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REPORT

on the activities of the Committee on Petitions in 2010
(2010/2295(INI))

Committee on Petitions

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the activities of the Committee on Petitions in 2010 (2010/2295(INI))

The European Parliament,

- having regard to its previous resolutions on the deliberations of the Committee on Petitions,
 - having regard to Articles 24, 227, 258 and 260 of the Treaty on the Functioning of the European Union,
 - having regard to Articles 10 and 11 of the Treaty on European Union,
 - having regard to Rules 48 and 202(8) of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A7-0232/2011),
- A. bearing in mind the importance of the petitions process and its specific attributes, which should enable the committee responsible to seek and provide solutions and to defend EU citizens who petition Parliament,
- B. whereas it is necessary to increase citizen participation in the EU decision-making process, with a view to reinforcing its legitimacy and accountability,
- C. whereas citizens of the EU are directly represented by Parliament, and the right of petition offers them the means to address their representatives if they consider that their rights have been infringed and if the subject of their petition comes within the field of activity of the European Union,
- D. whereas the implementation of European legislation has a direct impact on EU citizens and residents, who are the best placed to assess its effectiveness and its shortcomings and to signal remaining loopholes that need to be closed to ensure better implementation of EU legislation by the Member States, and whereas the Committee on Petitions should become a priority contact,
- E. whereas Parliament, through its Committee on Petitions, is obliged to investigate such issues and offer citizens the most appropriate remedies, and is therefore stepping up cooperation with the Commission, the European Ombudsman, other parliamentary committees, European bodies, agencies and networks and Member States,
- F. whereas, however, in some cases Member States remain reluctant to cooperate actively with the responsible committee, and fail, for example, to attend meetings of the committee or to reply to letters sent to them; whereas this denotes a failure to cooperate with the institution in good faith,

- G. recognising, however, that many Member States demonstrate a good level of cooperation and work with Parliament in an effort to respond to the concerns of citizens as expressed through the petitions process,
- H. recognising the contribution made to the petitions process by the services of the Commission, which provide preliminary assessments of many petitions received,
- I. whereas the degree of specialisation of petitions and the wide variety of issues addressed necessitates closer cooperation with the other parliamentary committees, so that their opinions – which are indispensable in dealing with petitions properly – may be requested,
- J. whereas the number of petitions received by Parliament in 2010 was slightly lower than that recorded in 2009 (i.e. 1 655 as compared with 1 924 – a drop of 14 %),
- K. whereas successful cooperation with the relevant services at Parliament in 2010 meant that 91 complaints (4.7 %) filed by citizens were rejected for failing to meet the minimum criteria to qualify as petitions, as per the recommendations in the 2009 annual report, which stated that petitions not meeting the necessary conditions should not be recorded,
- L. whereas the number of inadmissible petitions received in 2010 (40 %) indicates that efforts should continue to be made to raise citizens' awareness of the competences of the Committee on Petitions and the role of the various EU institutions,
- M. whereas the petitions process could complement other measures open to citizens at EU level, such as the filing of complaints with the European Ombudsman or the Commission,
- N. whereas citizens are entitled to speedy and solution-oriented redress and whereas Parliament has repeatedly asked the Commission to use its prerogatives as guardian of the Treaty to act against breaches of European legislation revealed by petitioners, especially where the transposition of EU legislation at national level results in its infringement,
- O. whereas many petitions continue to raise concerns about the transposition and implementation of European legislation on the environment and the internal market, and whereas the Committee on Petitions has already called on the Commission to ensure that enforcement checks in these areas are strengthened and made more efficient,
- P. 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,

