



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Petitions

2014/2008(INI)

30.01.2014

DRAFT REPORT

on the activities of the Committee on Petitions 2013
(2014/2008(INI))

Committee on Petitions

Rapporteur: Jarosław Leszek Wałęsa

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the activities of the Committee on Petitions 2013 (2014/2008(INI))

The European Parliament,

- having regard to the significance of the right of petition and the importance for parliamentary bodies to be immediately aware of the specific concerns and views of the European citizen or resident, as provided for in Articles 24 and 227 of the Treaty on the Functioning of the European Union,
 - having regard to the provisions of the Charter of Fundamental Rights of the European Union and notably Article 44 on the right to petition the European Parliament,
 - having regard to the provisions of the of the Treaty on the Functioning of the European Union, which regard the infringement procedure, notably article 258 and 260;
 - having regard to Rules 48 and 202(8) of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A7-0299/2013),
- A. bearing in mind the petitions received in the year 2013, which was 'the Year of the European Citizen' number 2,862, representing an increase of almost 45% on the year 2012; and noting that for the current legislature until now, almost 10,000 petitions have been registered;
- B. considering that even though such a figure remains modest by comparison with the population of the European Union, it nevertheless denotes a marked increase in the awareness of the right of petition and the usefulness of the petitions process as a means of securing the attention of the European Institutions and the Member States for the concerns of individual citizens, local communities, NGOs and voluntary associations, private businesses;
- C. bearing in mind that the right of petition enhances the responsiveness of the European Parliament towards the citizens and residents of the union, while at the same time provides people with an open, democratic and transparent mechanism for obtaining, where legitimate and justified, a non-judicial remedy for their complaints, notably when this relates to problems with the implementation of European legislation;
- D. whereas the petitions process also constitutes a means to establish a reality check regarding the tensions which exist within European societies, particularly during times of economic crisis and social unrest, such as have resulted from the impact of the collapse of the world financial markets and banking systems on the people of Europe; recalling that the Committee on Petitions organised a public hearing involving petitioners on this subject in September 2013;

- E. whereas such petitions as have been addressed to the Committee on Petitions have often provided useful inputs to other committees of the European Parliament which have the responsibility of formulating legislation which is designed to establish a more secure, sound and prosperous basis for the future of all European citizens and residents;
- F. whereas each petition is assessed and treated on its merit, even when brought forth by only one EU citizen or resident, and each petitioner has a right to receive a reply in their own language, or the language they used to submit the petition, as long as it is an official language of the Union;
- G. bearing in mind that, depending on the nature and complexity of a petition received, its processing and response time will vary, but that every effort is made to respond to the concerns of petitioners within a reasonable time-frame;
- H. whereas petitioners, whose petition is subsequently discussed during the regular meetings of the Committee on Petitions are able to participate fully, have the right to present their petition along with more detailed information, and thus actively contribute to the work of the Committee, proving additional and first-hand information to members of the Committee and to the European Commission as well as to the representatives of the Member States who may be present; and whereas in 2013, 185 petitioners attended and were actively involved in the Committee's deliberations;
- I. bearing in mind that the activities of the Committee on Petitions are based entirely on the input and contributions received from petitioners, along with the results of its own investigations into each case as supplemented where necessary with additional expertise from the European Commission, Member States or other bodies; and that its agendas are prioritised and organised on the basis of decisions taken democratically by its members;
- J. bearing in mind that the criteria established for the admissibility of petitions, under the terms of the Treaty and Parliament's rules, indicates that a petition must concern a matter which comes within the Union's fields of activity and which affects the petitioner directly; and that as a result of this a proportion of petitions received are declared inadmissible because they do not correspond to such criteria;
- K. whereas the above-mentioned criteria have been tested before the courts and that rulings of the European Court of Justice, for example in case T-308/07, have upheld the criteria related to the right to petition and the fact that declarations regarding inadmissible petitions must be well-founded and require justification by the Committee in its subsequent correspondence with the petitioner; and for example in case T-280/09 and T-160/10, in relation to petitions that may be considered as too imprecise in their content;
- L. whereas in addition to petitions received related to the impact of the crisis on European citizens and residents, other key issues of concern to petitioners relate to environmental law - notably issues concerning waste management, fundamental rights - notably regarding the rights of the child, the rights of the disabled and health-related issues, right to personal and real property, matters concerning free movement of persons, visas, immigration and employment, and petitions on the application of justice, alleged corruption, delays in legal processes and many other areas of activity;

