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on the activities of the Committee on Petitions 2011
(2011/2317(INI))

Committee on Petitions

Rapporteur: Giles Chichester

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the activities of the Committee on Petitions 2011

(2011/2317(INI))

The European Parliament,

- having regard to previous resolutions on the deliberations of the Committee on Petitions,
 - having regard to Articles 10 and 11 of the Treaty on European Union (TEU),
 - having regard to Articles 24, 227, 228, 258 and 260 of the Treaty on the Functioning of the EU (TFEU),
 - having regard to Rules 48 and 202(8) of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A7-0240/2012),
- A. whereas, subject to Protocol 30 of the Treaty, the Charter of Fundamental Rights of the European Union has already acquired legally binding force through the entry into force of the Treaty of Lisbon¹; and whereas the same Treaty also establishes the legal basis for the EU to accede to the European Convention on Human Rights, as well as the European Citizens' Initiative;
- B. whereas the Regulation on the European Citizens' Initiative³ entered into force on 1 April 2012, and whereas Parliament has the responsibility for the organisation of public hearings for successful initiatives which have secured more than one million signatures from a minimum of seven Member States;
- C. whereas the Committee on Petitions has a duty to constantly review and, where possible, to enhance its role, notably with regard to the development of democratic principles, such as the increased participation of citizens in the EU decision-making process and the enhancement of transparency and accountability; and whereas in its regular activity the Committee works closely with Member States, the Commission, the European Ombudsman and other bodies in order to ensure that EU law is fully respected in both letter and spirit;
- D. expresses its satisfaction concerning the creation of a single service for citizens looking for information or wanting to lodge an appeal or lawsuit via the 'Your Rights in the European Union' portal;
- E. welcomes the case law of the European Court of Justice on the interpretation of Article 51 of the Charter of Fundamental Rights of the European Union, which emphasises, in respect of the Equal Rights Trust, that the institutions of the Member States shall be bound by the overriding fundamental rights of the Union even if they wish to use national measures to restrict the fundamental freedoms guaranteed by TFEU,

¹ OJ C 306, 17.12.2007.

- F. whereas European citizens and residents have legitimate expectations that the issues that they raise with the Committee on Petitions may find a solution without undue delay within the legal framework of the European Union, which they look upon to uphold their rights as citizens of the Union, and in particular to defend their natural environment, health, freedom of movement, dignity and fundamental rights and freedoms;
- G. whereas the European institutions ought to supply more information and be more transparent with regard to EU citizens;
- H. whereas 998 petitions were declared admissible, and of those 649 were forwarded to the Commission for further investigation pursuant to Articles 258 and 260 of the Treaty; and 416 petitions were declared inadmissible;
- I. whereas the petitions process can be complementary to other European instruments available to citizens, such as the option to address complaints to the European Ombudsman or to the European Commission;
- J. whereas the number of inadmissible petitions continued to be significant in 2011, once more indicating that Parliament should increase its effort to inform citizens of the limits of its field of action with regard to the right of petition; whereas considering that individuals, local communities, and voluntary, charitable and professional associations are well placed to assess the effectiveness of European legislation as it applies to them, and to signal to citizens possible loopholes that need to be analysed in order to ensure better and more comparable implementation of EU law in all the Member States;
- K. whereas, regarding the statistical analysis contained in this report, German citizens continue to submit the highest number of petitions, though decreasing proportionally, followed by Spanish and Italian petitioners;
- L. whereas the field of action, and the *modus operandi*, of the right to petition granted to all EU citizens and residents under the terms of the Treaty differs from other remedies available to citizens, as for instance the submission of complaints to the Commission or to the Ombudsman, and whereas the Member States, using the crisis as a pretext, are increasingly choosing to neglect this right, which is an important concern for European citizens;
- M. whereas main concerns relating to the general theme of the environment are the poor and often misguided application by Member States and their sub-national entities of the Environmental Impact Assessment (EIA) Directive¹ and the Waste Framework Directive²; whereas petitions alleging breaches of the Birds and Habitats Directives often raise concerns of serious biodiversity loss as a result of major projects planned in Natura 2000 sites, and petitions on water management have revealed grave cases of pollution as well as raised concerns over possible impacts of projects on the sustainability and quality of aquatic resources;

¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (codification), OJ L 26/1, 28.1.2012.