- Q. whereas, given that very many petitions relate to projects with a potential environmental impact, it would be desirable for the Committee on Petitions to consider treating such petitions, relating to projects which are the subject of a public inquiry, in a way which optimises the committee's decision-making time vis-à-vis both the petitioner and the state of progress of the project,
 - R. bearing in mind the importance of preventing further irreparable losses in biodiversity, especially inside Natura 2000 designated sites, and the commitment by Member States to guarantee protection of special conservation areas under the Habitats Directive (92/43/EEC) and the Birds Directive (79/409 EEC),
 - S. whereas petitions highlight the impact of European legislation on the everyday lives of EU citizens; whereas all necessary steps to consolidate the progress achieved in reinforcing European citizens' rights need to be taken,
 - T. whereas, bearing in mind the significant number of petitions pending subject to infringement procedures launched by the Commission, the Committee on Petitions, in its previous activity report and its opinion on the Commission's annual report on monitoring the application of Community law, requested regular updates on the progress of infringement procedures related to petitions,
 - U. having regard to the recommendations on toxic and urban waste management and on transposition of the Environmental Impact Directive into national law made by the Committee on Petitions following the fact-finding missions to Huelva (Spain), Campania (Italy) and Vorarlberg (Austria),
 - V. having regard to paragraph 32 of its resolution of 6 July 2010 on the deliberations of the Committee of Petitions during the year 2009¹ with regard to Parliament's request for the revision of the registration process for petitions,
 - W. whereas the Committee on Legal Affairs has given an opinion on Petition 0163/2010 by P.B. (German) on third-party access to the European Court of Justice for preliminary rulings,
1. Hopes that Parliament and the Committee on Petitions will be actively involved in the development of the citizens' initiative with a view to helping it fully achieve its objectives and ensuring enhanced transparency in the EU decision-making process, allowing citizens to suggest improvements, changes or additions to EU law, while seeking to prevent this public platform from being used solely for publicity purposes;
 2. Believes that the Committee on Petitions is the most suitable one to follow up the European citizens' initiatives registered with the Commission;
 3. Hopes that citizens' initiatives which have not received a million signatures within

¹ Texts adopted, P7_TA-PROV(2010)0261.

the required time can be referred to Parliament's Committee on Petitions for more detailed discussion;

4. Calls for the Committee on Petitions to be the committee representing the European Parliament at the Parliament and Commission public hearing of representatives who have gathered a million signatures for their citizens' initiatives, thus enabling the hearing to benefit from the committee's experience and legitimacy;
5. Draws attention to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative¹, a new instrument enabling citizens to participate in EU business;
6. Points out that Parliament receives campaign-type petitions with more than one million signatures, a fact bearing witness to its experience in relations with citizens, but stresses the need to ensure that citizens are made fully aware of the distinction between this type of petition and the citizens' initiative;
7. Draws attention to the fact that the Charter of Fundamental Rights acquired legally binding force with the entry into force of the Lisbon Treaty, and underlines the importance of the Charter, given the new boost it has provided to the activities of the EU and the Member States in this field, and is confident that the European Commission – as guardian of the Treaties – will do everything in its power to ensure the effective implementation of the fundamental rights enshrined in the Charter;
8. Takes note of the Commission's Declaration entitled 'Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union' and considers that a genuine culture of fundamental rights must be developed, promoted and reinforced both in the EU institutions and in the Member States, in particular when they apply and implement EU law; takes the view that the information activities concerning the Union's role and powers in the area of fundamental rights referred to in the 'Strategy' should be specific and comprehensive, in order to ensure that powers are not arbitrarily passed back and forth between the Commission and the Member States in the future, particularly in connection with sensitive issues;
9. Stresses, however, that, in spite of the large number of petitions concerning the rights contained in the Charter, the Commission consistently refuses, owing to a lack of legal instruments, to take action to prevent flagrant breaches of fundamental rights in the Member States;
10. Welcomes EU accession to the European Convention on Human Rights, since this confers on the European Court of Human Rights the right to scrutinise the EU's actions;

¹ OJ L 65, 11.3.2011, p. 1.

11. Welcomes the Commission's decision to declare 2013 the 'European Year of Citizenship' in order to give momentum to the debate on European citizenship and inform EU citizens of their rights and of the democratic instruments available to them to assert those rights; takes the view that the 'European Year of Citizenship' should be used for the broad dissemination of information on the new 'European citizens' initiative', in order to forestall a high rate of inadmissibility comparable to the rate that is still to be found in the 'petitions' field; considers that at the same time a debate should be opened on the limited scope of the 'Charter of Fundamental Rights of the European Union';
12. Welcomes the establishment of the one-stop shop for citizens seeking advice or recourse or making complaints through 'Your EU Rights'; welcomes the steps taken by the Commission to streamline the existing public assistance services that serve to inform citizens about their rights at EU level and the means of redress available in the event of infringements; stresses that the European institutions need to provide more information and act with greater transparency, in particular by guaranteeing easy access to documents;
13. Draws attention to its resolution on the activities of the European Ombudsman in 2009 and encourages the Ombudsman to guarantee access to information and respect for the right to good administration, which are indispensable prerequisites for public trust in institutions; endorses the Ombudsman's Recommendation to the Commission in relation to Complaint 676/2008/RT with regard to excessive delays in responding to the Ombudsman;
14. Notes that petitions received in 2010 continued to focus on the environment, fundamental rights, the internal market and justice; adds that in geographical terms, the largest proportion of petitions referred to a specific Member State – Spain (16 %) – or the Union as a whole (16 %), followed by Germany, Italy and Romania;
15. Acknowledges the importance of the work of petitioners in protecting the environment in the EU, given that most petitions were connected to environmental impact assessments, the natural environment, wastewater, water quality management, conservation of natural resources, air quality, noise pollution, waste management or industrial emissions;
16. Stresses the importance of cooperation between the Commission and the Member States, and deplores the negligence displayed by certain Member States in connection with the implementation and enforcement of European environmental legislation;
17. Considers that the Commission should monitor compliance with and implementation of European environmental legislation more strictly at every point in the proceedings, and not only when a final ruling has been given;
18. Shares the concern expressed by many petitioners at the EU's failure to ensure the effective implementation of the 2010 Biodiversity Action Plan; welcomes the

