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REPORT

on revision of the Rules of Procedure with regard to the petitions process
(2006/2209(REG))

Committee on Constitutional Affairs

Rapporteur: Gérard Onesta

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on revision of the Rules of Procedure with regard to the petitions process
(2006/2209(REG))**

The European Parliament,

- having regard to the letter from its President of 20 July 2006,
 - having regard to Rules 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Petitions (A6-0027/2009),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendments will enter into force on the first day of the next part-session, with the exception of the amendment concerning Rule 193a (new), which will enter into force on the first day after the entry into force of the relevant Treaty provision;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1

Parliament's Rules of Procedure Rule 191 – paragraph 2 a (new)

Present text

Amendment

2a. Where a petition is signed by several natural or legal persons, the signatories shall designate a representative and deputy representatives who shall be regarded as the petitioners for the purposes of implementation of the subsequent provisions.

Where no such designation has occurred the first signatory or another appropriate person shall be regarded as the petitioners.

Amendment 2

Parliament's Rules of Procedure Rule 191 – paragraph 2 b (new)

Present text

Amendment

2b. Each petitioner may at any time withdraw support for the petition.

After withdrawal of support by all the petitioners the petition shall become null and void.

Justification

Currently the Rules of Procedure do not provide for a possibility of withdrawal of support for the petition by the petitioner.

Taking into account the growing number of petitions with significant number of supporters, which frequently concern to a larger extent matters of a political importance than affecting directly a limited number of persons, it seems to be necessary to grant the petitioner such a possibility.

Amendment 3

Parliament's Rules of Procedure Rule 191 – paragraph 3

Present text

Amendment

3. Petitions must be written in ***one of the*** official ***languages*** of the European Union.

Petitions written in any other language will be considered only where the petitioner has attached a translation ***or summary drawn up*** in an official language ***of the European Union. The translation or summary shall form the basis of Parliament's work.*** Parliament's correspondence with the petitioner shall employ the official language in which the translation or summary is drawn up.

3. Petitions must be written in ***an*** official ***language*** of the European Union.

Petitions written in any other language will be considered only where the petitioner has attached a translation in an official language. Parliament's correspondence with the petitioner shall employ the official language in which the translation or summary is drawn up.

The Bureau may decide that petitions and correspondence with petitioners may be drafted in other languages used in a Member State.

Justification

The Bureau has already decided that Parliament replies to correspondence from citizens in Basque, Catalan and Galician language in these respective languages.

Amendment 4

Parliament's Rules of Procedure

Rule 191 – paragraph 5

Present text

5. Petitions entered in the register shall be forwarded by the President to the committee responsible, which shall first ***ascertain whether the petitions registered fall within the sphere of activities of the European Union.***

Amendment

5. Petitions entered in the register shall be forwarded by the President to the committee responsible, which shall first ***establish the admissibility or otherwise of the petition in accordance with Article 194 of the EC Treaty.***

If the committee responsible fails to reach a consensus on the admissibility of the petition, it shall be declared admissible at the request of at least one quarter of the members of the committee.

Justification

The right of petitions is a vital citizens' right based on the primary law and must not be restricted by a politically motivated decision. Therefore the decision on the admissibility of the petition, as a very sensitive, is supposed to be a legal one, even if it has some political aspects.

This decision should preferably only be taken by a consensus of the Committee Members. As however it is difficult to achieve consensus in some political matters, it seems to be appropriate to grant to a qualified minority the right to oppose a declaration of inadmissibility, as an exceptional case, in order to overcome a deadlock.

Amendment 5

Parliament's Rules of Procedure

Rule 191 – paragraph 6

Present text

6. Petitions declared inadmissible by the committee shall be filed; the petitioner shall be informed of the decision and the

Amendment

6. Petitions declared inadmissible by the committee shall be filed; the petitioner shall be informed of the decision and the reasons therefor. ***Where possible,***

reasons therefor.

alternative means of redress may be recommended.