- M. bearing in mind that because many petitioners, especially among the younger sectors of the population, make great use of the social media as a channel for communication, the Committee on Petitions has developed its own network under the auspices of the European Parliament and is regularly followed by a growing number of persons on Facebook and Twitter which are especially active and found useful around the times of Committee meetings, and that it has also developed a significant number of regular subscribers, currently 1,500, to the Committee's newsletter, the Pétition Journal;
- N. whereas, in this same context, the Committee on Petitions has been working in conjunction with the relevant services of the European Parliament to develop a new multi-lingual web-portal which replaces the former, more limited, electronic facility for petition submission contained on the Europarl web-site; and whereas the new portal is designed to increase administrative efficiency while enhancing the transparency of the petitions process for the benefit of petitioners and members of the European Parliament as well as for the public at large;
- O. recalls, in this context, the position it upheld on the basis of the 2012 Annual Report which resolved to make the petition procedure more efficient, transparent and impartial while preserving the participatory rights of the members of the Committee on Petitions so that the handling of petitions will stand up to judicial review even at the procedural level;
- P. whereas the Committee on Petitions maintains an active interest in the way in which the Regulation concerning the European Citizens' Initiative is being applied and is mindful of the many weaknesses and the rather cumbersome nature of the existing legal framework which does not fully translate the spirit of the Treaty provision in spite of the efforts of the AFCO and PETI Committees in its elaboration; and whereas the Parliament is to engage in discussions on the revision of this Regulation under the terms of the review clause after three years of its functioning;
- Q. whereas the provisions of the ECI Regulation regarding the organisation of a public hearing for a successful Initiative on the premises of the European Parliament are soon to be implemented, involving the lead committee with legislative competence for the subject matter of the Initiative alongside the Committee on Petitions, under the terms of Parliament's Rules of Procedure and the implementing rules adopted by the Bureau;
- R. bearing in mind the valuable role of fact-finding visits regarding petitions under investigation, which may be organised from time to time by the Committee on issues to which it has given specific priority, and the need for reports of such visits to be of the highest level of credibility; recalls the visits undertaken in 2013 to Spain - twice, to Poland, to Denmark, and to Greece; whereas more flexibility in the practical arrangements of these missions, mainly as regards the eligible weeks, would contribute to an even higher success of these visits particularly as regards the availability of members and reducing the risk of cancellation;
- S. bearing in mind the Committee's responsibilities in relation to the office of the European Ombudsman, which is responsible for investigating complaints from EU citizens about possible maladministration within the EU Institutions and bodies, and about which it also produces an Annual Report, based upon the European Ombudsman's own Annual Report; and recalling that in 2013 the Committee was actively involved in the organisation of the

election of a new European Ombudsman following the retirement of the then incumbent of this office, Mr Nikiforos Diamandouros;

