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REPORT

on the deliberations of the Committee on Petitions during the parliamentary
year 2001-2002
(2002/2019(INI))

Committee on Petitions

Rapporteur: Ioannis Koukiadis

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PROCEDURAL PAGE

Pursuant to Rule 175(5) of the Rules of Procedure, the Committee on Petitions submits a six-monthly report to Parliament on the outcome of its deliberations, drawing up once a year a detailed report concerning the entire parliamentary year and measures taken by the Council or Commission in response to petitions referred to them by Parliament.

At its meeting of 24 January 2002, the Committee on Petitions appointed Ioannis Koukiadis rapporteur.

It considered the draft report at its meetings of 22-23 May 2002, 19-20 June 2002 and 9-10 July 2002.

At the last meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Vitaliano Gemelli, chairman; Roy Perry, vice-chairman; Richard A. Balfe, Herbert Bösch, Felipe Camisón Asensio, Glyn Ford, Janelly Fourtou, Laura González Álvarez, Margot Keßler, Jean Lambert, Ioannis Marinos, Bill Newton Dunn (for Astrid Thors pursuant to Rule 153(2)), The Earl of Stockton and Eurig Wyn.

The report was tabled on 17 July 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on the deliberations of the Committee on Petitions during the parliamentary year 2001-2002 (2002/2019(INI))

The European Parliament,

- having regard to Rule 163 of its Rules of Procedure,
 - having regard to Rule 175(5) of its Rules of Procedure,
 - having regard to its previous resolutions on petitions,
 - having regard to Articles 21 and 194 of the EC Treaty,
 - having regard to the annual report (2000-2001) of the European Ombudsman,
 - having regard to the 1989 Interinstitutional Agreement on strengthening the right of petition¹,
 - having regard to the report of the Committee on Petitions (A5-0271/2002),
- A. whereas the right of petition is a fundamental right inextricably linked with European Union citizenship,
- B. whereas the right of petition consolidates the political role of the European Parliament, making it possible to uncover serious cases of failure to comply with Community law,
- C. whereas close cooperation between European institutions, in particular the European Ombudsman, specialised agencies, and the Member States authorities, including already established petitions committees, in order to process petitions appropriately, is essential to guarantee to European citizens the due exercise of their rights,
- D. whereas the European Parliament is seeking to strengthen the legal and political instruments at its disposal, enabling it to meet the legitimate wishes of its citizens,
1. Recalls that petitions forwarded by individuals to the Committee on Petitions enables the European Union to assess the way in which Community law is being implemented at national and European level;
 2. Notes that petitions give a very specific idea of the degree to which individual citizens consider that their expectations are being fulfilled with regard to Europe, from which they often feel far removed and uninvolved;
 3. Stresses that, in order to meet the petitioners' legitimate expectations more effectively, fulfil its tasks and increase its credibility, the European Parliament needs new and more innovative legal instruments such as those referred to in '*Report on European citizens' right of petition – consolidation by amendment of the Treaty*' adopted on 10 December

¹ OJ C 120, 12.4.1989, p. 90.

2001 calling for the Treaty to be amended;

4. Takes the view that, in the deliberations of the European Convention, provision should be made for consolidation of the right of petition and for the implementation of a uniform Code of Good Administrative Behaviour, and asks the Convention to meet the wishes of the Committee on Petitions in this respect in its report on the future of Europe;
5. Considers that the Treaties should provide for the possibility for citizens to initiate reform of Community law through petitioning the European Parliament;
6. Recommends that, given the imminent introduction of new data-processing tools enabling petitioners to follow the processing of their own and other petitions over the Internet, serious consideration be given to increasing staffing levels in the secretariat of the Committee on Petitions which is currently understaffed, and in particular, to add weight to its ability to raise the profile and effectiveness of the work of the committee;
7. Recalls that enlargement to include new Member State requires the Committee on Petitions to increase its efficiency in legal, political and linguistic terms;
8. Considers that the close cooperation achieved between the European Parliament and its bodies and with the European Ombudsman and the Commission within their respective terms of reference is essential to ensure that citizens are able to benefit from the fundamental rights conferred by Union citizenship;
9. Considers that it would be appropriate to reinforce the necessary cooperation between the committee responsible and the Ombudsman, with due regard for their respective powers, and undertakes to initiate a review, without delay and at the most appropriate level, of Parliament's Rules of Procedure and the Ombudsman's Statute in order to be able to make any changes in these which may be needed by the end of the present legislature;
10. Takes the view that improved cooperation between European Parliament and petitions committees already set up in Member States, especially in relation to the treatment of inadmissible petitions on the European level, would further enhance citizens' rights and encourages national and regional parliaments with no such committee to consider providing citizens with this opportunity;
11. Regrets the Council's lack of enthusiasm for collaborating with the Committee on Petitions, in particular its failure, despite repeated requests by the European Parliament, to send a representative to working meetings when the petition under examination concerns areas of Community law closely linked with national legislation, since this not only undermines the processing of petitions in legal and political terms but also reduces the impact of committee decisions;
12. Calls on the Council and the Commission to review the 1989 Interinstitutional Agreement with the European Parliament with a view to reducing the time necessary to process petitions and to define a clear, coherent and binding framework for essential cooperation with Parliament in this area;
13. Stresses its intention to make more frequent reference to Article 175(1) of the Rules of Procedure authorising the Committee on Petitions to draw up a report or otherwise express