Amendment 6

Parliament's Rules of Procedure Rule 191 – paragraph 7

Present text

7. In such cases the committee may suggest to the petitioner that he contact the competent authority of the Member State concerned or of the European Union.

Amendment

deleted

Amendment 7

Parliament's Rules of Procedure Rule 191 – paragraph 8

Present text

8. Unless the petitioner asks for it to be treated in confidence, it shall be entered in a public register.

Amendment

8. Petitions, once registered, shall as a general rule become public documents, and the name of the petitioner and the contents of the petition may be published by Parliament for reasons of transparency.

Amendment 8

Parliament's Rules of Procedure Rule 191 – paragraph 8 a (new)

Present text

Amendment

8a. Notwithstanding the provisions contained in paragraph 8 above, the petitioner may request that his or her name be withheld in order to protect his or her privacy, in which case Parliament must respect such a request.

Where the petitioner's complaint cannot

be investigated for reasons of anonymity, the petitioner shall be consulted as to the further steps to be taken.

Amendment 9

Parliament's Rules of Procedure Rule 191 – paragraph 8 b (new)

Present text

Amendment

8b. The petitioner may request that his or her petition be treated confidentially, in which case suitable precautions will be taken by Parliament to ensure that the contents are not made public. The petitioner will be informed under which precise conditions this provision is to apply.

Amendment 10

Parliament's Rules of Procedure Rule 192 – paragraph -1 (new)

Present text

Amendment

-1. Admissible petitions shall be considered by the committee responsible in the course of its normal activity, either through discussion at a regular meeting or by written procedure. Petitioners may be invited to participate in meetings of the committee if their petition is to be the subject of discussion, or they may request to be present. The right to speak shall be granted to petitioners at the discretion of the chair.

Amendment 11

Parliament's Rules of Procedure Rule 192 – paragraph 1

Present text

1. The committee **responsible** may decide to draw up a report **or otherwise express its opinion on petitions it has declared admissible**.

The committee may, **particularly in the case of petitions which seek changes in existing law**, request opinions from other committees pursuant to Rule 46.

Amendment

1. The committee may, **with regard to an admissible petition**, decide to draw up **an own-initiative** report **in accordance with Rule 45(1) or submit a short motion for a resolution to Parliament, provided that there is no objection by the Conference of Presidents. Such motions for resolutions shall be placed on the draft agenda of the part-session held no later than eight weeks after their adoption in committee. They shall be put to a single vote and shall also be without debate unless the Conference of Presidents exceptionally decides to apply Rule 131a.**

The committee may request opinions from other committees **that have specific responsibility for the issue under consideration** pursuant to Rule 46 **and Annex VI**.

Amendment 12

**Parliament's Rules of Procedure
Rule 192 – paragraph 2**

Present text

2. An electronic register shall be set up in which citizens may lend their support to the petitioner, appending their own electronic signature to petitions which have been declared admissible and entered in the register.

Amendment

2. An electronic register shall be set up in which citizens may lend **or withdraw** their support to the petitioner, appending their own electronic signature to petitions which have been declared admissible and entered in the register.

Amendment 13

**Parliament's Rules of Procedure
Rule 192 – paragraph 3**

Present text

3. When **considering** petitions **or**

Amendment

3. When **investigating** petitions,

establishing facts, the committee may organise *hearings of petitioners or general hearings or dispatch members to establish the facts of the situation in situ*.

establishing facts *or seeking solutions* the committee may organise *fact-finding visits to the Member State or region concerned by the petition*.

Reports on the visits shall be drafted by their participants. They shall be forwarded to the President after approval by the committee.

Amendment 14

Parliament's Rules of Procedure Rule 192 – paragraph 4

Present text

4. *With a view to preparing its opinions*, the committee may request the Commission *to submit documents, to supply information and to grant it access to its facilities*.

Amendment

4. The committee may request *assistance from* the Commission, *notably through information on the application of Community law or compliance therewith, as well as by supplying any information or documents relevant to the petition. Representatives of the Commission shall be invited to attend meetings of the committee*.

