss with petitioners and authorities the policies of the government regarding the development of shale gas reserves which remains a very divisive issue within the Parliament.

Many other petitions on environmental issues were discussed but it is also necessary to outline the case, calling for more urgent action from the EU to prevent the dramatic decline in the bee population resulting from tricotinoid pesticide use. Following the PETI Committee discussions the European Commission decided to propose a ban on the substances concerned. Members also had significant debates concerning the impact of GMOs in agriculture and their impact on human health and biodiversity.

#### *Citizenship, the right to vote and freedom of movement*

Much of the work and effort of the Petitions Committee regarding citizenship rights are contained in the excellent report by my colleague Nikos Salavrakos. However there are issues which stand out and require further highlighting in this report.

As we approach the European Elections we are reminded about how important it is that registration procedures for EU citizens are as simple as possible, so that as many as possible persons appear on the electoral register. A public hearing on citizenship organised with the European Commission in February 2013 focused on relevant issues, e.g. citizens are also denied the right to vote, when they live abroad, in the national elections of their country of origin as well as in the country of their new residence.

A considerable proportion of petitions are received from persons who, having taken advantage of freedom of movement and establishment, return to their country of origin to find that their pension or social security contributions have not been properly taken into account by national authorities when calculating their entitlements. In many cases it appears that they are in fact victimised for having spent part of their working life in another EU country and this not only has a negative effect on them individually, it also acts as a deterrent to others who may be thinking of living and working abroad. The Committee has considered that more should be done to coordinate and align national legislation in this field.

#### *Responding to the crisis*

Many petitions, regarding the impact of economic crisis on citizens' life were forwarded to the Economic and Monetary Affairs Committee, which took account of these major concerns in its legislative activity. Some of these petitions were in the focus of the Public Hearing on the Impact of the Economic Crisis, organised by the PETI Committee in September 2013. Criticisms were frequent about the unwillingness of many banks to provide investment funding for small business while continuing nevertheless to pay unjustified bonuses and high salaries to their management, or in some cases ex-management.

#### *Rights of handicapped persons and persons with disabilities*

Throughout 2013 the Committee continued to direct its attention, and indeed give priority, to

petitions related to persons with disabilities. The Committee was appointed by a Council Decision to participate alongside the Commission, the FRA and the EDF in the EU Framework - a monitoring body set up under the terms of Article 33 of the United Nations Convention on the Rights of Persons with Disabilities. It was active in four related meetings during the course of the year. However the Conference of Presidents decided to confer this role to the Committee on Employment and Social Affairs in the EP, in collaboration with other committees, including PETI Committee.

In this context a number of hearings took place with petitioners representing the rights of blind persons who were fighting for the right to have access to reading material under the terms of the UN WIPO Convention which was under negotiation throughout 2013, and which was following pressure from the European Parliament on the Commission and Member States, eventually concluded and signed.

The Committee held debates on the perennial issue related to the seat of the European institutions (subject of a petitions signed by nearly one-and-a-half million people), and in particular the European Parliament where it voted an opinion for the Constitutional Affairs Committee which by a majority, favoured a single seat being established in Brussels, while recognising that unanimity was required among all Member States for any change to be brought about.

#### *Inter-institutional Relations*

The Committee already enjoys good relations with many national parliaments and in many cases contacts are quite frequent, as they are with the European Ombudsman and the other members of the European Framework of Ombudsman created at the initiative of Nikiforos Diamandouros. This year, the Committee was actively involved in the organisation of the election of his successor Mrs Emily O'Reilly, which was elected to serve for the remainder of the current mandate.

The Rapporteur calls for the setting up of an annual dialogue between the Members of the PETI Committees and MPs from the PETI Committees in the national parliaments. This initiative can lead to a sound partnership, where European and national law makers can exchange experience and best practices in the treatment of petitions.

The Rapporteur believes strongly that every petitioner is treated with respect and his or her petition is provided with the integrity it deserves. He calls on raising awareness that all EU citizens and residents have a fundamental right to petition the European Parliament and they should do so in confidence that their concerns will be heard.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	11.2.2014
<b>Result of final vote</b>	+ : 18 - : 3 0 : 0
<b>Members present for the final vote</b>	Margrete Auken, Heinz K. Becker, Victor Boștinaru, Philippe Boulland, Nikolaos Chountis, Lidia Joanna Geringer de Oedenberg, Agnes Hankiss, Iñaki Irazabalbeitia Fernández, Carlos José Iturgaiz Angulo, Peter Jahr, Erminia Mazzoni, Chrysoula Paliadelí, Nikolaos Salavrakos, Jarosław Leszek Wałęsa, Angelika Werthmann, Rainer Wieland, Zbigniew Zaleski
<b>Substitute(s) present for the final vote</b>	Marino Baldini, Sandrine Béliér, Vicente Miguel Garcés Ramón, Axel Voss