² Directive 2008/98/EC on waste, OJ L 312, 22.11.2008.

- N. whereas the EIA Directive is presently under review and that the report by the Committee on Petitions on waste issues exposes serious shortcomings in several Member States, whereas the implementation of this Directive remains insufficient and whereas this problem will not be solved by a review but by more effective control by the Commission;
- O. whereas the right of European citizens and residents to their legitimately acquired property continues to be an issue of grave significance for many thousands of people, as demonstrated by the petitions which are still being received on this subject, and whereas without a resolution of this problem by the competent authorities there is no likelihood of legal certainty of, or trust in, assurances that cross-border housing markets will be restored, which has serious consequences for the prospects of economic recovery, and whereas in particular in 2011 there were 70 petitions outstanding relating to the Spanish Ley de Costas, with 51 petitions identifiable as coming from Spanish citizens or groups of Spanish citizens and the remaining 19 coming from citizens of other nationalities;
- P. whereas in its previous Annual Report, the Committee on Petitions highly appreciated the cooperation with the Commission and the European Ombudsman with regard to the treatment of petitions and complaints, and whereas the Committee on Petitions repeatedly requested that it be kept informed by the Commission of developments in pending infringement proceedings, the subject of which is also covered by petitions;
- Q. whereas many petitions claim that EU funds have been misused or misappropriated while others allege malfunctioning in the EU's administration, including conflicts of interest within influential agencies, or call for changes in EU policies;
- R. whereas the shortcomings and problems faced by people as a result of the malfunctioning of the internal market, as illustrated by petitions, are confirmed by the Commission's European Citizenship Report 2010⁸, in particular as regards free movement of EU citizens and their family members, provided they are completely legitimate, access to social security entitlements, mutual recognition of qualifications, obstacles faced by the disabled, family law issues and mass expulsions on the basis of ethnic or national origin such as those affecting the Roma, including also double-taxation issues;
- S. whereas also in 2011, a significant number of petitions were submitted by citizens pointing to the importance of preventing irreparable losses in biodiversity, with regard to Natura 2000 sites, as well as of ensuring the protection of areas defined under the Habitats Directive;
- T. whereas the judgment of the General Court of 14 September 2011 in case T-308/07 upheld the petitioner's complaint against the Committee's decision to declare his petition inadmissible, and in doing made it clear that in declaring petitions inadmissible, Parliament must give good reasons for doing so;
- U. whereas the efficiency of the Committee's work is largely the result of swiftness and thoroughness, but could be improved further, in particular by optimising the time taken to process petitions and by systematising the procedure for their assessment;
1. Notes that the petitions received in 2011 continued to focus on alleged breaches of EU law in the fields of the environment, justice and the internal market, reflecting citizens' views

on whether European legislation, as transposed and implemented by the Member States, actually delivers the expected result and responds to EU law;

2. Notes the increasing number of petitions and other submissions from citizens seeking legal and financial 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, such as, for example, requests to review the calculation of national pensions, overrule decisions by national courts, support proposals to re-draw Europe's frontiers, force a bank to grant a personal loan, etc.; fully supports the action taken by Parliament's responsible Directorates-General to find a solution for dealing with these submissions from citizens while taking into account Parliament's obligations with regard to its correspondence with citizens;
3. Believes that the role and responsibilities of the Petitions Committee would be best performed, and its visibility, efficiency, accountability and transparency best enhanced, if its means of being able to bring issues of importance to European citizens to plenary were improved, and if its abilities to call witnesses, conduct investigations and organise on-site hearings were enhanced;
4. Recalls that, as regards the procedures for organising public hearings on successful European Citizens' Initiatives, as set down in Article 11 of Regulation 211/2011 (EU), Parliament has decided that the Committee on Petitions is automatically associated with each hearing alongside the lead Committee with legislative competence for the subject concerned; considers this a confirmation of its role as the body with the most experience of direct contacts with citizens, ensuring a uniform procedure for all successful Citizens' Initiatives; calls on the Conference of Presidents to approve a clarification of the Committee's competences in this respect in Annex VII, point XX of the rules of procedure; emphasises, at the same time, that the difference between a petition according to Article 227 TFEU and a Citizens' Initiative must be clearly explained to the public;
5. Welcomes Parliament's decision to develop a much more practical and visible petitions portal on its website, which will facilitate, within the limits of Article 227 of the Treaty and Article 202 of Parliament's Rules of Procedure and Article 51 of the Charter of Fundamental Rights, access for citizens to the petitions process, provide them with information and allow them to submit petitions in a more user-friendly environment and sign electronically in support of petitions; considers that this portal should also provide practical links to other forms of redress which are available at European and national or regional level, as well as a comprehensive overview of the competence of the Petitions Committee, and should at the same time set a framework of practices for public administrations based on the CURIA portal, the official portal for ECJ judgments;
6. Confirms its determination to continue to promote and defend citizens' fundamental rights and freedoms by making use of its political influence regarding such admissible cases as may be raised with the Committee, in close cooperation with the Commission and relevant authorities within the Member States of the Union;
7. Calls on the Committee on Petitions to examine the effects of the Equal Rights Trust case law on the reliability of petitions, and to investigate the question of what actual obstacles lie in the way for EU citizens applying for a preliminary ruling from the European Court