Amendment 15

Parliament's Rules of Procedure Rule 192 – paragraph 5

Present text

5. The committee *shall, where necessary, submit motions for resolutions to Parliament on petitions which it has considered*.

The committee may also request that its opinions be forwarded by the President to the Commission or the Council.

Amendment

5. The committee *may request the President to forward its opinion or recommendation to the Commission, the Council or the Member State authority concerned for action or response*.

Amendment 16

Parliament's Rules of Procedure Rule 192 – paragraph 7

Present text

7. The President shall inform petitioners of the *decisions* taken *and the reasons therefor*.

Amendment

7. The petitioner shall be informed of the *decision* taken *by the committee and given the reasons justifying the decision*.

When consideration of an admissible petition has been concluded, it shall be declared closed and the petitioner informed.

Amendment 17

Parliament's Rules of Procedure Rule 193 a (new)

Present text

Amendment

Rule 193 a

Citizens' initiative

When Parliament is informed that the Commission has been invited to submit a proposal for a legal act under Article 11(4) of the EU Treaty, the Committee on Petitions shall ascertain whether this is likely to affect its work and, if need be, shall inform those petitioners who have addressed a petition on related subjects.

Justification

This amendment may not take a legal effect before the entering into force of the Treaty of Lisbon.

10.1.2008

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Constitutional Affairs

on revision of the Rules of Procedure with regard to the petitions process
(2006/2209(REG))

Draftsman: Robert Atkins

Introductory remarks

The existing rules related to the right of petition and the exercise of Parliament's authority regarding the petitions received from petitioners have, by and large, well served the test of time and proved to be generally suitable. In particular they have provided the framework within which Article 194 of the Treaty has been put into practice.

The work of the committee has however, in recent years, become more intense as the Members themselves have taken the initiative on many occasions in order to ensure that, as an institution, Parliament is in a position to better connect to the concerns of Europe's citizens. In so doing, it has become apparent that a certain amount of 'fine tuning' of the existing rules would enable them to reflect more clearly the pragmatic and gradual evolution of the treatment they have reserved for petitions. It is not considered to be necessary or appropriate to envisage a substantial modification of the rules as they apply to the petitions process.

Accordingly, one of the objectives of the proposed revision is to improve the transparency and the clarity of the basic rules used by the committee and to adapt them to the needs of citizens from a European Union of 27 Member States. It is also necessary to update the rules in order to keep pace with changes decided by Parliament, and in particular by the Bureau, regarding reporting procedures. A more explicit description of the links between the committee and the Commission, Council and Member States is also required.

Another particular point requires some comment. Since the rules were changed several years ago, enormous progress has been made in the technology of communications and citizens are today more likely to connect and organise by means of the web. Petitions are sent electronically in increasing numbers and it is also the case that when organised campaigns get under way, citizens want the facility of adding their names to support petitions for which signatures are either being collected, or have been already submitted and to which they wish to add their support. Our rules and our electronic facilities need to provide for this. With the responsible services, the secretariat is indeed negotiating the technical procedures which must

be urgently developed; the rules must therefore also be modified to reflect this. This should not be confused with the "register" of documents which the Parliament has already established which is why the existing Rule 192(2) needs to be changed.

A last, most important point, concerns the need to ensure transparency of the petitions process as a general rule alongside the establishment of more legally binding provision regarding individual privacy and confidentiality when specifically requested by petitioners. Privacy relates specifically to the name and personal details of the petitioner; confidentiality refers to the substance of the issue raised by the petitioner, whether or not the person involved has or has not requested that their name be withheld.

Previous drafts of the document attached have been subject to discussions at secretariat level with the political groups, before being submitted to coordinators. The document, with the Rapporteur's comments, may now be discussed fully and constructively in Committee.

