



*Committee on Petitions
The Chair*

21.9.2023

Mr Adrián Vázquez Lázara

Chair
Committee on Legal Affairs
BRUSSELS

Subject: Opinion on monitoring the application of European Union Law in 2020, 2021 and 2022 (2023/2080(INI))

Dear Mr Chair,

Under the procedure referred to above, the Committee on Petitions has been asked to submit an opinion to your committee. At its meeting of 18 July 2023, the committee decided to send the opinion in the form of a letter.

The Committee on Petitions considered the matter at its meeting of 20 September 2023. At that meeting¹, it decided to call on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution.

Yours sincerely,

Dolors Montserrat

¹ The following were present for the final vote : Dolors Montserrat (Chair), Yana Toom (Vice-Chair), Ryszard Czarnecki (Vice-Chair), Loránt Vincze (rapporteur), Asim Ademov, Alexander Bernhuber, Maria Angela Danzi, Francesca Donato, Jarosław Duda, Angel Dzhambazki, Agnès Evren, Gheorghe Falcă, Alexis Georgoulis, Vlad Gheorghe, Peter Jahr, Marina Kaljurand, Cristina Maestre Martín De Almagro, Demetris Papadakis, Anne-Sophie Pelletier, Emil Radev, Massimiliano Smeriglio, Ramona Strugariu, Michal Wiezik, Kosma Złotowski, Tatjana Ždanoka

SUGGESTIONS

The Committee on Petitions calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses that the right to petition the European Parliament is one of the fundamental rights of EU citizens, that it enables EU citizens and residents to address their elected representatives directly and to participate actively and effectively in the life of the Union; stresses that efforts still need to be stepped up to raise citizens' awareness of their right to petition on subjects which comes within the European Union's fields of activity and which affects them directly; calls therefore for joint efforts to better inform about EU citizenship rights, including the right to petition;
2. Notes that a large number of petitions concern allegations of breaches of EU law; calls on the Commission to step up its efforts to enforce EU law, in particular by increasing infringement actions where Member States are failing to implement EU law;
3. Shares the view that the protection of EU citizenship and related rights is of utmost importance for the EU; reminds that provisions to obtain or lose nationality of a Member State must comply with EU law and jurisdiction of the CJEU; calls on the Commission to ensure that EU citizens can enjoy their rights without any discrimination and in all EU Member States;
4. Considers key for the full protection of citizens' rights a rapid action to put an end to EU law's violations by Member States by adopting a shorter and clear timeframe and strengthening legal rules on infringement procedures as well as on the deferral of a matter to the Court of Justice of the EU in case of persistent violation of EU law;
5. Is concerned about the huge amount of ongoing infringement procedures kept stalled for many years in the pre-contentious phase by the European Commission, with no referral to the CJEU for the concerned Member States, despite their persistent failure to uphold the related EU law or to correctly transpose EU law's provisions within their respective national legal system;
6. Regrets that all Member States after more than 4 years are still lacking to transpose Directive (EU) 2019/882 on the accessibility requirements for products and services, thus preventing millions of persons with disabilities in the EU to draw fully the benefits of this Directive's provisions, aimed at increasing persons with disabilities' active participation in society, including in education and in employment;
7. Calls on the Commission to abide by its own rules established in its Communication on "Financial sanctions in infringement proceedings" adopted on 4 January 2023, where it has itself set a target of 12 months to refer infringement cases to the CJEU, if the failure to transpose a directive persists after the deadline set by the Union legislator has expired, given the stated importance, for citizens and for the credibility of Union law, to ensure its respect by Member States; underlines that the Committee on Petitions over the years received a very large amount of petitions, still open, on these Directives' related-rights filed by citizens of various Member States;

8. Reiterates the strategic relevance of addressing also individual petition issues in order to, *inter alia*, early detect and prevent possible serious systemic shortcomings from occurring; considers key for the correct enforcement of EU law a more timely and proactive dialogue by the Commission with national authorities to tackle potential violations of EU law denounced by petitioners;
9. Asks the Commission for providing legal clarification on key concepts related to its monitoring action on the enforcement of EU law, also regularly used in its follow-up given to petitions, like “issue of wider principles” and “systematic failure to enforce EU law” laid down in its strategic approach enshrined in its October 2022 Commission’s Communication titled "Enforcing EU law for a Europe that delivers", which builds on earlier Communications, in particular the 2016 Communication “EU law: Better results through better application”;
10. Urges the Commission to speed up its work with the Parliament to put in place the necessary technical and budgetary solutions to finalise the implementation of the inter-institutional IT digital tool aimed at sharing, in a transparent and cooperative way, information and documents on follow-up actions taken on petitions, including in the framework of monitoring the application of EU Law;
11. Underlines that an incomplete implementation, followed by the introduction of new laws and policies suffering the same deficits as identified earlier by the CJEU, must be sanctioned through the launching of infringement procedures;
12. Stresses the importance of meeting the expectations of EU citizens as regards the protection of the environment, given in particular the increase in the number of environmental petitions sent to the Commission (from 120 in 2020 to 144 in 2021); welcomes in this respect the actions taken by the Commission in response to specific cases of practices in breach of EU environmental legislation in some Member States;
13. Stresses the need to enforce EU level action to combat hate speech and discrimination; encourages the Commission to protect all vulnerable groups and minorities from discrimination in accordance with the Treaties and fundamental values of the EU;
14. Calls on the Commission to ensure the full implementation and enforcement of anti-discrimination legislation and to launch infringement proceedings against Member States that do not transpose or fully implement EU anti-discrimination legislation;
15. Emphasises the important role of petitions in identifying various forms of infringements of EU law. Recalls that infringements “may be [...] brought to its attention by complaints or petitions from members of the public, businesses, NGOs or other organisations.”¹; notes that, in the field of transport, a petition on air passengers’ rights to reimbursement or compensation for flight cancellation in COVID-19 times led to a monitoring in all Member States and to the opening of infringement proceedings; encourages in this respect the Commission to conduct thorough investigations of breaches of EU law raised

¹ Commission’s report on monitoring the application of European Union Law in 2021:
https://commission.europa.eu/system/files/2022-07/2021-swd-annual-report-eulaw-overview_en.pdf

by petitions;

16. Reiterates its call on the Commission and the Council to immediately enter into negotiations with Parliament on an interinstitutional agreement pursuant to Article 295 TFEU to establish an EU mechanism on democracy, the rule of law and fundamental rights;
17. Is worried about the Commission's lack of initiative or effective action to address violations or non-application of Union law in the areas of freedom, security and justice, despite evidence of deteriorating situations in several Member States; is concerned that Parliament's repeated calls for action have gone unanswered;
18. Acknowledges that the Commission gave broader access to information about EU Pilot and formal infringement procedures for complainants but considers that more transparency, legal clarity and access to information on the whole pre-infringement and infringement procedure in the context of the EU Pilot and the annual report on the monitoring of the application of EU law is needed;
19. Notes, in this regard, the Commission's efforts to illustrate the impact of petitions on its enforcement action in a number of policy areas such as the environment, migration, taxation and the energy ; highlights, however, the lack of exact numbers of petitions handled by the Commission and the number that lead to the initiation of EU Pilots and infringement procedures.