of Justice in order to obtain reliable interpretations of central issues under European legislation in cases before the national courts;

8. Considers it important to enhance cooperation with Member States' parliaments and governments, based on reciprocity, and, where necessary, to encourage Member States' authorities to transpose and apply EU legislation in full transparency;
9. Stresses the importance of the Commission cooperating with the Member States, and deplores the negligence of some Member States with regard to transposing and enforcing European environmental legislation;
10. Considers that the petitions procedure should not be exploited and used to achieve objectives on the political agenda in Member States, but should be carried out objectively, reflecting the position of the European Parliament.
11. Welcomes the constructive cooperation between the Petitions Committee and the services of the European Ombudsman, and reaffirms its determination to support the Ombudsman in identifying maladministration by and acting against EU institutions;
12. Calls upon the Commission to provide the Petitions Committee with details, and a statistical analysis, of the complaints it investigates from European citizens, including the results obtained and the place of origin of the complainant;
13. Believes that, as regards the functioning of the infringement procedures under Article 258 and 260 of the TFEU, the Commission should ensure that petitions to the Parliament and complaints to the Commission are treated with equal consideration;
14. Considers that more precise, written procedural rules in relation to the preparation, implementation and evaluation of delegation visits within the Committee could lead to greater efficiency and consistency in the work of the Committee on Petitions;
15. Considers the correct implementation of the Waste Framework Directive in all Member States to be of the utmost importance, and asks, therefore, Member States with waste management trouble spots to act decisively and swiftly;
16. Reiterates its numerous calls on the Member States to comply with their obligations under the Free Movement Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the EU;
17. Supports wholeheartedly the underlying objective of the Ley de Costas, namely that the environment of the Spanish coast be protected from overdevelopment so as to preserve it for wildlife and for future generations; notes with concern, however, that the issue of that law continues to be a problem for petitioners, and for Spanish citizens in particular; supports the efforts of petitioners to resolve the problems surrounding the law and its application, taking note in particular of the decision of the Committee on Petitions to establish a working group to consider the issue in more depth;
18. Believes that it is in the current economic interest of everyone to ensure the resolution of the legal uncertainty which surrounds property potentially affected by the Ley de Costas;

welcomes the Spanish Government's announcement that it intends to revise the Ley de Costas in order to reconcile the future protection of the Spanish coastline with economic growth, and thus to provide greater legal certainty for property owners; urges the Spanish Government to reassure the interests of those who have acquired property in good faith and of those communities which have always shared a sustainable coexistence with the sea; urges them, in particular, to address the specific question of the application of the law, so that it does not encourage decisions that are arbitrary, retrospective or asymmetric, but instead ensures due process, a right of appeal, proper compensation and access to information;