- T. whereas although a new European Ombudsman, Ms Emily O'Reilly, was successfully elected to serve as from October 1st 2013 by the members of this House, a new election must be organised at the beginning of the next legislature, as is provided for under the Rules of Procedure (Rule 204), and whereas it would be wise to ensure that clear and transparent rules for the process are published in good time which further clarify the responsibility of the Petitions Committee in this process and which ensure adequate transparency for the election, notably by means of an improved dedicated web facility;
- U. whereas the Petitions Committee is a member of the network of European Ombudsmen, which includes some Petitions Committees of national parliaments where they exist, and whereas it appears to be important that cooperation between Petitions Committees themselves should be further highlighted and where practical, further reinforced and that the European Parliament could play a central role in this development in the interest of European citizens;
- V. whereas the Committee on Petitions has become , over the years, a useful and transparent tool at the service of European citizens and residents, which exercises democratic control and scrutiny over many aspects of European Union activity, especially regarding the implementation of EU laws by the national authorities; and whereas it can contribute further, on the basis of petitions received, to the improvement of future EU legislation by drawing attention to the lessons that should be learned from the substance of petitions received;
- W. whereas this report is the last annual PETI Report of the 7th legislature of the European Parliament which is why it is outlining the Committee's activities in 2013, as well as overviews the whole parliamentary term and assessing to what extent the PETI Committee managed to meet citizens' expectations , following the entry into force of the Lisbon Treaty;
1. Acknowledges the substantial and fundamental role of the Committee on Petitions in defending and promoting the rights of EU citizens and residents, ensuring that through the petitions process the concerns of petitioners are better recognised and their legitimate grievances resolved wherever possible;
 2. Is determined to make the petition procedure more efficient, transparent, and impartial, while preserving the participatory rights of the Members of the Committee on Petitions, so that the handling of petitions will stand up to judicial review even at a procedural level;
 3. Emphasises that the Committee on Petitions, along with other institutions and bodies, such as the committees of inquiry, the European Citizens' Initiative and the European Ombudsman, play an independent and clearly defined role as points of contact for each individual citizens;
 4. Underlines that throughout the current parliamentary term the Petitions Committee was taking up the challenges to meet the expectations of the citizens of the European Union; emphasises the importance of citizens direct involvement in the Parliament's activity and

to have their concerns, proposals or complaints specifically addressed by the Committee members; points out the amount of work that had been done to resolve possible infringements of citizens' rights and by cooperating with national, regional and local authorities on issues related to the application of European laws; while maintaining a vital role in reconnecting with European citizens and reinforcing the democratic legitimacy and accountability of the EU decision-making process;

5. Observes the variety of thematic key areas concerned in the citizens' petitions, such as fundamental rights, internal market, environmental law, public health issues, child welfare, transport and constructions, Spanish Coastal Law, new Regulation on good administration, persons with disabilities, public access to documents, European Schools, Fiscal Union, and the Steel Industry and many more;
6. Considers that petitions which fall under said thematic areas lends proof to the issue that the frequencies of widespread situations of transposition or misapplication of the law are still occurring;
7. Recalls that the Petitions Committee considers admissible petitions, related to the principles and the contents of the Charter of Fundamental Rights of the European Union and it pursues its investigations on the merits of each case, reminds that, the European Commission has frequently felt itself unable to act when requested by the Committee because of the existence of Article 51 of the Charter; stresses the fact that the expectations of citizens are much greater than the Charter's strictly legal provisions allow for;
8. Congratulates the Committee on the work it has undertaken in relation to petitions received on issues related to disability, about which there has been a significant increase in 2013; notes the efforts which were made to ensure the successful launch of the EU framework under the terms of article 33 of the UN Convention on the Rights of Persons with Disability where the Petitions Committee was associated with the European Commission, the Fundamental Rights Agency and the European Disability Forum, and notes the willingness of the Committee to continue to support this activity; regrets that subsequently the involvement of the Petitions Committee within the UNCRPD Framework has been terminated and that it has been replaced by legislative committees which also have responsibility in this field, considers this latter decision to have been based on a misinterpretation of the functions attributed under the UNCRPD Framework;
9. Notes the amount of attention which was given to some major petitions received regarding the proposed development of a new airport at Notre Dame-des-Landes, near Nantes; acknowledges that significant contributions were received from petitioners which opposed the scheme on environmental grounds and that a substantial petition was also received from those who favoured the project which gave rise to an intensive debate in Committee at which the French authorities and the Director General for Environment at the Commission participated alongside the main petitioners; considers that such serious discussions not only improve public awareness and allow citizens to become actively and legitimately involved, they also permit several controversial features associated with the project to be clarified and remedies identified which allow for the proper respect of European legislation as it should apply in such circumstances;
10. Acknowledges that in 2013, many petitioners voiced their alarm at the apparent injustices