SUGGESTIONS

The Committee on Petitions calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its report:

Present text

Amendments

Amendment 1 Rule 191, paragraph 3

3. Petitions must be written in one of the official languages of the European Union. Petitions written in any other language will be considered only where the petitioner has attached a translation ***or summary drawn up*** in an official language ***of the European Union. The translation or summary shall form the basis of Parliament's work.*** Parliament's correspondence with the petitioner shall employ the official language in which the translation or summary is drawn up.

3. Petitions must be written in ***an*** official ***language*** of the European Union. Petitions written in any other language will be considered only where the petitioner has attached a ***summary*** translation in an official language. Parliament's correspondence with the petitioner shall employ the official language in which the translation or summary is drawn up.

Amendment 2 Rule 191, paragraph 4 a (new)

4a. When investigating petitions, establishing facts or seeking solutions, the committee may organise fact-finding visits to the Member State or region concerned by the petition. Reports of such visits shall be produced by the participants in the fact-finding mission and submitted to the committee. They shall also be forwarded for information to the President.

The committee may decide to take any further parliamentary action it deems necessary.

Justification

This amendment clarifies the procedure for reporting back on fact finding missions and enables the committee to take further follow up if deemed necessary.

Amendment 3
Rule 191, paragraph 5

5. Petitions entered in the register shall be forwarded by the President to the committee responsible, which shall ***first ascertain whether the petitions registered fall within the sphere of activities of the European Union.***

5. Petitions entered in the register shall be forwarded by the President to the committee responsible, which shall ***establish the admissibility or otherwise of the petition, in conformity with the provisions of the Treaty and paragraph 1 above, and inform the petitioner accordingly.***

Amendment 4
Rule 191, paragraph 6

6. Petitions declared inadmissible by the committee shall be filed; the petitioner shall be informed ***of the decision and the reasons therefor.***

6. Petitions declared inadmissible by the committee shall be filed ***and*** the petitioner shall be informed ***accordingly. Where possible, alternative means of possible redress may be recommended.***

Amendment 5
Rule 191, paragraph 7

7. ***In such cases the committee may suggest to the petitioner that he contact the competent authority of the Member State concerned or of the European Union.***

deleted

Amendment 6
Rule 191, paragraph 8

8. ***Unless the person submitting the petition asks for it to be treated in confidence, it shall be entered in a public register.***

8. ***Petitions, once registered, shall as a general rule become public documents, and the name of the petitioner and the contents of the petition may be published by Parliament for reasons of transparency.***

Amendment 7

Rule 191, paragraph 8 a (new)

8a. Notwithstanding the provisions contained in paragraph 8 above, petitioners may request that their name be withheld in order to protect their privacy, in which case Parliament must respect such a request.

Amendment 8
Rule 191, paragraph 8 b (new)

8b. Petitioners may request that their petition be treated confidentially, in which case suitable precautions will be taken by Parliament to ensure that the contents are not made public. Petitioners will be informed under which precise conditions this provision is to apply.

Amendment 9
Rule 191, paragraph 9

9. Where the committee deems it appropriate, it may refer the matter to the Ombudsman. ***deleted***

Amendment 10
Rule 192, paragraph -1 (new)

-1. Admissible petitions shall be considered by the committee in the course of its normal activity, either through discussion at a regular meeting or by written procedure. Petitioners may be invited to participate in meetings of the committee if their petition is to be subject to discussion, or they may request to be present. The right to speak shall be granted to petitioners at the discretion of the Chairman.

Amendment 11
Rule 192, paragraph 1

1. The committee *responsible* may decide to draw up a report *or otherwise express its opinion on petitions it has declared admissible*.

The committee may, *particularly in the case of petitions which seek changes in existing law*, request opinions from other committees *pursuant to Rule 46*.

1. The committee may decide to draw up a report *and submit a resolution to Parliament on its own initiative concerning an admissible petition which shall be debated in plenary following authorisation from the responsible authority*.

The committee may request opinions from other committees *with special competence for the issue under consideration*.