19. Invites the Commission to ensure that the Environmental Impact Assessment Directive is strengthened by providing clearer parameters as regards the independence of expert studies, common EU thresholds, a maximum timeframe for the process, including effective public consultation, the requirement to justify decisions, the mandatory assessment of reasonable alternatives and a quality control mechanism;
20. Calls on the Commission, furthermore, to ensure implementation and enforcement of the Habitats and Birds Directives by the Member States as well as the better transposition and application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely within the territory of the Member States;
21. Recalls the large number of petitioners who contact the Committee on Petitions with their individual complaints regarding youth and family welfare matters in Germany in general, and Germany's youth welfare offices in particular, and emphasises the determination of the Committee to make a constructive contribution to the investigation of the complaints between the petitioners and the authorities within its own area of competence and that of the European Union; points out that this must not involve any intervention in internal independent administrative procedures in Member States;
22. 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;
23. Emphasises the need for continuity in processing petitions, despite changes in legislative periods and the resulting changes in personnel;
24. Regards the participation of Members of Parliament in fact-finding missions not just as a participatory parliamentary right, but also as an obligation in relation to petitioners;
25. As part of the efforts to improve the work of the Committee, calls for a procedure involving fact-finding missions that, on the one hand, ensures the right of all members of a fact-finding mission to present the facts from their point of view while, on the other hand, guarantees all Committee Members the opportunity to participate in the decision-making process in regard to the conclusions to be drawn by the Committee on Petitions;
26. 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 citizen;

27. Calls on the Conference of Presidents to examine the extent to which an amendment to the Rules of Procedure would seem appropriate for the implementation of these formal requirements in relation to the petitioning procedure;
28. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission and the European Ombudsman, and to the governments and parliaments of the Member States, their committees on petitions and their ombudsmen or similar competent bodies.

EXPLANATORY STATEMENT

The main focus of the Committee on Petition's work during 2011 has been on the environment and fundamental rights/justice. This is no different from other years and therefore only confirms the trends. The prominence of these issues during 2011 runs like a beacon through all the work of the Committee: discussions on petitions in Committee, new petitions received, reports and hearings and fact-finding visits.

Overall, the number of new submissions has increased, whereas the number of petitions registered has steadily declined. This can be explained by a filtering process introduced as of June 2011, by which so-called non-petitions were answered by other services (see below).

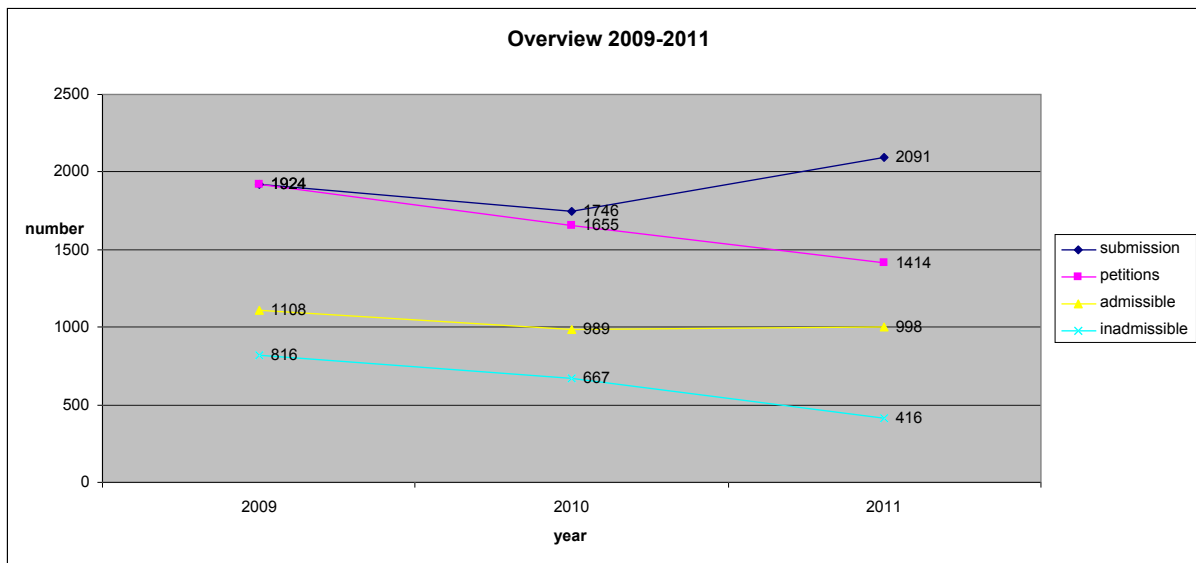


Table 1

As regards 'nationality of petitioners' and 'country concerned', the indicators run in parallel. There has been a slight drop in petitions from German citizens and a more significant one for those concerning Germany. The reverse is true for Poland, which has seen an increase in the number of petitioners and allegations of breach of rights. Bulgaria shows a similar though less marked trend.