Commission's communication of 19 January 2010 entitled 'Options for an EU vision and target for biodiversity beyond 2010' (COM(2010)0004);

19. Considers that, the Commission should ensure correct implementation of the Environmental Impact Assessment (EIA), Strategic Environmental Impact (SEIA), Habitats and Birds Directives by the Member States, based on recommendations from Parliament's own competent committee, with which the Committee on Petitions will readily work to ensure that citizens' concerns are better reflected in future environmental action;
20. Welcomes the Commission's communication of 2 July 2009 on guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (COM(2009)0313), which identifies problems frequently highlighted by petitioners related to transposition of the directive into national law and its incidence on citizens' daily lives;
21. Acknowledges the role of the SOLVIT network, which regularly uncovers problems linked to the application of internal market rules brought to light by petitioners, and calls for the Committee on Petitions to be informed of any cases of incorrect application of EU law, given that the petitions procedure can help improve legislation;
22. Acknowledges the important role that the Commission plays in the work of the Committee on Petitions, which continues to rely on its expertise when assessing petitions, identifying breaches of European law and seeking redress, and appreciates the efforts made by the Commission to improve its overall response time (an average of four months) to the Committee's requests for investigations so that cases reported by citizens can be resolved as quickly as possible;
23. Welcomes the attendance at its meetings of various Commissioners, who have cooperated closely and effectively with the Committee on Petitions and set up an important channel of communication between citizens and EU institutions;
24. Finds it regrettable, however, that the Commission has yet to address the Committee on Petitions' repeated calls to be kept informed of the progress of infringement proceedings relating to open petitions, since the monthly publication of Commission decisions on infringement proceedings, in accordance with Articles 258 and 260 of the Treaty, does not represent an adequate response;
25. Points out that, in many instances, petitions have uncovered problems related to the transposition and enforcement of European law, and recognises that launching infringement proceedings does not necessarily provide citizens with immediate solutions to their problems; notes, however, that there are other means of monitoring and applying pressure that could be used;
26. 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;

27. Welcomes the Council's presence at Petitions Committee meetings, but finds it regrettable that this does not translate into more active cooperation, which could break the stalemate on those petitions in respect of which Member State cooperation would prove decisive;
28. Stresses that the participation and the close and systematic cooperation of the Member States is extremely important 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;
29. Considers that the Petitions Committee should forge closer working links with similar committees in Member States' national and regional parliaments and conduct fact-finding missions to promote mutual understanding of petitions on European issues, and vice versa, in order to gain an insight into the various working methods of national petitions committees so that the Petitions Committee of the European Parliament is in a position to take a conscious and farsighted decision when rejecting a petition on grounds of competence issues;
30. Takes note of the number of petitioners who turn to Parliament for redress on issues that fall outside the EU's area of competence – such as the enforcement of national courts' decisions or passivity on the part of various administrations – and points out that Parliament attempts to resolve the situation by forwarding these complaints to the competent authorities; welcomes the new procedure put in place by Parliament's DG Presidency and DG IPOL with regard to the registration of petitions;
31. Points out the need to bring greater transparency to the management of petitions: internally by giving Members direct access to petition files via the E-petition application, by simplifying the internal procedure and by close cooperation between the members, the Chair and the secretariat of the Committee on Petitions, and externally by establishing an interactive Web portal for petitioners; considers, moreover, that Members should have access in the e-Petition application to petitions from petitioners who have requested anonymity;
32. Calls for the creation, as a matter of urgency, of a dedicated Web portal for petitions, offering an interactive template for the recording thereof and providing information for citizens about Parliament's remit and what can be achieved by petitioning it, as well as links to alternative means of redress at European and national level and a comprehensive description of the EU's powers so as to eliminate confusion between the competences of the EU and those of the Member States;
33. Urges its relevant administrative services to cooperate actively with the

