



TEXTS ADOPTED

P8_TA(2019)0114

Deliberations of the Committee on Petitions 2018

European Parliament resolution of 13 February 2019 on the outcome of the Committee on Petitions' deliberations during 2018 (2018/2280(INI))

The European Parliament,

- having regard to its previous resolutions on the outcome of the Committee on Petitions' deliberations,
 - having regard to Articles 10 and 11 of the Treaty on European Union,
 - having regard to Articles 24 and 227 of the Treaty on the Functioning of the European Union (TFEU), which reflect the importance the Treaty attaches to the right of EU citizens and residents to bring their concerns to the attention of the European Parliament,
 - having regard to Article 228 of the TFEU on the role and functions of the European Ombudsman,
 - having regard to Article 44 of the Charter of Fundamental Rights of the European Union concerning the right to petition the European Parliament,
 - having regard to the provisions of the TFEU relating to the infringement procedure and, in particular, to Articles 258 and 260 thereof,
 - having regard to Rules 52 and 216(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A8-0024/2019),
- A. whereas the right of petition provides people with an open, democratic and transparent mechanism for obtaining a non-judicial remedy for their formal complaints addressed to their directly elected representatives, notably when this relates to the fields of activity of the European Union;
- B. whereas the right of petition should be a key element for a participatory democracy in which the right of every citizen to play a direct part in the democratic life of the Union is effectively protected; whereas it should enhance the responsiveness of the European Parliament towards the citizens and residents of the European Union; whereas genuine

democracy should ensure transparency, effective protection of fundamental rights and practical involvement of people in decision-making processes;;

- C. whereas each petition is carefully assessed and dealt with; whereas each petitioner has the right to receive a substantial reply and information on the decision on admissibility taken by the Committee on Petitions within a reasonable period of time, in their own language or in the language used in the petition;
- D. whereas the activities of the Committee on Petitions are based on the input and contributions received from petitioners;
- E. whereas the Committee on Petitions considers the European Citizens' Initiative an instrument of the utmost importance in terms of direct and participatory democracy, enabling citizens to become actively involved in the framing of European legislation;
- F. whereas a significant number of petitions are discussed in committee meetings which are open to the public (and webstreamed); whereas petitioners frequently exercise their right to present their petitions providing first-hand information to the committee members, and to the Commission and representatives of the Member States if present, and thus contribute actively to the work of the committee; whereas in 2018, 187 petitioners were present in committee meetings in order to participate in discussions on petitions;
- G. whereas petitions represent an extra guarantee for EU citizens and residents compared to complaints made directly to the Commission, as Parliament is involved in the process, which allows for better scrutiny of the facts and provides for transparent debates on the matter in the presence of the petitioners, Members of the European Parliament and the Commission, as well as any other authority concerned, where appropriate;
- H. whereas detailed information from the petitioners and expertise provided by the Commission, the Member States and other bodies are essential for the work and the credibility of the committee;
- I. whereas the European Parliament has long been at the forefront of the development of the petitions process internationally and has a remarkably open and transparent petitions process, allowing petitioners to participate actively in its activities;
- J. whereas four fact-finding visits took place in 2018, conducted pursuant to Rule 216a of the Rules of Procedure: to Lusatia (Germany) on the impact of lignite mining on the local population, in particular the Sorb community, and on the pollution of the river Spree and adjacent waters; to Famagusta (Cyprus) concerning the return of the closed area of the occupied town of Famagusta to the original inhabitants; to Doñana (Spain) on the environmental situation and possible degradation in the protected area of the Doñana National Park due to a gas storage project and the overexploitation of underground water resources; and to Valledora (Italy) on environmental damage due to landfill sites and quarries;
- K. whereas its resolution of 5 July 2018 on the adverse effects of the US Foreign Tax

Compliance Act (FATCA) on EU citizens and in particular ‘accidental Americans’¹ called on the Commission and the Council to present a joint EU approach to FATCA in order to adequately protect the rights of European citizens (in particular ‘accidental Americans’) and improve equal reciprocity in the automatic exchange of information by the US;