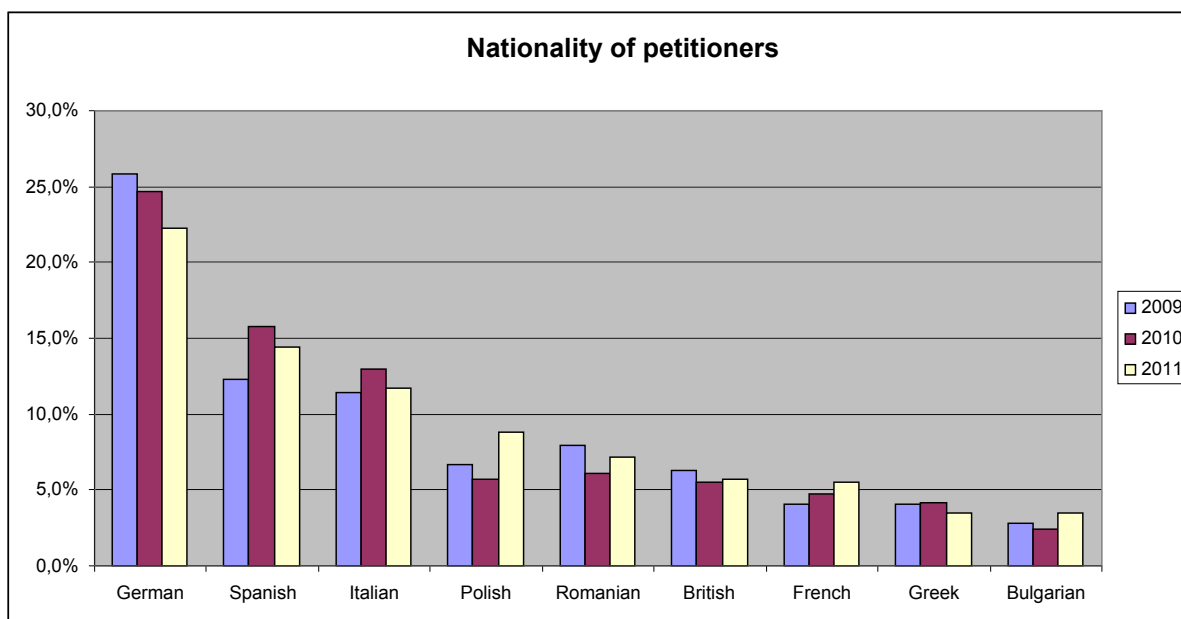


Table 2

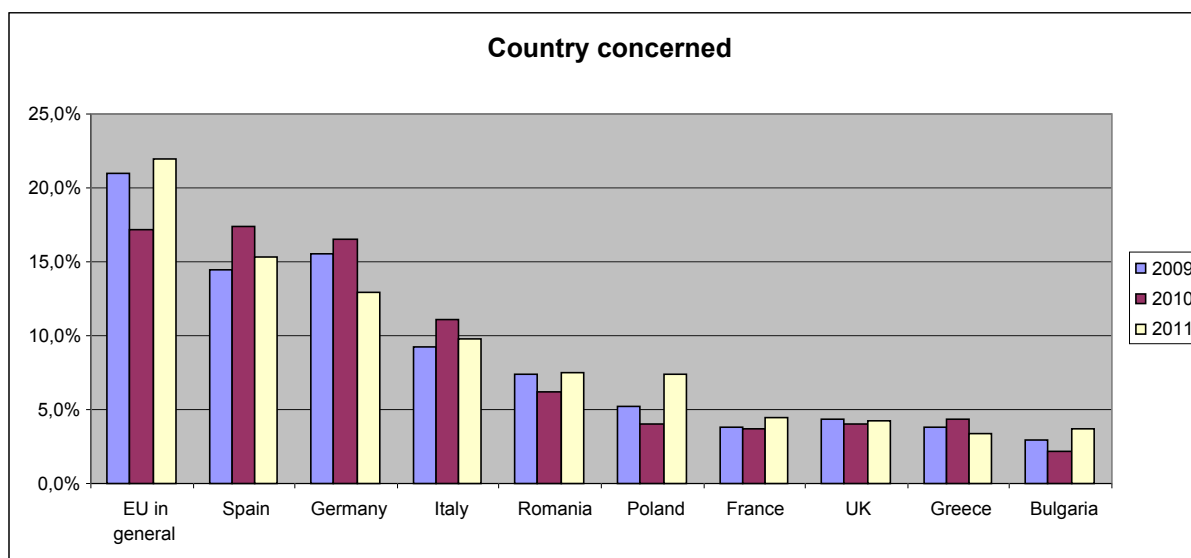


Table 3

The increase in numbers of petitions concerning the EU as a whole can be presumed to correlate with the sharp increase in petitions under the heading ‘Economic & Financial Affairs’, related to the current debt crisis. This assumption is corroborated by the data on ‘themes’.