its opinion on petitions it has declared admissible;

14. Considers that, as a rule, the Committee on Petitions should draw up a report on Special Reports by the Ombudsman to the European Parliament;
15. Calls for consideration and encouragement to be given to various forms of cooperation with national parliaments and especially the national petitions committees, particularly at the stage of tabling petitions;
16. Calls for provision to be made for annual monitoring by the national parliaments based on annual reports by the European Parliament on the implementation of Community law, the work of the Ombudsman and the work of the Committee on Petitions;
17. Calls for ways to be considered of dispelling the reluctance of national authorities to cooperate swiftly and effectively with the European Parliament's Committee on Petitions, for example by publicising their reluctance or obstructionism in press releases or by organising press conferences on the subject for the national mass media, in which national MEPs from the Committee on Petitions would participate;
18. Calls for consideration to be given at the most appropriate level to the introduction of interim protective measures suspending action taken by national or local authorities which might violate Community regulations and thereby cause irretrievable harm to the natural environment or cultural assets;
19. Calls for consultations with non-governmental organisations to be stepped up with a view to encouraging the tabling of collective petitions;
20. Calls for the findings of the Committee on Petitions to be given wide publicity on an annual basis by means of a special publication;
21. Asks that the possibility be considered of jointly presenting to the European Parliament meeting in plenary sitting for this particular purpose the reports drawn up by the Committee on Petitions, the Ombudsman and the Committee on Legal Affairs and the Internal Market on the implementation of Community law, attended where appropriate by representatives of the national parliaments, the highest-ranking judicial authorities and Community bodies, with a view to obtaining a common view of progress made in implementing Community law;
22. In view of the increased legislative workload, calls for consideration to be given to the possibility of more active participation by the individual European Parliament committees through the submission of opinions;
23. Instructs its President to forward this resolution and the accompanying report by its committee to the Commission, the Council, the European Ombudsman, the governments and parliaments of the Member States, their petitions committees or other committees with responsibility in this area and their ombudsmen.

EXPLANATORY STATEMENT

Introduction

Under Rule 175(5) of the Rules of Procedure, the committee is required to inform Parliament every six months of the outcome of its deliberations by means of a purely statistical report.

However, it is normal practice for a detailed report drawn up once a year containing not only statistical data but also observations to be discussed and put to the vote in plenary sitting. That is the nature of the annual report contained in this document.

The report covers the period from 13 March 2001 to 11 March 2002.

The right of petition and the role of the Committee on Petitions

Among petitions received and processed during the reference period many of them raise the problem of difficulties encountered by European citizens, both workers and pensioners, regarding social and welfare entitlements on taking up residence in another Member State (transfer of pension rights, dual taxation, access to health care, etc.). Others concern infringement or improper implementation of the Directive concerning the effects of public or private projects on the environment.

Another subject concerns the difficulties encountered by individuals in obtaining effective recognition of their diplomas for professional or academic purposes. Finally, a large number of petitions have been tabled concerning infringement of the right of residence.

In these and many other cases concerning sensitive issues of concern to European citizens, the Committee on Petitions remains on the alert and endeavours to resolve the problems affecting their everyday lives.

The right of petition and the right of European citizenship are inseparable. The right of petition is embodied in the Treaty establishing the European Community, the European Parliament's Rules of Procedure and the European Union Charter of Fundamental Rights. European citizens are entitled to petition the European Parliament on matters concerning them directly which fall within the sphere of activities of the European Union.

Concerning infringement or malfunctioning of Community law, the petitioner gives the European Parliament the possibility of exercising parliamentary control over its implementation at Community and national level, occasionally leading to infringement proceedings before the Court of Justice.