which occur in certain European Member States regarding the administrative and judicial procedures related to parental separation and divorce and the subsequent custody of young children; noted in this context a tendency in the case of bi-national couples for there to be clear examples of discrimination on grounds of nationality in favour of the spouse from the member state concerned with the proceedings and against the non-national of that state, with severe and often very negative and dramatic repercussions on the rights of the child; notes that the Petitions Committee undertook a fact-finding visit to Denmark to investigate such claims directly where the situation appears to be particularly acute, but that cases were also recorded from other countries, notably Germany, France and the UK;

11. Recalls the investigations conducted on the basis of petitions received concerning the consequences resulting from the lack of implementation of the Waste Framework Directive, and the report adopted on this subject; notes the conclusions and the recommendations adopted in 2013 resulting from visits to Italy - to Campania and Lazio where a number of proposals were made concerning the lack of proper decision-making as regards landfills and the effect of this on local populations, and also notes the intensive fact-finding visit to Greece conducted in the autumn of 2013 on this subject which has drawn attention to the shortcomings in the application of this important Directive as well as to the impact on the health of populations in certain areas of Greece;
12. Acknowledges the report of the fact-finding visit to Poland which investigated a proposed open-cast mine site in Lower Silesia; welcomed also the intensive discussions held on this occasion with petitioners and national authorities regarding the possible exploration and exploitation of shale-gas reserves about which the Committee had already conducted a workshop in 2012;
13. Highlights the very constructive work undertaken by the entire Committee as regards the petitions received which concern the Spanish law on coastal management (*Ley de Costas*) both as regards the results and conclusions of the fact-finding visit and as regards the cooperation with both petitioners and the responsible national authorities; recalls that a special ad hoc working group was established by the Committee to look at this complex issue in more detail and to ensure liaison with the very large number of petitioners concerned; recognises that although some advances were obtained for petitioners in the new legislation adopted by the Spanish Parliament there are some unresolved concerns, both in the field of property rights and environmental protection some of which have now been addressed to the Spanish Constitutional Court; requests the Commission to continue to actively monitor the issue;
14. Welcomes the fact that the fact-finding visit to Galicia, which took place in February 2013, was able to hold extensive discussions with petitioners and the regional authorities on issues related to the lack of proper waste-water treatment facilities in the region which has had an impact on the health of local people and on economic activity in certain areas which are contaminated by sludge and residues which contain substances which endanger the environment and potentially the on-going production of sea-food in certain areas; recognises that the authorities have committed themselves to act more diligently to resolve these issues and that a new waste water treatment facility is being constructed in Vigo;
15. Emphasises the role of reporting obligation of the Committee; draws attention to several

resolutions adopted in 2013 in the form of reports such as the Special Report of the European Ombudsman on the Commission's handling of deficiencies in the environmental impact assessment in the Vienna Airport enlargement project, besides the Annual Report on the activities of the European Ombudsman as a whole; stresses the relevant input provided by the Committee thanks to the expertise achieved through the handling of many concrete cases over the years in the forms of opinions to lead committees and in particular to the revision of the EIA Directive as well as the opinion on the location of the seats of the European Union's Institutions; believes that thanks to such documents Petitions Committee can bring the issues of importance to European Citizens to plenary;

