



**DIRECTORATE GENERAL FOR INTERNAL POLICIES**

**POLICY DEPARTMENT**  
**CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS**



***PETITIONS***

**Inter-institutional relations  
in the treatment of petitions:  
the role of the Commission**

# The purpose of the study

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- Inter-institutional relations in dealing with petitions focusing on:
  - the cooperation between the Commission as Guardian of the Treaties and the Committee on Petitions
  - Environmental matters

# Index

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- Right to petition in the EU
- Petitions procedure & rôle of EU institutions
- EU enforcement policy and petitions (environment)
- Cooperation Commission & EP PETI Committee
  - Rules establishing the petitions procedure (Commission v EP)
  - Tools for management and information on petitions
  - Commission timing and quality of responses
  - Meetings and raising awareness on petitions

# Right to petition

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- EU petitions are about EU citizens' right, critical to the EU participatory democracy Art 10 (3) TEU
- Article 24 TFEU and Article 227 TFEU  
citizens/residents may submit petitions on matters that affect them directly and fall within the EU fields of activity
- Petitions represent an opportunity to bring the EU closer to the citizens
- The key role of the European Parliament (Art 14 TEU)

# Right to petition

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- Sufficient EU and national resources are needed to ensure proper handling of petitions
  - **Committee on Petitions of EP** breach between citizens and EU Institutions & leads the procedure to provide solutions to issues raised – EP Priority?
  - The **Commission** is the natural partner responsible for ensuring application of EU law – Art 17 TEU
  - **Member States/Council**, may provide information
  - **EP Committees**, may provide opinions
  - **National Parliaments**, may share information
  - **Ombudsman** is an alternative tool

## EU enforcement policy and individual/citizens petitions

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- Commission enforcement policy: (2017) Communication ***Better results through better application*** established priorities to initiate infringement procedures:
  - Cases raising issues of wider principle
  - Failure to transpose EU law
  - Systematic failure to comply with EU law
- EP Committee on Petitions – report on 2017 deliberations: individual cases should be considered in the enforcement policy – e.g. can bring **rapid understanding of possible serious systemic shortcomings.**

## Illustration: European environmental law – Petitions and enforcement actions

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- Infringement procedures – environmental matters:
  - 2019: 21% of open infringement procedures concerned environmental law
  - Trends:
    - Increasing proportion of environmental matters in infringement procedures initiated.
    - Decreasing number of infringement procedures initiated by the European Commission in general (focused approach).
- Environmental matters in petitions:
  - 2018: main subject matter of petitions concerned environmental matters, with 16%, increasing trend (7.8% in 2014).
  - Request for information/opinion on petitions are ENVI Committee and to European Commission's DG ENV.

## Impact of petitions sent for information to the European Commission on enforcement

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- ❑ Low consideration of petitions in European Commission reports :
  - Limited information in reports on the Monitoring of the application of EU law (but progress since 2018).
- ❑ Indicator for citizens on the importance of petitions in the Commission's enforcement actions.
  - Absence of evidence of the impact of EU citizens' petitions on enforcement of EU law by the European Commission.
  - Divergence in the number of petitions on environmental matters and enforcement actions.



# The Commission procedure on petitions

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- The new Commission committed to seriously consider petitions, improve their handling
  - the EP requests an opinion
- The Commission procedure on petitions
  - is not publicly available (SEC GEN, relevant DG) v specific EP rules/ PETI Guidelines and
  - Commission procedure to deal with complaints
  - IT tool to simply coordinate: who and when? – no trends
- Interinstitutional Agreement between Commission and the EP could include petitions

# The Commission management and information tools on petitions

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- Commission IT tool coordinates requests: date and general issue
  - No information tracking petition is in the internal procedure (e.g. PT, IE, Lux, Scotland)
  - No analytical data on Commission responses: acts, legislation or infringements
  - No search function/analysis of trends on policies/issues
- The EP WebPortal or the e-petitions database, do not link petitions with Commission infringements
  - Summaries of Commission responses are in the meetings documents page
- Compatible IT tools making data publicly available

# The Commission tools for handling petitions

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- Commission handling of petitions:
  - There is no register systematically collecting information linking petitions and infringements or any other action taken by the Commission.
  - Neither the Commission's infringements' database nor the Commission's petitions' IT tool, recognise that link.
- The Commission should provide systematic information linking EU pilots and infringement procedures and issues raised by a petition

# The Commission responses to EP PETI Committee request

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- Commission timely responses to PETI Committee requests for opinion
  - The three months period required under the PETI Guidelines is systematically respected by the Commission
- Commission quality of responses:
  - The Commission often argues lack of competence on the issues raised by petitions
  - Petitions may raise issues on matters which are within the Union's fields of activity (Art 227 TFEU) which might not require enforcement or legislative actions (Art 3 or 4 TFEU) but coordination and support (Art 5 or 6 TFEU)

# The Commission responses

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- Commission quality of responses:
  - While according to DG ENV 2/3 of petitions received are individual cases, Commission's actions to deal with petitions are subject to the Commission priorities to deal with infringements of EU law (enforcement).
  - Under its discretionary power the Commission decided priorities of enforcement action are structural problems or systemic shortcomings, excluding individual cases.
  - Individual petitions might raise issues that are shared by other citizens requiring a common approach. Disregarding them could breach the citizens' right to petition, which might not raise structural problems.

# The EP and Commission dialogue in Committee meetings

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- PETI Committee meetings:
  - Commission to engage in proper dialogue beyond prepared answers.
  - EP to enable Commission to respond to questions, reactions or comments raised at a later stage.
  - MEPs participation Committee meetings

# The need for raising awareness on petitions

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- Raising awareness:
  - public hearings on the implementation of the right to petitions,
  - Structured dialogue on petitions between PETI Committee and national parliaments (e.g. 2018 DE Bundestag)
  - integrate petitions and issues raised by them in existing raising awareness actions such as Green Week.
  - Systematic reference to petitions in key strategic papers such as the European Commission's workplan, the European Democracy Action Plan, etc or EP acts/resolutions on issues raised by petitions

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