Committee on Petitions to find the most suitable solutions in this regard, as such a portal would make a meaningful contribution both to improving communications between Parliament and EU citizens and in enabling citizens to sign up to, or remove their names from, petitions (in accordance with Rule 202 of the Rules of Procedure);

34. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, their committees on petitions and their ombudsmen or similar competent bodies.

EXPLANATORY STATEMENT

Introduction

The 2010 Annual Report aims to provide an overview of the activities of the Committee on Petitions, for which the calendar of activities is not fixed around the legislative programme of the European Commission, but is set by the citizens who exercise their right to petition the European Parliament.

The Annual Report aims to offer a precise and full view of the work of the Committee on Petitions. This Report presents a series of statistics on the number of petitions received, closed or dealt with by the Committee, the countries involved and the matters raised. These statistics represent an important quantitative tool for assessing the Committee's work.

Additional aspects, such as relations with other European institutions and with national and regional authorities or institutional changes with direct impact on the Committee's activities, complete the picture.

Last but not least, the Report examines the progress made in implementing previous recommendations aimed at improving the work of this Committee.

The right to petition the European Parliament: a cornerstone of European citizenship

The entry into force of the Treaty of Lisbon confirmed the right to petition the European Parliament as one of the cornerstones of European citizenship and as a fundamental right under Article 227 of the new Treaty (ex Article 194 TEC), which provides that citizens or residents of the European Union, whether natural or legal persons, individually or in association with other citizens or persons, have the right to address a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects them directly.

This tool allows citizens to bring before Parliament their concerns about the impact of various EU policies and legislation on their everyday lives.

The annual statistics show that most citizens turn to Parliament for assistance with matters relating to the environment, fundamental rights, justice and the internal market. Others put forward for consideration proposals concerning the development of European policies. Last but not least, other citizens address the European Parliament to appeal against decisions taken by national authorities and to complain about rulings of national courts. However, most complain about the incorrect application of EU legislation, either due to imperfect transposition of that legislation or due to failures to apply, or breaches of, European rules.

According to the statistics, in 2010 the European Parliament received 1 655 petitions, which represents a drop of 14% compared to the 1 924 petitions submitted in 2009. This clearly shows a change in trend following the constant rise in the number of petitions in recent years.

Statistical analysis of petitions received in 2010 compared to 2009

Outcome of petitions	No of petitions	%	No of petitions	%
	2009		2010	
Admissible	688	45.9	576	46.9
Inadmissible	812	54.1	653	53.1
Admissible and closed	420	N/A	396	N/A
Referred to the Commission for an opinion	655	N/A	562	N/A
Referred to other bodies for an opinion	33	N/A	25	N/A
Referred to other bodies for information	207	N/A	181	N/A
Not recorded	4	N/A	30	N/A

Around 58.7% of the petitions received in 2010, i.e. 972, were closed at early stages of the procedure, either because they were deemed inadmissible or because, although admissible, they were closed immediately after the petitioner was sent information on the matters raised or after being referred to another EP committee within whose remit they fell. Yet again 2010 statistics are very similar to 2009 figures, as may be noted from the data below.

2009		
Outcome	Number of petitions	Percentage
Admissible	1 062	56.3
Inadmissible	818	43.4
Not recorded	6	0.3



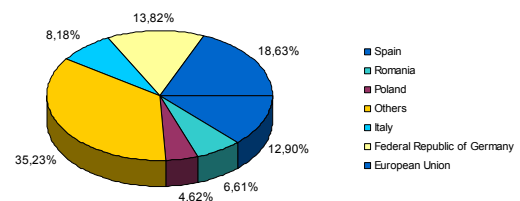
2010		
Outcome	Number of petitions	Percentage
Admissible	972	58.7
Inadmissible	653	39.5
Not recorded	30	1.8



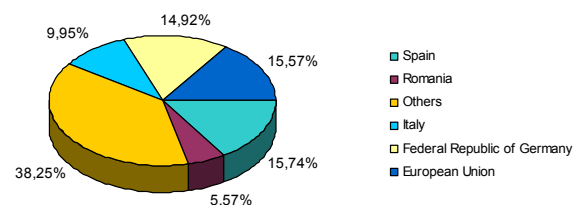
Compared to 2009, a small number of changes were registered in the list of countries most concerned by petitions: first place was claimed by Spain, which overtook the EU as a whole and pushed it into second place, followed by Germany, Italy, Romania, Greece, the UK and Poland.