16. Believes that the organisation of public hearings is a very important tool for examining problems raised by petitioners; draws attention to the public hearing held on the impact of the crisis on Europe's citizens and the reinforcement of democratic involvement in the governance of the Union, as well as to the public hearing on making the most of EU citizenship, which analysed the concerns raised in both respects by EU citizens based on petitions received; considers that the information provided in petitions demonstrates the personal impact of the austerity drive on the rights of the petitioners as well as showing the greater role and commitment of civil society; recognizes that to tackle tomorrow's financial challenge Europe needs credible, visible and accountable economic governance; underlines the importance of combating the remaining obstacles to EU Citizens' enjoyment of their rights under EU law as well as promoting EU citizens' political participation in the life of the EU;
17. Considers it essential to its work on particular subjects to use other forms of activity such as parliamentary questions for oral answer dealt with during plenary sittings; recalls they are a direct form of parliamentary scrutiny of other EU institutions and bodies; points out that it has used its right 9 times in 2013 tabling questions concerning, for instance, disabilities, animal welfare, waste management and European citizens' initiative;
18. Notes the constant influx of correspondence from citizens who turn to Parliament for redress on issues that fall outside the EU's area of competence pursuant to Article 227 of the Treaty as well as Article 51 of the Charter of Fundamental Rights; calls for finding better solutions for dealing with these submissions from citizens while taking into account Parliament's obligations with regard to its correspondence with citizens;
19. Acknowledges that environmental issues remain a priority for petitioners, thus highlighting the fact that Member States continue to fall short in this area; observes that many of the petitions focus on public health e.g. waste management, water safety, nuclear energy, and protected animals; points out that many petitions are concerned with new and upcoming projects which increase the dangers of effecting the aforementioned areas; recalls that as Member States strive to address these situations it is clear that finding a sustainable solution is still a hindrance;
20. Welcomes the implementation of the European Citizens' Initiative (ECI) on 1 April 2012, as well as the registration of the first ECI, dedicated to policies for Europe's Youth - Fraternity 2020, and the recently successful ECI dedicated to the Right to Water; believes that the ECI constitutes the first instrument of transnational participatory democracy and will enable citizens to become actively involved in the framing of European policies and

legislation; reconfirms its commitment to participate in the organisation of public hearings for successful European Citizens' Initiatives with the active involvements of all concerned parliamentary committees; underlines the need for regular review of the state of play with the European Citizens' Initiatives, with the aim of improving the procedure while limiting the red tape and other obstacles;

21. Appreciates the Commission's decision to declare 2013 the 'European Year of Citizenship' providing valuable information and insight for EU citizens regarding their rights and of the democratic instruments available to them to assert those rights; considers that the 'European Year of Citizenship' should be used for the broad dissemination of information on the new 'European Citizens' Initiative', therefore providing clear and understandable guidelines in order to curtail the high rate of inadmissibility comparable to the rate that is still to be found in the 'petitions' field;
22. Calls on the Commission to propose legislation to resolve the issues surrounding mutual recognition by Member States of civil status documents and their effects, and in doing so continuing to respect social policies of Member States.
23. Deplores that European citizens continue to experience frequent problems caused by the misapplication of Internal Market law by public authorities while exercising their freedom of movement;
24. Acknowledges the important role of the SOLVIT network, which regularly uncovers and resolves problems linked to the implementation of internal market legislation; urges for the reinforcement of this tool; recalls that 2013 was the Year of European Citizenship and pays tribute to the institutions and bodies both of the European Union and of the Member States that advertised more intensively their service to European citizens and residents during this year, in light of the principles contained in the Treaties and the facts revealed in this report;