However, in numerous cases the Committee on Petitions encounters genuine difficulties in fulfilling its role. These difficulties, together with the need for innovative legal measures to overcome them are well illustrated in the '*Report on European citizens' right of petition: Consolidation by amendment of the EC Treaty*' by the chairman of the Committee on Petitions, Mr Vitaliano Gemelli. The Treaty of Nice could fill some of these gaps by giving the European Parliament greater powers, particularly under Article 230, which requires the

Court to give a ruling on appeals by the European Parliament.

The European Convention, which seeks to examine essential questions raised by the future development of the European Union and investigate possible solutions, must take into account the wishes of the European Parliament particularly regarding the right of petition.

Strengthening the powers of the Committee on Petitions will enable us to respond more effectively to the 'concerns' of European citizens. This should help to make our work and the European institutions in general more credible. Action by our committee will improve the public image of solidarity projected by the European Union. Support by citizens for Europe, the institutions and Member States will increase all the more through finding an attentive and effective interlocutor in the European Parliament through its Committee on Petitions.

It has for some time been possible to send petitions by e-mail. This year the European Parliament intends to introduce far more effective electronic data-processing tools for petitioners and the general public regarded as essential for the modernisation of our committee. This will be done in two phases:

- in the first phase, a petitions registry available over Intranet made up of a database, a research interface, access to minutes of meetings, notices to members and input and administrative procedures for DG I and DG II;
- in the second phase, the register will be opened on Internet. During this phase citizens will be able to consult the registry and add their signatures to petitions they wish to support.

Parliament considers that the petition is an evolving instrument which must be adapted to new communications technologies with a view to achieving greater rapidity, efficiency, transparency and involvement regarding the processing of petitions forwarded to it.

If dialogue with individual citizens is expected to increase, we must not lose sight of the need for an accurate assessment of human and linguistic resources, particularly in a view of the enlargement of the Union and associated issues such as a new immigration policy or the right of asylum.

Committee on Petitions and the European Ombudsman

Petitions and complaints to the European Ombudsman are the two main channels through which the European citizen is able to enter into contact with the European institutions, enabling both to monitor the implementation of Community law *a posteriori*.

Cooperation between the Committee on Petitions and the European Ombudsman is extremely positive, with a clear demarcation between their respective areas of competence. The European Ombudsman is responsible for protecting individual rights against administrative shortcomings of the European Community authorities.

This close cooperation has already shown its effectiveness with regard to the forwarding of complaints which, legally speaking, have the same value as petitions and with regard to the tabling of special reports in particular '*the European Ombudsman's Special Report to the European Parliament, following the own-initiative inquiry into the existence and public*

accessibility, in the different Community institutions and bodies, of a Code of Good administrative Behaviour’.

This special report was the subject of a report by the Committee on Petitions on which an opinion was sought from several other committees. The rapporteur, Mr Roy Perry, tabled a number of amendments arguing that the code of good administrative behaviour should apply to all European Union institutions, organs and agencies.

Committee on Petitions, Commission and Council

As things now stand, the Committee on Petitions does not have the necessary and indispensable means at its disposal to consider in depth the petitions forwarded to it and it needs to make use of the Commission’s resources. However, this form of cooperation governed by an interinstitutional agreement of 12 April 1989 involving the Council also has its shortcomings and limitations, which means that replies by certain Member States or organisations take an excessively long time to arrive if they arrive at all. As has already been pointed out on several occasions, it is urgently necessary for the agreement to be amended with a view to consolidating the right of petition.

It is essential for the new agreement to provide for clear and transparent measures increasing the confidence of citizens in our effectiveness. The right of petition must be considered as an evolving instrument.

It is unfortunate, however that despite repeated requests by the European Parliament, the Council does not send a representative to our committee meetings, which detracts from not only consideration of the petitions in legal and political terms but also reduces the impact of decisions made by the committee.

Activities of the Committee on Petitions

We are referring to the reference period of this report from 13 March 2001 to 11 March 2002.

Concerning the environment, in April 2001 the committee held a major hearing on environmental impact assessment attended by Commissioner Wallström and drew up a comprehensive file of reference petitions. A record of proceedings was drawn up by the rapporteur, Mrs Mathieu.

The exchange of views with Mr Liikanen, Commissioner, on 21 March 2001 regarding two petitions on silicone breast implants proved to be particularly significant. The Commissioner announced a change in Commission policy and tabled a communication concerning which both the Committee on the Environment and the Committee on Women's Rights and Equal Opportunities wished to draw up a report as the committee responsible.