- L. whereas admissible petitions often provide valuable input for the work of the respective parliamentary committees as they point out alleged breaches of EU law;
- M. whereas petitions are useful tools for detecting breaches of Union law and enable Parliament and other EU institutions to assess the transposition and application of EU law and its impact on EU citizens and residents;
- N. whereas pursuant to the Rules of Procedure, the Committee on Petitions is responsible for relations with the European Ombudsman, who investigates complaints regarding maladministration within the institutions and bodies of the European Union; whereas the current European Ombudsman, Emily O’Reilly, presented her Annual Report for 2017 to the Committee on Petitions at its meeting on 16 May 2018, and the annual report of the Committee on Petitions is, in turn, partly based on the Ombudsman’s annual report;
- O. whereas the Committee on Petitions is a member of the European Network of Ombudsmen, which also includes the European Ombudsman, national and regional ombudsmen and similar bodies of the Member States, the candidate countries, and other European Economic Area countries, and which aims to promote the exchange of information about EU law and policy and to share best practices;
- P. whereas a number of technical improvements have been implemented in order to make the Petitions web portal more user-friendly and accessible to citizens, such as further development of the search function, increasing the number of displayed results and allowing users to locate petitions via highlighted keywords in the petition title and summary, and the implementation of more specific notifications to users in their own language; whereas portal statistics were made available from the second half of 2018, providing useful data regarding website traffic and user behaviour; whereas the technical improvements have continued, with the introduction of a new frequently asked questions (FAQ) editor and other improvements in the administration module; whereas a large number of individual support requests have been handled successfully; whereas some features that will render the portal more interactive and a real-time source of information for both petitioners and supporters are yet to be fully implemented;
- 1. Stresses the substantial role of the Committee on Petitions in defending and promoting the rights of EU citizens and residents, within the committee’s competences, ensuring that petitioners’ concerns are recognised and their legitimate grievances resolved through the petitions process, in a timely and efficient manner wherever possible; recalls the responsibility of the Commission and the authorities of the Member States to cooperate with the Committee on Petitions, especially when it comes to providing proper feedback on the exchange of relevant information; insists that this cooperation is essential to address the needs of the petitioners in line with the Treaties and the Charter of Fundamental Rights;

¹ Texts adopted, P8_TA(2018)0316.

2. Emphasises the opportunity petitions offer to the European Parliament and other EU institutions to enter into dialogue with EU citizens who are affected by the application of EU law; underlines the need to foster cooperation of EU institutions and bodies with national, regional and local authorities on matters linked to the application of EU law; calls for the EU institutions and Member States to promote the citizens' right to petition and to raise public awareness of the EU competences and possible remedies that the European Parliament can provide while processing petitions;
3. Recalls that petitions are examined in accordance with Article 227 TFEU, which stipulates that any citizen of the Union and any natural or legal person residing or having its registered office in a Member State can submit, individually or in association with other citizens, a petition to the European Parliament on matters which come within the European Union's fields of activity;
4. Reiterates the need for a continuous public debate about the Union's fields of activity, its limits and its future in order to ensure that citizens are well informed about the levels at which decisions are taken and to prevent the 'blame Brussels' phenomenon used by some irresponsible Member States; calls for more intensive and structured biannual dialogue between the Committee on Petitions and Members of Committees on Petitions in the national parliaments on petitions dealing with issues of major concern to European citizens stimulating a genuine debate between MEPs and national MPs centred on petitions that would further raise awareness of EU policies and clarity on the competences of the EU and of the Member States;
5. Urges the Commission to properly use its powers stemming from its role as guardian of the Treaties as this role is of the utmost importance to the functioning of the EU with regard to citizens and European legislators; calls for a timely handling of infringement procedures in order to put an end to situations where EU law is not respected without delay;
6. Asks the Commission to ensure transparency and access to documents and information in the framework of the EU Pilot procedures in relation to petitions received, and of the EU Pilot and infringement procedures that have already been concluded;
7. Reminds the Commission that petitions offer a unique means to identify situations in which EU law is not being upheld and to investigate such situations by means of political scrutiny by the European Parliament;
8. Highlights four public hearings on various topics, namely on 'Citizens' rights after Brexit' together with the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Employment and Social Affairs on 1 February 2018, on 'European Citizens' Initiative – Revision of Regulation' together with the Committee on Constitutional Affairs on 21 February 2018, on 'Impact of endocrine disruptors on public health' on 22 March 2018 together with the Committee on Environment, Public Health and Food Safety, and on 'The rights of persons with disabilities' on 9 October 2018; reminds the committee members of the importance of attending public hearings requested and organised by the committee; calls on the petitions network to put forward proposals for specific public hearings and topics for European Parliament studies and resolutions, which reflect the connection between ongoing legislative work and Parliament's political scrutiny powers and the petitions dealing with issues of major concern to European citizens; underlines that the petitions network is the correct forum

for putting forward common initiatives for being dealt with as petitions, which could express Parliament's contribution to European citizens' petitions in an exhaustive manner;