Like last year, Luxembourg is once again in last place, below Slovenia and Latvia.

2009		
Country	Number of petitions	%
European Union	403	18.6
Germany	298	13.8
Spain	279	12.9
Italy	176	8.1
Romania	143	6.6
Poland	100	4.6
Others	764	35.3



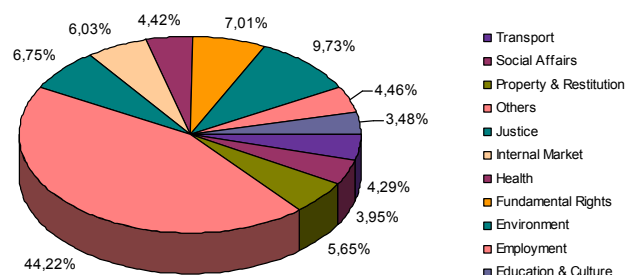
2010		
Country	Number of petitions	%
Spain	288	15.7
European Union	285	15.6
Germany	273	14.9
Italy	182	9.9
Romania	102	5.6
Greece	71	3.9
United Kingdom	67	3.7
Poland	66	3.6
Others	496	27.1



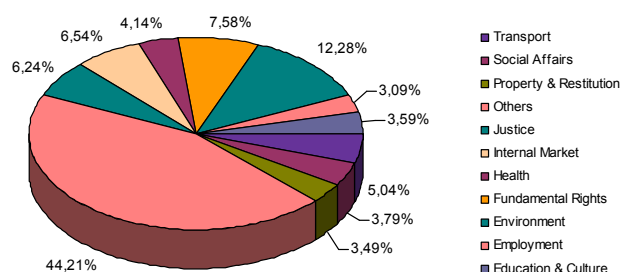
As already mentioned, once again the environment remains the main issue of concern for petitioners, with the number and percentage of petitions in this area having increased, followed by fundamental rights, the internal market and justice. It should also be noted that the number of petitions on property restitution has fallen significantly in comparison to previous years.

2009		
Issues	Number of petitions	Percentage
Environment	228	9.7
Fundamental Rights	164	7.0
Justice	159	6.8
Internal Market	142	6.0
Property and Restitution	133	5.6
Employment	105	4.5
Health	104	4.4
Transport	101	4.3
Social Affairs	93	4.0
Education and Culture	82	3.5

Others	1 043	44.3
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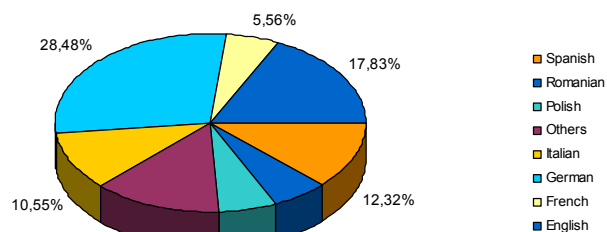


2010		
Issues	Number of petitions	Percentage
Environment	245	12.2
Fundamental Rights	152	7.6
Internal Market	131	6.5
Justice	125	6.2
Transport	101	5.0
Health	83	4.1
Social Affairs	76	3.8
Education and Culture	72	3.6
Property and Restitution	70	3.5
Employment	62	3.1
Others	887	44.3

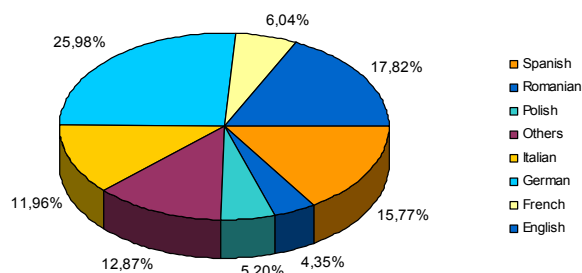


Slight changes can also be seen in the breakdown of petitions by language: in 2010, as in 2009, German and English remain the two main languages used by petitioners, followed by Spanish and Italian in third and fourth, although the latter are increasing in percentage and number. Maltese, Estonian and Slovenian come last.

