

Newsletter July 2017



“Accidental Americans” and FATCA - The extraterritorial reach of US fiscal laws and impact on EU citizens

A lively debate ensued in the PETI meeting of 11 July following the presentation of petition 1088/2016 on the US' Foreign Account Tax Compliance Act (FATCA) and its alleged conflict with EU laws, including the evolving EU data protection framework. The petitioner outlined a number of real-life scenarios in which the privacy and property rights of “accidental Americans” (dual EU/US citizens

holding US citizenship due to being born on American soil) have been adversely affected by the application of FATCA in EU Member States. Enacted in 2010, FATCA is intended to combat tax fraud by US residents domiciled abroad. Under the international application of the Act, non-US financial institutions are obliged to provide data to the US tax authorities of all clients who are US citizens. The petitioner claims that this leads to EU banks limiting the financial services provided to such clients in the EU, due to the possibility of US claims on tax arrears, penalties and other fees. The Commission's response, that there is no breach of the Payment Accounts Directive (Directive 2014/92/EU) and that the bi-lateral regime between Member States and the US comprising Intergovernmental Agreements (IGAs) are beyond the competence of the Commission, were not accepted by the majority of PETI Members as adequate. In view of additional concerns raised in the LIBE and ECON opinions on the petition, PETI took the decision to keep the petition open and request a new reply from the Commission based on the petitioner's presentation.

Employment in the EU institutions - PETI MEPs back requests to decrease differentiation between permanent EU civil service and contractual staff

In its meeting of 11 July, the Committee heard petition no. 0178/2017, on behalf of the “Non-Permanent Staff Forum”, bearing 108 signatures, alleging that current employment conditions of contract agents by the EU institutions are discriminatory as compared to the employment conditions of permanent EU officials. The Committee decided to keep the petition open and unanimously backed the petitioner's requests, including the cease of the six-year employment rule as well as an amendment of the Staff Regulations to allow contract staff to take part in internal competitions after having completed only one year of service in an EU institution. The further processing of the petition will ensue following an opinion on the matter requested from JURI.



PETI activities in July:

- Fact-finding mission to Taranto, Italy

Upcoming PETI

activities in

September:

- Fact-finding mission to Larnaca, Cyprus

Lake Bolsena, Italy - Persistent pollution following breach of EU environmental legislation



In its meeting of 10 July, the Committee welcomed a petitioner from Italy who has been campaigning for the clean-up of Lake Bolsena in the Lazio region for a number of years. Petition 2191/2013

documents the continuous deterioration of the lake's water quality and serious increases in pollution levels due to improper wastewater treatment. In response to the petition, the Commission launched an investigation procedure in 2014 to ensure that phosphorus and nitrate levels comply with the applicable EU environmental norms. The Italian authorities committed to upgrade the polluting wastewater treatment plant by May 2017, which did not comply with the relevant EU legislation (Directives 98/83/EC and 92/43/EC). The petitioner demonstrated however that pollution levels have not changed and proposed a 10-point action plan for the lake's restoration. Following his presentation, Chair Wikström informed meeting participants that the petitioner had recently turned 90, and continues to be dedicated to the cause of Lake Bolsena and his petition to the European Parliament, for which he received applause from the room.

Fact-finding mission to Taranto, Italy

A PETI delegation (in the picture) conducted a fact-finding visit to Taranto, Italy from 17-19 July 2017, to investigate allegations of heavy pollution emanating from the ILVA plant (Europe's largest integrated-cycle steelworks). A series of petitions have been submitted on the issue between 2006 and 2016, describing health problems and other grievances of local residents related to the pollution levels.



Next PETI meeting: - 7 September 2017

See [agenda](#), [documents](#) and [live broadcast](#)

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