New horizons and relations with other institutions

25. Points out that this final non-legislative resolution could bring forward new suggestions to make the Committee work more substantial inside the House by raising its profile as a scrutiny Committee; invites the newly elected Petitions Committee to nominate internal Annual Rapporteurs on the major policies, which are of concern of European petitioners; invites the other parliamentary committees to involve the Petitions Committee more as an opinion giving committee on implementation reports and other instruments to monitor the correct transposition and implementation of the European legislation in the Member States; stresses the importance, also in view of the ever-increasing amount of petitions received and their related undertakings, of enjoying a de-neutralised status in the Parliament's committee portfolio; invites the Plenary Session of the European Parliament to dedicate more time to debates on the petitions of the European citizens and the work of the Petitions Committees;
26. Highlights the need to reinforce the Petitions Committee collaboration with the other EU Institutions and bodies, and the national authorities in the Member States; considers its

importance to enhance structured dialogue and systematic cooperation with Member States especially with the National Parliaments' Petitions Committees; creating such a partnership will allow best exchange of experience and practices and ultimately will bring the European Parliament closer to the European citizens' concerns; welcomes the establishment in Ireland of the Oireachtas Joint Committee on Investigation, Oversight and Petitions, and the useful links it has established with the European Parliament in the course of this year in order to bring about an even better service to citizens; notes that parliaments in other member states are currently considering creating petitions committees or similar bodies, or that some have other processes for dealing with petitions;

27. 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; invites the European Parliament to recommend in its Interinstitutional Agreement with the Commission to reduce the time it takes to respond to the Committee's requests and to also keep the Petitions Committee informed of developments in infringement proceedings directly linked to petitions;
28. 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; is determined to maintain close cooperation and communication between EU Institutions and the citizens;
29. Stresses the importance of the reinforced collaboration with the European Ombudsman by putting in place a new inter institutional agreement; underlines the importance of the involvement of the European Parliament in the network of National Ombudsmen; applauds the excellent relations in the institutional framework between the Ombudsman and this Committee; especially appreciates the regular contributions by Ombudsman to the work of Petitions Committee through the legislative term; reminds that still not all EU citizens have a national ombudsman, which means that not all EU citizens have the equal access to redress; is of an opinion that office of national ombudsman in each Member State within the European Network of Ombudsmen would deliver substantial support for the European Ombudsman;

Working methods

30. Calls upon MEPs in the Petitions Committee to adopt final internal rules to ensure maximum efficiency and openness in the work of the Committee and to make proposals to revise accordingly the Rules of Procedure of the European Parliament in order to consolidate their continuous attempts during the whole seventh legislature to improve working methods; calls on the Petitions Committee to adopt clear deadlines in the process of petitions in order to speed up the petitions life-cycle in the European Parliament and make the whole process even more transparent and democratic; underlines that this could put in place a defined lifecycle of the petition from registration until their final closure in the European Parliament, similarly to the existing deadlines for the work in process on

legislative and non-legislative files; recalls that fact-finding visits are one of the key investigative instruments of the Petitions Committee, therefore an urgent revision of the relevant rules is needed, in order to enable the newly elected Members to carry out efficient visits and report swiftly back to the petitioners and the Committee on their findings and recommendations.

31. Welcomes the presence of public authorities of the Member State concerned at meetings of the Petitions Committee, as well as of other interested parties; highlights the fact that the Petitions Committee is the only Committee which systematically provides a platform for citizens to voice their concerns directly to Members of the European Parliament and which enables a multiparty dialogue between the EU institutions, the national authorities and petitioners; suggests that in order to facilitate organisation of the meetings as well as to reduce the travel costs in the future, that the Petitions Committee and Parliament's administration explore the possibility for participation of the petitioners or the public authorities by means of video conference or similar facility;
32. Notes the growing number of petitions in the course of the legislative period and remains highly concerned that delays and response times are still too long throughout the registration phase and the admissibility phase in the process; calls for providing the Petitions Committee Secretariat with additional juridical experts and administrative support, to issue recommendations related to whether the petition lies within the competence of European law; expects that the launch of the new petitions web-portal will diminish the number of questionable submissions which are occasionally registered as petitions;
33. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, and the governments and the parliaments of the Member States, their committees on petitions and their national ombudsmen or similar competent bodies.