2009		
Language	Number of petitions	Percentage
German	548	28.5
English	343	17.8
Spanish	237	12.3
Italian	203	10.6
Polish	116	6.0
Romanian	110	5.7
French	107	5.6
Others	260	13.5

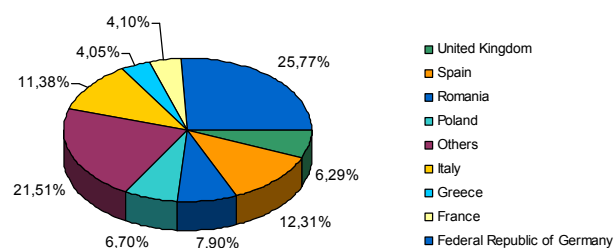


2010		
Language	Number of petitions	Percentage
German	430	26.0
English	295	17.8
Spanish	261	15.8
Italian	198	12.0
French	100	6.0
Polish	86	5.2
Romanian	72	4.4
Greek	58	3.5
Others	107	9.3

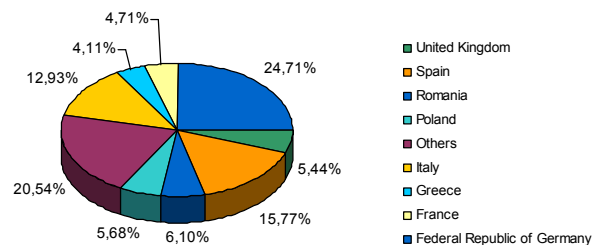


As regards nationality, Germans remain the most active petitioners, followed by Spaniards and Italians, as in 2009. Romanian, Polish and British petitioners come next in the ranking. Estonian, Slovenian and Slovakian citizens come last, as together they only submitted 10 petitions in 2010.

2009		
Nationality of main petitioner	Number of petitions	Percentage
Germany	496	25.8
Spain	237	12.3
Italy	219	11.4
Romania	150	7.8
Poland	131	6.8
United Kingdom	121	6.3
France	79	4.1
Greece	78	4.1
Others	414	21.5

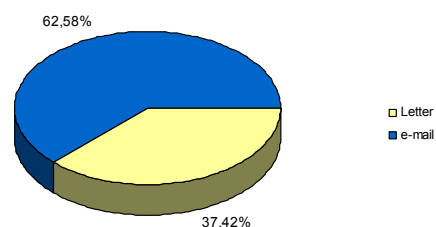


2010		
Nationality of main petitioner	Number of petitions	Percentage
Germany	409	24.7
Spain	261	15.7
Italy	214	12.9
Romania	101	6.1
Poland	94	5.6
United Kingdom	90	5.4
France	78	4.7
Greece	68	4.1
Others	400	20.5

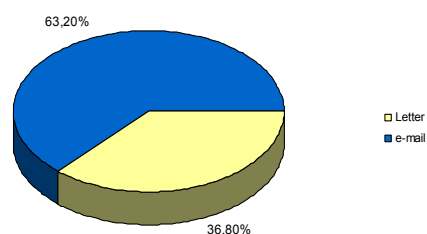


With regard to the format of petitions, the trend seen in 2009 is continuing: petitioners are increasingly submitting their petitions via the Internet, rather than by traditional letter (63.2% of petitions received in 2010 were sent by e-mail, compared to 62.6% in 2009).

2009		
Format of petition	Number of petitions	%
E-mail	1 204	62.6
Letter	720	37.4



2010		
Format of petition	Number of petitions	%
E-mail	1046	63.2
Letter	609	36.8



As regards the status of petitions, the vast majority (70.8%) are closed within a year of being submitted. Only a very small number of petitions remain open after four years. In most cases these petitions are still open due to legal proceedings initiated in Member States, infringement proceedings before the Court of Justice or petitions about Member States.