Concerning health hazards, a hearing of experts was held on 17 and 18 April 2002 on ‘*the nature of nuclear reprocessing plants and the impact on local communities and regions of the European Union following petitions received by the European Parliament*’ attended by Commissioner Wallström. This hearing received wide media coverage.

During this period, the European Parliament adopted 7 reports drawn up by the Committee on

Petitions (compared with 4 last year).

Seventeen opinions were drawn up for other parliamentary committees (compared with 10 last year).

The following reports deserve particular consideration:

- *'Report on the institution of the petition at the dawn of the 21st century'*, adopted on 15 May 2001 (rapporteurs Margot Kessler and Roy Perry A5-0088/2001);
- *'Report on the petitions declared admissible concerning silicone implants' – petitions Nos 0470/1998 and 0771/1998'* adopted on 13 June 2001 (rapporteur Janelly Fourtou) (A5-0186/2001);
- *'Report on the deliberations of the Committee on Petitions during the parliamentary year 2000 –2001'*, adopted on 6 September 2001 (rapporteur Felipe Camisón Asensio (A5-0236/2001);
- *'Report on the European Ombudsman's special report to the European Parliament following the own initiative enquiry into the existence and public accessibility in the different Community institutions and bodies of a code of good, administrative behaviour'*, adopted on 6 September 2001 (rapporteur Roy Perry) (A5-0245/2001);
- *'Report on the annual report on the activities of the European Ombudsman – 2000'* adopted on 6 September 2001) (rapporteur Herbert Bösch) (A5-0280/2001);
- *'Report on the special report to the European Parliament following the draft recommendation to the European Commission in Complaint 713/98/IJH – (made in accordance with Article 3, 7 of the statute of the European Ombudsman)* adopted on 10 December 2001 (rapporteur Jean Lambert) (A5-0423/2001);
- *'Report on European citizens' right of petition - consolidation by amendment of the Treaty'* adopted on 10 December 2001 (rapporteur: Vitaliano Gemelli) (A5-0429/2001)

The following opinions should be mentioned:

- *'Opinion on the 17th annual report on monitoring the application of Community law (1999)'* adopted on 21 March 2001 (draftsman: Carlos Candal) (PE 297.585/fin)
- *'Opinion on the Treaty of Nice and the future of the European Union'*, adopted on the 10 April 2001 (draftsman Eurig Wyn) (PE 299.675/fin);
- *'Opinion on the proposal for a decision of the European Parliament and the Council laying down the Community environment action programme 2001 – 2010'*, adopted on 10 April 2001 (draftsman: Laura González Alvarez) (PE 299.676/fin.);
- *'Opinion on the report on the situation as regards fundamental rights in the European*

Union (2000)’ adopted on 26 April 2001 (draftsman: Laura González Álvarez) (PE 302.858/fin.)

- ‘*Opinion on Amendment of Article 3 of the Regulation governing the performance of the European Ombudsman’s duties*’, adopted on 29 May 2001 (draftsman: Luciana Sbarbati) (PE 302.859/fin.);
- ‘*Opinion on a common asylum procedure and uniform status, valid throughout the Union, for persons granted asylum*’, adopted on 20 June 2001 (draftsman: Luciana Sbarbati) (PE 302.934)
- ‘*Opinion on Commission communication on a Community immigration policy*’, adopted 10 July 2001 (rapporteur Margot Kessler) (PE 302.891/fin.);
- ‘*Draft opinion on the general revision of the Rules of Procedure*’ adopted on 10 July 2001 (draftsman: Rainer Wieland) (PE 302.940/fin.)
- ‘*Opinion on the European Parliament budget estimates for 2002*’, adopted on 10 July 2001 (draftsman: Roy Perry) (PE 306.302/fin.)
- ‘*Opinion on the proposal for a directive of the European Parliament and the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Council directives 85/337/EEC and 96/61/EC*’, adopted on 13 September 2001 (draftsman: Jean Lambert) (PE 308.117/fin.);
- ‘*Opinion on the proposal for a Council Regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas; on the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member States drawing up the form; on the proposal for a Council regulation laying down a uniform format for residence permits for third-country nationals*’, adopted on 13 September 2001 (draftsman: Janelly Fourtou) (PE 308.129/fin.);
- ‘*Opinion on the proposal for a council directive concerning the status of third country nationals who are long-term residents*’, adopted on 13 September 2001 (draftsman Laura González Álvarez) (PE 306.354/fin.).
- ‘*Opinion on the communication from the Commission to the Council, the European Parliament and the Economic and Social Committee on the elimination of tax obstacles to the cross-border provision of occupational pensions*’, adopted on 10 October 2001, (draftsman: Astrid Thors) (PE 308.158/fin.);
- ‘*Opinion on the Commission’s White Paper on European governance*’, adopted on 11 October 2001 (draftsman: Vitaliano Gemelli) (PE 308.159/fin.);
- ‘*Opinion on the proposal for a Council regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum*

application lodged in one of the Member States by a third country national’, adopted on 27 November 2001 (draftsman: Luciana Sbarbati) (PE 311.464/fin.);