Amendment 12
Rule 192, paragraph 3

3. When *considering* petitions *or* establishing facts, the committee may organise *hearings of petitioners or general hearings or dispatch members to establish the facts of the situation in situ*.

3. When *investigating* petitions, establishing facts *or seeking solutions*, the committee may organise *fact-finding visits to the Member State or region concerned by the petition*.

Reports of such visits shall be approved by the committee and forwarded for information to the President.

Amendment 13
Rule 192, paragraph 4

4. With a view to preparing its *opinions*, the committee may request the Commission to submit documents, *to* supply information *and to grant it access to its facilities*.

4. With a view to preparing its *opinion on an admissible petition*, the committee may request the Commission to *conduct a preliminary investigation, notably as regards the implications for the laws of the European Union and the provisions of the Treaty, to* submit documents, supply information *or otherwise assist the committee. Representatives of the Commission shall participate in meetings of the committee*.

Amendment 14
Rule 192, paragraph 5

5. The committee *shall, where necessary, submit motions for resolutions to Parliament on petitions which it has considered.*

5. The committee *may forward its opinion or recommendation to the Commission, the Council or the Member State authority concerned for action or response. It may table an oral question to the Council or the Commission for debate in plenary, accompanied by a resolution to wind up the debate.*

The committee may also request that its opinions be forwarded by the President to the Commission or the Council.

Amendment 15
Rule 192, paragraph 7

7. *The President shall inform petitioners of the decisions taken and the reasons therefor.*

7. *Petitioners shall be informed of the decisions taken by the committee and given the reasons justifying the decision. When consideration of an admissible petition has been concluded, it shall be declared closed and the petitioner informed.*

Amendment 16
Rule 193, paragraph 2

2. The title and a summary of the texts of petitions entered in the register, together with the texts of the opinions and the most important decisions forwarded in connection with the examination of the petitions, shall be made available to the public in a database, provided the petitioner agrees to this. Confidential petitions shall be preserved in the records of Parliament, where they shall be available for inspection by Members.

2. The title and a summary of the texts of petitions entered in the register, together with the texts of the opinions and the most important decisions forwarded in connection with the examination of the petitions, shall be made available to the public in a database, provided the petitioner agrees to this *and the committee has the necessary financial, technical and human resources to do so*. Confidential petitions shall be preserved in the records of Parliament, where they shall be available for inspection by Members.

Justification

This amendment recognises the importance of having the required resources as a prerequisite to establishing a public database.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	20.12.2007
Result of final vote	+: 24 -: 0 0: 0
Members present for the final vote	Robert Atkins, Inés Ayala Sender, Simon Busuttil, Glyn Ford, Lidia Joanna Geringer de Oedenberg, David Hammerstein, Marcin Libicki, David Martin, Miguel Angel Martínez Martínez, Maria Matsouka, Manolis Mavrommatis, Kathy Sinnott, Rainer Wieland
Substitute(s) present for the final vote	Thijs Berman, Carlos Carnero González, Marie-Hélène Descamps, András Gyürk, Margie Sudre, Tatjana Ždanoka
Substitute(s) under Rule 178(2) present for the final vote	Jorgo Chatzimarkakis, José Javier Pomés Ruiz, Grażyna Staniszevska, Antonios Trakatellis, Nicolae Vlad Popa

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.1.2009
Result of final vote	+ : 20 - : 1 0 : 1
Members present for the final vote	Enrique Barón Crespo, Richard Corbett, Jean-Luc Dehaene, Andrew Duff, Anneli Jäätteenmäki, Aurelio Juri, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Jo Leinen, Íñigo Méndez de Vigo, Ashley Mote, József Szájer, Riccardo Ventre, Johannes Voggenhuber, Andrzej Wielowieyski
Substitute(s) present for the final vote	Costas Botopoulos, Panayiotis Demetriou, Klaus-Heiner Lehne, Gérard Onesta, Sirpa Pietikäinen, Kathy Sinnott, Mauro Zani