Status of petitions				
Year	Open		Closed	
2010	453	27.4%	1172	70.8%
2009	270	14%	1654	86%
2008	195	10.3%	1691	89.7%
2007	140	9.3%	1366	90.7%
2006	55	5.4%	966	94.6%
2005	42	4.1%	974	95.9%
2004	18	1.8%	984	98.2%
2003	9	0.7%	1306	99.3%
2002	8	0.5%	1593	99.5%
2001	2	0.2%	1130	99.8%
2000	1	0.1%	907	99.9%
1999	1	0.1%	933	99.9%
1998	3	0.3%	1124	99.7%
1997	1	0.1%	1305	99.9%

An analysis of the statistics shows that, for those petitions declared inadmissible, this is mainly because petitioners continue to confuse the European and national competences, and the EU institutions and those of the Council of Europe, in particular the European Court of Human Rights. This shows that efforts must be stepped up to better inform citizens of what the right of petition is all about and what can be achieved when submitting a petition to Parliament.

One step that should be taken is to improve the petition webpage, both on the European Union gateway and on the European Parliament's own gateway. In this way, citizens submitting petitions online would have access to all the information needed about the competences of Parliament, the assessment of petitions, the work of the Committee on Petitions, and the possibility of obtaining faster redress by using other tools available to them at EU or national level (SOLVIT, EU Pilot, ECC-Net, European Ombudsman, national Ombudsmen or national parliamentary committees on petitions).

In line with calls made in previous reports, this report intends to stress the need to create a Europe-wide one-stop shop to provide advice for citizens who consider that their rights have been infringed. It does remain a very important objective to reach. The initiative of the European Commission to regroup the formal and informal mechanisms of complaint under the 'Your Rights' page of the www.europa.eu website represents a significant step forward.

However, the distinction between formal mechanisms (complaints to the European Commission, petitions to Parliament, complaints to the European Ombudsman) and informal mechanisms (SOLVIT, ECC-Net, FIN-Net, etc.) must be explained and clarified. Citizens need to know where they can find the information they are seeking.

The Commission's efforts in this respect must be applauded, as it has improved access, information and assistance on citizens' rights by developing the 'Your Europe' gateway. However, the European Parliament has not made the same progress in this respect. The webpage of the Committee on Petitions no longer appears on the home page of Parliament's gateway, but on the second page: 'Parliament and you'. Citizens must search for where to send their petition, which is totally inappropriate when we are trying to develop a fluid relationship with them. This alteration to Parliament's gateway perhaps explains the 14% drop in the number of petitions recorded in 2010, compared to 2009, as the Committee on Petitions is now less visible on the Internet than in previous years.

Relations with the European Commission

The Commission remains the Petitions Committee's natural partners in dealing with petitions, since the Commission is responsible for ensuring compliance with EU law. The two institutions enjoy a working relationship that is generally positive. However, the Commission needs to reduce the time (currently four months on average) it takes to respond to the Committee's requests. The Commission should also keep the Petitions Committee informed of developments in infringement proceedings directly linked to petitions.

This Committee considers that, to ensure good inter-institutional cooperation, steps should be taken to allow the European Commission to inform the Committee of any developments in infringement proceedings linked to a petition.

It notes the appearance on 29 September 2010 of the Commission Vice-President, Mr Maroš Šefčovič, who is responsible for inter-institutional relations and administration, and who presented to members the Commission's proposal on the European citizens' initiative, as well as the appearance on 25 October 2010 of Vice-President Viviane Reding, on citizenship and children's rights.

Relations with the Council

The Committee on Petitions welcomes the Council's presence at meetings of this Committee, but regrets that this does not translate into more active cooperation, which could break the stalemate in those petitions in which Member State cooperation would prove decisive.

Relations with the European Ombudsman – Appearances of the Ombudsman

The Committee's members consider that the Ombudsman, Mr Nikiforos Diamandouros, has exercised his powers in an active and balanced way during the reporting period, both with regard to examining and handling complaints and conducting and concluding inquiries and with regard to maintaining constructive relations with the European Union's institutions and bodies and encouraging citizens to avail themselves of their rights in relation to those institutions and bodies.

The excellent relations in the institutional framework between the Ombudsman and this Committee are also applauded. The Ombudsman addressed Parliament's Petitions

Committee on several occasions: on 4 May 2010 to present his 2009 Annual Report to the Committee and to speak on his draft recommendation to the Commission in complaint 676/2008/RT; and on 29 September 2010 to speak on the reform of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