- ‘*Opinion on the third report from the Commission on citizenship of the Union*’, adopted on 27 November 2001 (rapporteur: Vitaliano Gemelli) (PE 311.465/fin);
- ‘*Opinion on the proposal for a Council decision adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)*’, adopted on 21 February 2001 (draftsman: Margo Kessler) (PE 313.921/fin);

However the bulk of the committee’s work consisted of examining petitions received over this period. Particularly favourable results were obtained in a number of cases, for example with regard to the following petitions:

Petition 481/198

The petitioner, an Austrian citizen, resident since 1971 in Singen in Baden-Württemberg in Germany, who has held unlimited residents permit (‘Unbefristete Aufenthaltserlaubnis’) since 26 January 1995, objects to the attitude of the German authorities in two respects.

Firstly, the Singen immigration authorities required him to produce a valid passport for himself and his underage daughter (his passport had expired). He was informed that failure to present a valid passport could lead to penalties under immigration legislation, for example, deportation. Secondly, when the petitioner submitted his new passport to the immigration authorities containing the name of his daughter the official responsible kept a photocopy of the first two pages of the document to be filed in the register of foreign nationals.

The petitioner argues that this constitutes an infringement of Community law, in particular the directives on the free movement of persons (Directive 95/46/EC), the protection of personal data and the principle of non discrimination of the grounds of nationality.

Result : The petitioner won his claim

Petition No 22/99

The petitioner, who owns a small company collecting used lead batteries, is not able to sell them for recycling, since recycling companies only accept materials supplied by the COBAT (Consorzio Obbligatorio Batterie) consortium which enjoys a statutory monopoly.

The petitioner maintains that the Italian Government, by granting sole rights to COBAT, for the collection of used batteries is infringing Community rules on free competition.

The petition concerns Italian legislation regarding the management of waste containing lead residues, in particular used batteries.

Result

On 21 May 2001, the Commission forwarded to the Italian authorities a letter of formal

notification pointing out that Italian legislation was incompatible with Articles 28 to 30 of the EC Treaty.

The national authorities replied to the letter of formal notification recognising the existence of a restriction of free competition and indicating that the legislation in question would soon be amended. The relevant bill is currently the subject of deliberations in the Italian Parliament.

Petition 231/99

The petitioner, managing director of an ironmongery firm in Villafranca (Verona) maintains that the (COBAT Consortium for the Collection of Depleted Lead Batteries) enjoys a monopoly position and arbitrary legal rights with regard to the collection and subsequent disposal of depleted batteries.

The petition concerns Italian legislation regarding disposal of waste containing lead residues, in particular used batteries.

Result:

The national authorities replied to the letter of formal notification recognising the existence of the obstacle to freedom of movement and indicating that the relevant legislation would soon be amended. The bill in question is currently being deliberated in the Italian Parliament.

Petition 116/2000

The petitioner, a Belgian national resident in Germany receives a Belgian and a German pension. He objects to the way in which his Belgian pension entitlements are calculated and the inexplicable monthly variations in the pension paid to him.

Result:

The reply from the Italian authorities indicates that the petitioner won his claim.

As regards the method used to calculate the Belgian pension, the initial decision of 29 September 1998 was based on the number of days insured in Belgian, without taking into account the petitioner's military career. This arrangement was overturned by the decision of 11 May 2000, which took account of the time the petitioner had served in the Belgian army (1 June 1953 to 30 June 1957) for the purposes of calculating his old-age pension.

The Belgian authorities stated that, pursuant to Article 40 of Regulation EEC No 1408/71 coordinating the different social security systems in the Member States, the petitioner's Belgian invalidity pension should become payable on the same date as the German invalidity pension, namely 1 December 1995, not 13 February 1996. That being the case, the German 'Krankengeld' payments made between 1 December 1995 and 13 February 1996 should be repaid directly by the petitioner or may, if appropriate, be recovered at the request of the German institution responsible for payment from the arrears on the Belgian invalidity pension.

