

Activities of the Committee on Petitions 2010

European Parliament resolution of 14 September 2011 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 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' initiative², 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;

¹ Texts adopted, P7_TA(2010)0261.

² OJ L 65, 11.3.2011, p. 1.

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;
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.