Fact-finding missions during 2010

- Fact-finding mission to Huelva (Spain) from 16 to 18 February 2010 on petitions 631/2007, 1458/2007 and 1682/2008 on contamination of the Huelva estuary. *The Committee's principal recommendations were for communication to be re-established between the competent national authorities and the municipal and regional authorities, for permanent dialogue to be established with citizens and for a climate of confidence to be restored. The authorities and the companies concerned should facilitate on-site inspection of the waste management facilities. Members consider that a more detailed specific study of the workers in the local industries should be conducted as soon as possible and that a specific impact study of the contamination of the soil and water, including the river-bed and basin, must be conducted and made public and used as a tool for waste management. In any event, the whole site must be decontaminated in order to maintain the region in a state which is in conformity with all current EU legislation. A specific target for reinvestment of the site must be established to create sustainable employment opportunities and the retraining of those currently or formerly employed on the site.*
- Fact-finding mission to the Italian region of Campania, from 28 to 30 April 2010 on petition 683/2005 and 15 others on waste management. *The Committee's recommendations were for an integrated waste management plan to be produced: the 'Guidelines for the management of urban waste 2010-2013' should be transformed into a concrete and detailed plan of action with both a short- and long-term horizon. The waste management plan should include the cleaning up of polluted areas as well as providing training, information and support facilities to local authorities and operators. It should be compatible with and complementary to a national waste strategy. The citizens must be engaged and heard, and trust must be re-established. The design and implementation of a coherent waste cycle is the responsibility of the Italian authorities. However, the Committee on Petitions calls upon the European Commission to vigilantly monitor and support Italy in its efforts to comply with EU legislation.*
- Fact-finding mission to Mellau and Damüls, Vorarlberg (Austria), from 29 September to 1 October 2010 on petition 672/2007 on four new ski lifts in the context of the connection of ski areas. *The Committee's recommendations were to ask the European Commission to give its views on the transposition of the EIA Directive into Austrian law, on the allegations that the project had been sliced up to avoid an EIA and on the extent to which splitting up or sub-dividing projects in terms of time, location and legal form is admissible. The Commission was also asked to explain what is stipulated*

in EU legislation and case-law on compensatory measures and how this has been transposed into Austrian law.

Key issues in 2010

Since the entry into force of the Lisbon Treaty on 1 December 2009, the Charter of Fundamental Rights has been legally binding and, given the petitions submitted, fundamental rights can be said to be the second most important issue raised by petitioners. However, it should be stressed that the incorporation of the Charter into primary EU law, on the basis of the principle of subsidiarity, means that the Member states are responsible for ensuring that the principles of the Charter of Fundamental Rights are respected. This has created new responsibilities for the decision-making and implementing institutions, as well as for Member States when implementing EU legislation at national level; the Charter's provisions have thus become directly enforceable by European and national courts.

This Committee is very keen for the method of applying the Charter to be more clearly defined, and has decided to hold a hearing of experts on the issue in 2011.

In 2010 the European Commission presented its proposal for a regulation on the European citizens' initiative to the European Parliament and to the Council. The Committee on Petitions issued an opinion on the report that was prepared by the Committee on Constitutional Affairs on this proposal. This Committee believes that the European citizens' initiative will become a new tool for ensuring that certain issues are opened up to public debate, as it is a new instrument of participatory democracy at EU level. Its main objective is to provide citizens with a way of being heard, by enabling them to refer certain issues of interest to the European institutions. Another objective of the European citizens' initiative is to encourage cross-border debate. This Committee believes that the European Parliament can help to achieve these objectives by using all available means to support citizens' initiatives, in particular by organising public hearings. The Committee on Petitions wants to support this process and offers citizens the benefit of its broad experience in order to achieve these objectives.

Conclusion

The Commission has declared 2013 to be the 'European Year of Citizenship' in order to give momentum to the debate on European citizenship and inform EU citizens of their rights; The Committee on Petitions wants to support this initiative and offer citizens a direct link to the institutions, guaranteeing that their problems are heard.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	14.6.2011
Result of final vote	+ : 21 - : 0 0 : 0
Members present for the final vote	Margrete Auken, Elena Băsescu, Heinz K. Becker, Victor Boștinaru, Philippe Boulland, Simon Busuttil, Giles Chichester, Ágnes Hankiss, Carlos José Iturgaiz Angulo, Peter Jahr, Erminia Mazzoni, Edward McMillan-Scott, Judith A. Merkies, Willy Meyer, Mariya Nedelcheva, Jarosław Leszek Wałęsa, Angelika Werthmann, Tatjana Ždanoka
Substitute(s) present for the final vote	Marian Harkin, Keith Taylor
Substitute(s) under Rule 187(2) present for the final vote	Marco Scurria