The number of petitions falling under the narrow heading ‘Fundamental Rights’ has declined. But if the categories of ‘Personal Matter’, ‘Property’, ‘Information Society & Media’ and ‘Justice’ are added to a more comprehensive definition of ‘Fundamental Rights’ - for which there is an arguable case (see below) - the vast majority of petitions fall under this heading,

even allowing for multiple attributions. The environment counts for an increasing share of petitions, whereas the Internal Market represents a consistent share.

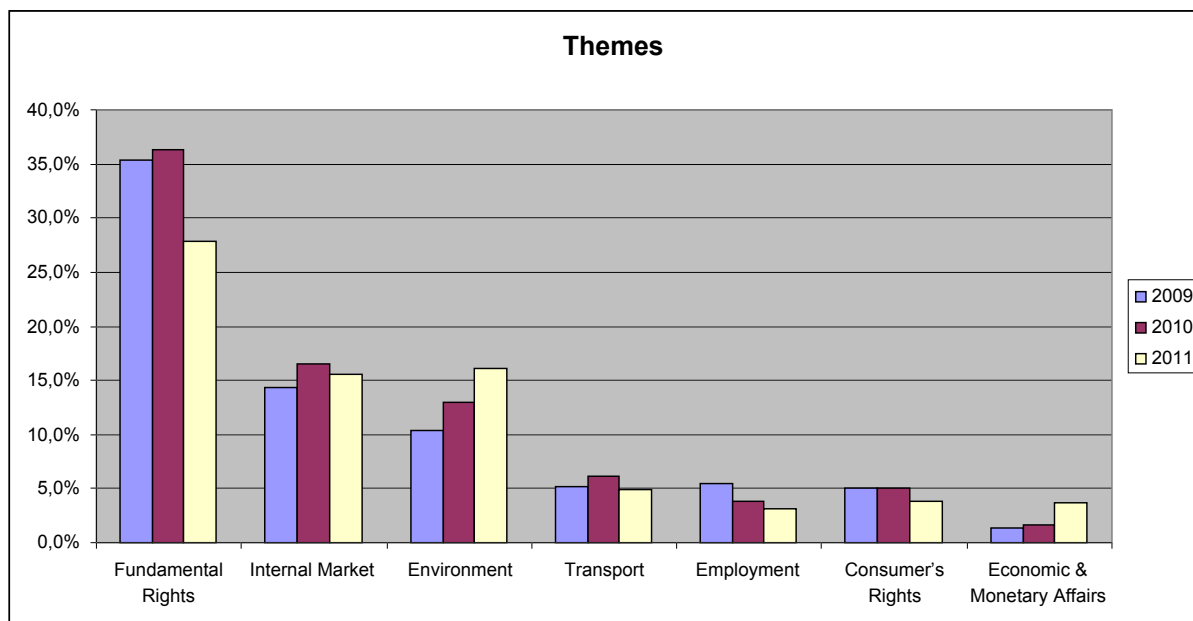


Table 4

Environment

The agenda of almost every meeting of the Committee was dominated by petitions concerning the environment. Above all, they concerned the Environmental Impact Assessment (EIA) Directive 2003/35/EC and public consultation in connection with all manner of projects in environmentally sensitive areas. Many concerned waste, the second most important sub-category, related to planned landfills, but also planning permission for wind farms and industrial projects, such as gold mining in Romania and Bulgaria. Problems with the overall waste management and compliance with the Waste Framework Directive 2008/98/EC in Italy and Greece were particularly highlighted, in addition to problems in Bulgaria, Lithuania, Ireland, France, Spain and the UK.