Petition 407/2000 and 421/2000

The petitions concern a water supply project for Zaragoza and about 50 municipalities in the province situated in the Ebre Valley and the basins of its three tributaries the Gállego, Huerva and Jalón. An application for financing from the Cohesion Fund (1999.11.61.001) was submitted by the Spanish authorities on 14 May 1999. The project consisted of a number of works including a link between the Yesa and La Loteta reservoirs. The petitioners' opposition to the project is largely based on their objections to heightening the Yesa Dam.

Result:

The project was discussed in depth between the Spanish authorities and the Commission after which in July 2000, Spain submitted a new project of a similar nature (2000.ES.16.C.PE.035), seeking financing from the Cohesion Fund for the 2000-2006 programming period. This project is limited to Zaragoza and its 22 municipalities, most of which are situated in the Ebre Valley. It does not include the connection between Yesa and Loteta via Badenas and Sora, which was initially envisaged and will therefore have no impact on the Upper Aragon section of the Camino de Santiago.

The Commission considered the proposal so as to establish whether it could resolve the existing problem (guaranteed water supply of acceptable quality on the closure of the present source of supply, the Imperial Canal, or at low water) and whether, in view of the fact that co-financing is being sought from the environmental section of the Cohesion Fund, it results in undeniable environmental benefits for water management in the region as a whole.

In December 2000, following their investigations, the Commission services proposed that it adopt the decision regarding co-funding for the revised project.

In addition, a specific request was made to the Spanish authorities regarding improvement of the Zaragoza drinking water supply network and its chlorination system.

Concerning the localities situated in the Gállego, Huerva and Jalón river basins, which are specifically excluded from the project in the proposed decision, it was decided to ask the Spanish authorities to consider water supply options within each of the river basins.

These initiatives were all in line with the concerns expressed by the petitioners.

Petition 459/2000

The petition refers to the import in the UK of Light Goods Vehicles from other Member States. To import such a vehicle and register it in the UK it is necessary to have the vehicle tested and approved under the Single Vehicle Approval Scheme. The petitioner, raises the issue of the quota applied to the registration of single vehicles in the UK (50 per year per model or 100 per five years per model).

Result:

The Commission requested the abrogation of this provision as being contrary to Article 28 of the EC Treaty, which prohibits quantitative restrictions on imports between Member States.

On 20.07.2000, the UK authorities adopted the Statutory Instrument 2000/1972, which provides for the removal of the numerical limits to single vehicle approvals. This Statutory Instrument entered into force on 18.08.2000.

The petitioner was informed of the above and of the fact that his complaint, following the solution of his problem, was filed.

Statistics regarding the petitions considered

In the period under review, the Committee received 1,283 petitions compared with 886 the previous year. In accordance with Rule 174(10) of the Rules of Procedure, the Committee also received 41 petitions from non-Community citizens residing in third countries.

In the period under review, the committee declared 744 petitions admissible and 293 inadmissible (previous year: 510 and 333, respectively). The examination of 506 petitions was concluded (previous year: 475). 1041 petitions are still under consideration as against 689 the previous year.

The Commission was asked for information on 543 new petitions and further information on 152 petitions under examination (previous year: 388 and 153, respectively).

Seven petitions were forwarded to other committees and delegations for an opinion, three for further action and 161 for information (previous year: 3, 24 and 142, respectively).

In two cases, petitions were forwarded to the European Ombudsman to be dealt with as complaints. In nine cases, complaints were forwarded from the European Ombudsman to be dealt with as petitions (for further detailed statistics, see Annexes).

- Petitions received by the European Parliament:

<u>Parliamentary Year*)</u>	<u>Number</u>	<u>% increase/decrease</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
*)commencing in March		

- Action taken by the European Parliament**A. Allocations of petitions within Parliament**

<u>Committee delegation or service</u>	<u>Information</u>	<u>Further action</u>	<u>Opinion</u>
Foreign affairs, Human Rights, Security and Defence Policy	36		
Budgets	3		
Budgetary Control	1		
Citizens Freedoms and Rights, Justice and Home Affairs	12	2	
Economic and Monetary Affairs	6		
Legal Affairs and the Internal Market	3		
Industry, External Trade, Research and Energy	1		
Employment and Social Affairs	9	1	2
Environment, Public Health and Consumer Policy	34		1
Agriculture and Rural Development	11		
Fisheries	1		
Regional Policy, Transport and Tourism	29		
Culture, Youth, Education, the Media and Sport	16		
Developments and Cooperation			
Constitutional Affairs	3		
Women's Rights and Equal Opportunities	3		
	1		