9. Draws attention to the participation of a delegation of members of the Committee on Petitions in a visit to Lima (Peru) on 15 and 16 February 2018 in the context of democracy support offered by the European Parliament and its Democracy Support and Election Coordination Unit (DEG) in order to exchange good practices in the petition process with the Committee on Constitutional Affairs of the Peruvian Parliament;
10. Confirms the need to strengthen political and technical dialogue with the relevant committees of the national parliaments; welcomes the visit of the Petitions Committee of the German Bundestag to the committee meeting of 9 October 2018 to raise issues of common interest and to discuss relevant petitions; highlights the Interparliamentary Committee Meeting with National Parliaments of 27 November 2018, organised together with the Committee on Legal Affairs and in cooperation with the European Network of Ombudsmen, which addressed the topic of the implementation and application of Union law; and, in particular, the role of petitions to parliaments in this regard;
11. Trusts that the petitions network is a means to make the Committee on Petitions more visible and relevant in the work of the other committees of Parliament, so that petitions are better taken into consideration in legislative work; reaffirms its belief that meetings of the petitions network are vital for strengthening cooperation between the parliamentary committees through exchange of information and sharing of best practices between the network members;
12. Underlines the aim of the Committee on Petitions to raise awareness on citizens' concerns in plenary debates; draws attention to the oral question on disenfranchisement of voting rights in the EU, debated in plenary on 2 October 2018, the oral question on the participation of persons with disabilities in the European elections, adopted in committee on 21 March 2018, and the oral question tabled jointly with the Committee on the Environment, Public Health and Food Safety on concerns about Natura 2000 protected areas based on petitions received, adopted in committee on 21 November 2018; calls on the Commission and the Council to respond to its resolutions based on petitions in a follow-up plenary debate not later than six months after their adoption in order to provide timely and effective answers to specific concerns on the part of European citizens;
13. Draws attention to the motions for resolutions pursuant to Rule 128(5) or Rule 216(2) on behalf of the committee adopted in plenary, in particular on protection and non-discrimination with regard to minorities in the EU Member States¹, on responding to petitions on tackling precariousness and the abusive use of fixed-term contracts², on the adverse effects of the United States' Foreign Account Tax Compliance Act (FATCA) on EU citizens and in particular 'accidental Americans'³, and on the role of the German

¹ OJ C 463, 21.12.2018, p. 21.

² Texts adopted, P8_TA(2018)0242.

³ Texts adopted, P8_TA(2018)0316.

Youth Welfare Office (Jugendamt) in cross-border family disputes¹;

14. Notes that the FATCA framework of the United States is being implemented within the Union through bilateral intergovernmental agreements (IGAs) negotiated between the United States and each Member State; regrets the lack of response from the Member States to solve the problems reported by the citizens affected by FATCA; emphasises the role of the Union in guaranteeing effective implementation of data protection rules in order to ensure high level of protection of EU citizens in terms of related fundamental rights; asks the Commission to work closely with the national data protection authorities in order to promote a fact-finding exercise to clarify the situation in the Member States concerning possible breaches of EU law on the protection of personal data; calls on the Commission, furthermore, in cooperation with the European Data Protection Board, to launch a country-based study in order to assess whether and to what extent IGAs concerning FATCA respect the right to privacy of EU citizens; emphasises that the Member States should prevent discrimination against consumers legally resident in the Union, regardless if they are considered or not as 'US persons' and, if they are of the importance of their economic and personal ties with the United States;
15. Highlights the fact-finding visit to Famagusta, Cyprus, on 7 and 8 May 2018, aiming to reassess and update the information available to the committee on the situation in Famagusta, in particular the sealed-off section of the city called Varosha, in the context of petition 733/2004 submitted by Loizos Afxentiou, on behalf of the Famagusta Refugee Movement, 10 years after the committee's previous fact-finding visit; reaffirms its support for the mission report recommendation to call on the Commission, the High Representative for Foreign Affairs and Security Policy, the Council and all EU Member States to request a new resolution in the UN Security Council calling for political and economic sanctions against Turkey for its acts of aggression in the eastern Mediterranean Sea and for its non-compliance with Resolutions 550 (1984) and 789 (1992) of the UN Security Council;
16. Recalls that the Committee on Petitions has adopted opinions attached to reports of Parliament on a wide range of issues raised in petitions, including on monitoring the application of EU law in 2016², on the coordination of social security systems³, on the European citizens' initiative⁴, on the implementation report as regards Regulation 1/2005 on the protection of animals during transport within and outside the EU⁵, on the proposal for amending Parliament's Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties⁶, and on the implementation of the Treaty provisions related to EU citizenship⁷; underlines that, since the beginning of this parliamentary term, the Committee on Petitions has delivered more opinions on ongoing European legislative texts;
17. Stresses Parliament's fruitful cooperation with the European Ombudsman, as well as its