There has been a steady increase in the numbers of new petitions registered regarding the environment, from 10% in 2009 to 16% in 2011:

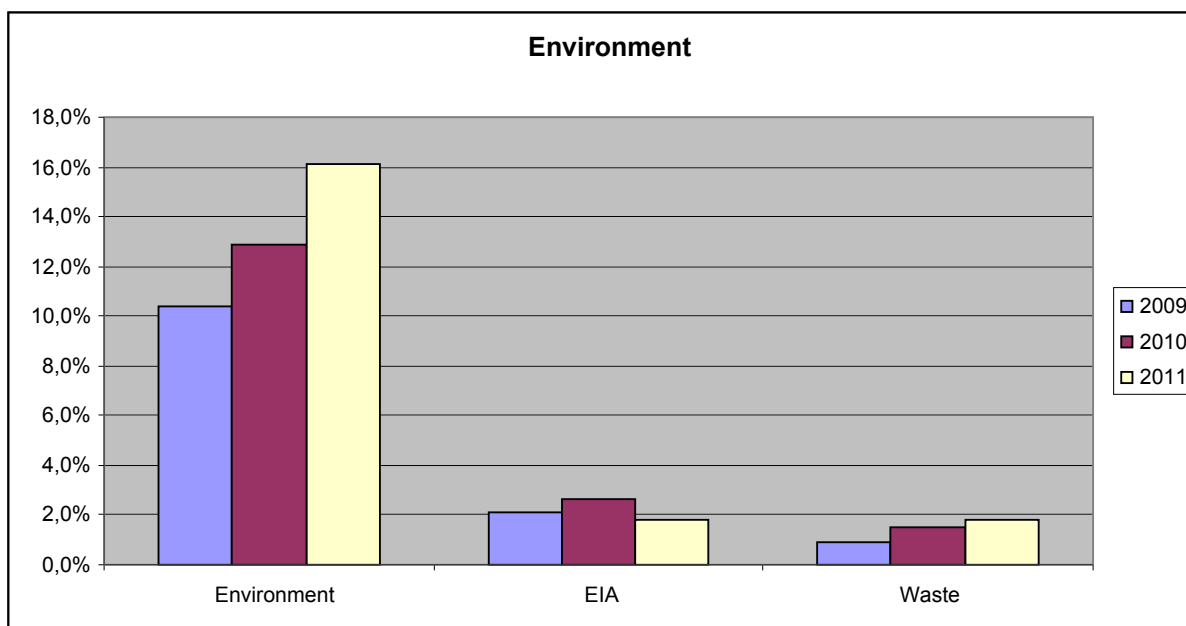


Table 5

Reflecting the prominence of waste issues in the work of the Committee and the continuity in its commitment to the numerous petitioners, Carlos José Iturgaiz Angulo was named rapporteur for an own initiative report on the ‘Issues raised by petitioners in relation to the application of the Waste Management Directive and related Directives in the Member States of the European Union’. The Policy Department commissioned an expert report on ‘Waste management in Europe: main problems and best practice’¹ which pinpointed problems with the permitting procedure for new waste management sites, improper management of existing sites and deficiencies in waste management systems. The Committee’s report emphasises the importance that Member States at all levels of administration, under the guidance and assistance of the Commission, should redouble efforts to comply with the waste acquis. The report was adopted in PETI in September 2011 and in the Plenary Session of February 2012 after a one-hour debate.

The Committee invited Commissioner Potocnik to its meeting in November 2011. He acknowledged that the environment is the area with the highest number of petitions and infringement cases, representing almost 20% of the total number of infringements (end 2009). The Committee’s work in focusing on implementation of legislation for the benefit of citizens’ health and well-being makes it a natural ally of the Commission and the Commissioner looked forward to continued good cooperation in this respect. He warned, though, of the complexity of legal and factual issues and the difficulty of finding satisfactory solutions in order to build citizens’ trust. Commissioner Potocnik suggested a strategy of information and transparency.

The application of the Environmental Impact Assessment (EIA) Directive is frequently the subject of petitions. As it stands, it is largely a procedural Directive, providing the framework for Member States to consult the public. The Committee emphasises the duty of local and

¹ PE 453.194

regional authorities to ensure that an impact assessment is independent and objective, and that there are no conflicts of interest between the experts and project promoters. Citizens will often pre-emptively bring the issue to the Petitions Committee for lack of trust in the procedure or the good faith of the authorities.