Delegation

South-East Europe	1
Maghreb countries	2
Israel	2
United States	2
ASEAN	2
Poland	2
Turkey	1
Hungary	2
Czech Republic	2
Slovak Republic	1
Romania	4
Bulgaria	2

B. Petitions by nationality of petitions in Member States concerned:

	<u>Nationality of petitioner</u>	<u>Country in question</u>
Germany	298	241
Austria	15	19
Belgium	34	39
Denmark	2	4
Spain	161	144
Finland	25	18
France	129	125
Greece	77	61
Ireland	52	26
Italy	161	127
Luxembourg	3	8
Netherlands	51	57
Portugal	52	42
United Kingdom	159	120
Sweden	19	20
Non-community	41	

C. Classification by subject:

Agriculture	14	
Social affairs	90	
Customs	6	
Environment	162	
Taxation	45	
Freedom of movement	27	
Recognition of diplomas	43	
Various	487	(for example: discrimination, national legal proceedings, personal problems, political situation in third countries, problems with countries in banks, competitions for recruitment to the European civil service, etc.)

D. Collective petitions (bearing a thousand signatures or more):

Number of signatures

No 199/2001, by Mr Guy Urbain (presumably French) on behalf of the 'Union interprofessionnelle de la pâtisserie et de la chocolaterie confiserie' confectioners' association bearing over 8500 signatures concerning VAT in France on certain types of confectionery..... 8500

No 216/2001, by Mrs Nekane Arámburu Bardesi (Spanish) on behalf of the ‘Plataforma Civica Atôan’ and 7000 cosignatories, concerning the rights of five fellow villagers in prison.....	7000
No 225/2001, by Mr François Proust (French) on behalf of the European Association for the Protection of Migratory Herding concerning the protection of sheep and goats in the French Alps	15000
No 231/2001, by Mr Grégor Puppincx (French) concerning the cloning of human embryos and the legalisation of euthanasia undermining human dignity	5320
No 351/2001, by Mrs Margrit Höpfler (German) on trafficking in women	5122
No 442/2001, by Mr Franck Schrafstetter (French) on behalf of the ‘One Voice’ association on the use of wild animals in travelling circuses.....	54042
No 450/2001, by Mr Matthias Rath (German) on the shelving of the European Parliament and the Council Directive on the approximation of Member States legislation concerning food supplements	5095
No 475/2001, by Jef Ongena (Belgian) on the proposed budgetary reduction for fusion research	1789
No 558/2001, by Luigi Tossani (Italian) concerning the Bologna/Florence railway tunnel and its environmental impact	1173
No 590/2001, by Patrick Lardeux (French) on behalf of ‘Les pieds dans le plateau’ association (committee representing producers of farm cheese and cheese from untreated milk	15500
No 596/2001 by Mrs Beatrix Vullriede (German) on behalf of the Hodenhagen Citizens’ Action Group concerning the removal of a radio antenna placed in the immediate vicinity of a school	2517
No 852/2001, by Mr Erminio Locatelli (Italian) on behalf of the Paderno D’Adda and Verderio Superiore environmental protection committee on a test pit and mining activities near a residential area	3361
No 1070/2001, by Mr Christopher Campbell (German) concerning terrorist attacks on the United States on 11 September 2001.....	1666
No 62/2002, by the British Union for the Abolition of Vivisection (BUAV)	3853
No 171/2002, by the ‘Virgen de Monserrate’ residents’ association, opposing the projected location of a waste disposal site at Torremendo (Orihuela - Spain)	6692

No 268/2002, by the ‘Gennaro Itri’ residents’ association, opposing a decision
by the Latina provincial authorities (Municipalities of Itri, Formia and Gaeta) ... 1027

Report by Mrs Mary BANOTTI

Mediator for transnationally abducted children

In January 2002, Mr Pat Cox, President of the European Parliament, confirmed me in my role as Mediator for Transnationally Abducted Children. As I have said before, the Mediator has no statutory role but over the years I have found that, as the Mediator's role has become more widely known, I have often been able to bring something to bear on cases when all other avenues have been exhausted. Cases are brought to the Mediator's attention in several ways;

- Petitions to the European Parliament
- Referral by MEP colleagues
- Direct contact with Mediator's Office by an affected parent or legal adviser
- Increasingly via the internet

Since my last report to the Petitions Committee, there has been a considerable rise in queries concerning rights of access for non-custodial parents and their difficulties in getting access rights respected. As bad access to children for non-custodial parents can often lead to them considering the possibility of child abduction, it is most important that we get good legislation in place within the EU so as to prevent a further increase in parental abduction, which is detrimental to the interests of the child.