¹ Texts adopted, P8_TA(2018)0476.

² Opinion adopted on 21 March 2018.

³ Opinion adopted on 24 April 2018.

⁴ Opinion adopted on 16 May 2018.

⁵ Opinion adopted on 9 October 2018.

⁶ Opinion adopted on 21 November 2018.

⁷ Opinion adopted on 21 November 2018.

involvement in the European Network of Ombudsmen; underlines the excellent relations within the institutional framework between the Ombudsman and the Committee on Petitions; appreciates in particular the Ombudsman's regular contributions to the work of the committee throughout the year; firmly believes that the Union's institutions, bodies and agencies must ensure consistent and effective follow-up to the recommendations of the Ombudsman;

18. Emphasises the work of the Committee on Petitions relating to disability issues and its role of protection within the EU framework of the UN Convention of the Rights of Persons with Disabilities (UNCRPD); recalls that in June 2018 a letter was sent to the Permanent Representations of all Member States asking about concrete measures to ensure accessibility for persons with disabilities; notes the comprehensive replies received from some Member States; reiterates its call on the Member States to implement the necessary measures for accessibility as an essential component of quality living;
19. Welcomes the new approach of the European Court of Auditors of working very closely with the committees of Parliament and presenting its reports to them; draws attention to the presentation of the Court of Auditors' report on the implementation of EU law at the meeting of the Committee on Petitions of 8 October 2018; welcomes the conclusions and recommendations of the report; highlights the large number of petitions received relating to EU law that have yet to be fully or properly acted on in the Member States;
20. Points out that, in the context of Parliament's Human Rights Week, the Committee on Petitions considered several petitions relating to human rights issues and presented an updated study on the Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants; asks the Commission to propose amending Article 1(2) of Council Directive 2002/90/EC of 28 November 2002 in order to define the facilitation of unauthorised entry, transit and residence¹, with a view to introducing a mandatory exemption from criminalisation for humanitarian assistance in cases of entry, transit or stay;
21. Is convinced that the Secretariat of the Committee on Petitions handles petitions efficiently and with great care according to the committee's guidelines and the petitions lifecycle in the EP administration; calls for further innovations in the treatment of petitions, taking stock of the most recent technological developments, in order to render the whole process clearer and more transparent for European citizens;
22. Highlights the importance of the Petitions web portal for the overall smooth and transparent processing of petitions; points out that one of the immediate priorities is to improve communication with the petitioners and supporters through their accounts, in order to ease the administrative burden and speed up petition processing times; reiterates the need to continue the technical development of the portal, to align it to the standards of Parliament's website and to increase its visibility both on the EP platform and among citizens; stresses that efforts must be continued to make the portal more accessible to its users, in particular to persons with disabilities;
23. Stresses the important role of the SOLVIT network, which provides a means for citizens and enterprises to address concerns about possible breaches of EU law by public

¹ OJ L 328, 5.12.2002, p. 17.

authorities in other Member States; calls on the Commission and on the Member States to promote SOLVIT in order to make it more helpful and visible to citizens; welcomes, in this regard, the Action Plan to reinforce the SOLVIT network published by the Commission in May 2017; calls on the Commission to report back to the European Parliament on the results of the Action Plan to reinforce the SOLVIT network published by the Commission in May 2017;

24. 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, and the Member States' committees on petitions, national ombudsmen or similar competent bodies.