Both the French and Belgian Presidencies of the Council sought to bring forward the debate on mutual recognition and enforcement of judgements in the field of family law. Whereever a non-custodial parent believes he/she is getting unfair treatment and does not have reasonable access to his/her children the risk of child abduction increases. To address this, the European Commission brought forward proposals incorporating Council Regulation (EC) 1347/2000 setting out rules on jurisdiction, recognition and enforcement of judgements on divorce, separation and annulment, as well as judgements on parental responsibility for both spouses. The French Presidency sought to build on this so as to abolish "exequatur" for the part of the decision on parental responsibility that concerns rights of access. The abolition of "exequatur" i.e. married parents was coupled with a guarantee for the automatic return of the child after the period of access. However, the French initiative only covered those children in the framework of divorce or separation. The Justice and Home affairs Council then sought to extend this French initiative to cover all children thus extending beyond the scope of the divorce context.

In order to meet this desire of the Council to protect all children, the Commission then brought forward a proposal for a Council Regulation on the jurisdiction and the recognition of and enforcements of Judgements in matters of parental responsibility in September 2001. I prepared an informal working document on this proposal as the Commission then sought a mandate from the Council to draw up a fresh proposal which would incorporate all the previous regulations

into one, thereby simplifying procedures in the context of the creation of the common judicial area. This proposal is currently before the Civil Liberties Committee for adoption in July 2002 and I am rapporteur. I sincerely hope that, as the majority of Member States are favourable to the Commission's new proposals that the proposal will not be amended to the extent that it will be emptied of all substance. I believe the European Parliament has to remain vigilant in ensuring that the best and simplest system of recognition of judgements possible will be adopted by the Council.

I also call on the Member States to sign and notify the 1996 Hague Convention on the Rights of the Child. This should be a very helpful basis for dealing with abducted children outside the Union.

Below I have listed the cases that I am currently dealing with as Mediator. All but one are cases within our European Union, which further emphasises the urgency for reform in this area.

OVERVIEW

<u>Petitioner</u>	<u>Country to which child has been abducted</u>
Switzerland (GB citizen)	Finland
Belgium	Sweden
UK	Sweden
Belgium (IRL citizen)	Germany
UK	Germany
France	Germany
France	Belgium
Italy (B citizen)	Austria
Spain	Netherlands
Spain (Canary Islands)	Turkey

Some of these cases have been continuing for several years.

In January 2001, I set up the Irish Centre for Parentally Abducted Children (ICPAC) which provides advice through a helpline to those who fear their children may be at risk of abduction or who whose children have been abducted. ICPAC has close links with other organisations dealing with child abduction such as Reunite (London), ICMEC (USA) and the European Network for Missing and Exploited Children. We have also published a handbook giving guidelines for the prevention of child abduction. I have attached details of cases received through the ICPAC helpline.

I attended the Royal Palace here in Brussels on behalf of the European Parliament to mark the International Day For Missing Children (23 MAY).

	Clients	Advice-line calls	Booklet requests	Abduction/retention	Cases Resolved
May	<i>9</i>	<i>16</i>	<i>7</i>	<i>2</i>	
June	<i>9</i>	<i>13</i>	<i>4</i>	<i>0</i>	
July	<i>19</i>	<i>23</i>	<i>20</i>	<i>2</i>	
August	<i>18</i>	<i>21</i>	<i>16</i>	<i>2</i>	<i>2</i>
September	<i>24</i>	<i>34</i>	<i>21</i>	<i>1</i>	<i>1</i>
October	<i>29</i>	<i>40</i>	<i>23</i>	<i>1</i>	
November	<i>21</i>	<i>48</i>	<i>8</i>	<i>2</i>	
December	<i>11</i>	<i>13</i>	<i>8</i>	<i>0</i>	<i>1</i>
January	<i>53</i>	<i>95</i>	<i>36</i>	<i>1</i>	
February	<i>25</i>	<i>40</i>	<i>24</i>	<i>0</i>	<i>1</i>
March	<i>10</i>	<i>11</i>	<i>9</i>	<i>0</i>	
April	<i>9</i>	<i>12</i>	<i>9</i>	<i>1</i>	
TOTAL	237	366	185	12	5

ICPAC

Irish Centre for Parentally Abducted Children

Summary of activity from May 2001-2002

Client enquiries concerned abductions and unlawful retentions to and from the following countries; Ireland, England, Spain, Cyprus, Holland, Greece, Georgia, Moldova, Tunisia, Morocco, USA, Philippines, Thailand, Singapore, Iraq, Kuwait, Libya, Lebanon, Pakistan, Zambia.