The Directive is presently under review. The public consultation conducted by the Commission produced 1365 replies, of which almost 50% are from Germany. As a result the most likely policy option is for some technical amendments in a recast or amended codified directive. The Commission aims to make a proposal in 2012, to be adopted in 2014, with an entry into force scheduled for 2016.

The Committee sometimes decides to conduct Fact Finding Visits in accordance with rule 202(5) of the Rules of Procedure, where a small group of Members investigates on the spot particularly complex issues, in order to shed further light on petitions already discussed in Committee. In 2011 there were two visits focussing on environmental issues, one to Bulgaria, the other to Romania:

The purpose of the visit to Bulgaria at the end of June 2011 was to examine the compatibility with environmental criteria of the landfill site at Suhodol and two tourist developments in the Rila and Rhodope mountains. The report urges the Commission to closely monitor developments in Bulgaria and provide the authorities with close guidance. The authorities are invited to ensure full transparency and accountability of administrative process, involving citizens at all levels, including NGOs and other representatives of civil society more actively.

The visit to Romania in November was built around two main topics allowing the members of the delegation to weigh up the arguments for and against the large-scale mining project in Roşia Montană and to evaluate the impact of several wind farm projects that allegedly disrupt the coherence of the Natura 2000 network.

Fundamental Rights

Since the Treaty of Lisbon has come into effect, issues relating to fundamental rights and citizenship have taken on a much higher profile and interest is likely to increase. The effect on citizens of the incorporation of the Charter on Fundamental Rights into the Treaty is a subject that the Committee has repeatedly examined. There is a risk that the imminent accession of the EU to the European Convention of Human Rights will add yet another layer to the confusion. While it is becoming increasingly clear that legally there is very little change, the Committee needs to reflect on its political role in defending citizens' legitimate expectations.

The overall share of petitions referring to 'Fundamental Rights' in the broad sense for 2009 and 2010 was around 35%, dropping to 28% in 2011. The reason for this drop is explained by the non-petitions filter (see below) which has affected in particular petitions labelled 'Personal Matter' and 'Justice'. The sharp increase in petitions labelled 'Information Society & Media', under which press freedom falls, is likely to find its explanation in problems highlighted in Romania and Hungary during 2011.

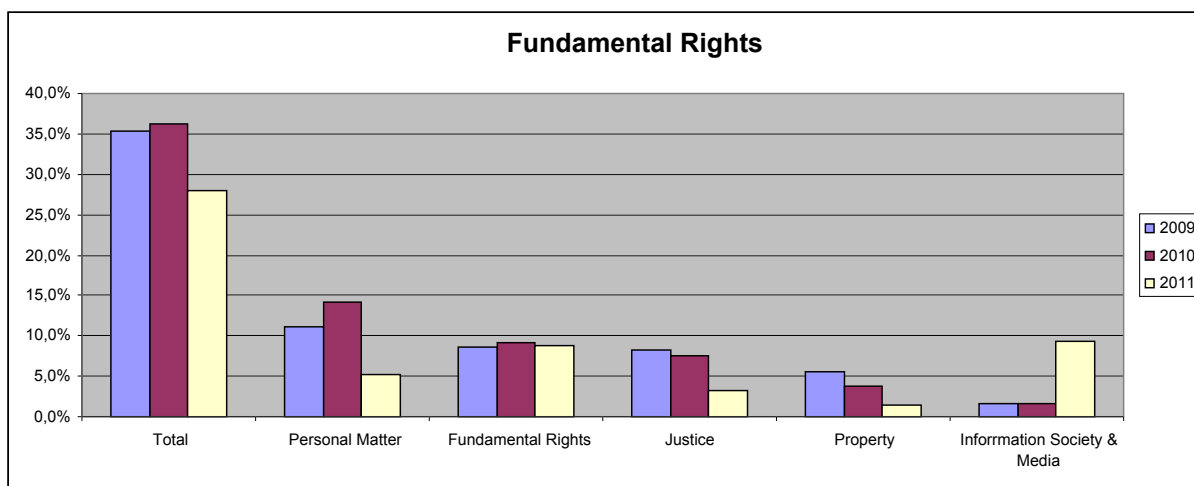


Table 6

Vice-President Viviane Redding attended the Committee for the first time in October 2010 and again in February 2011. The Commission takes a conservative view with reference to article 51, which restricts its application to ‘the institutions and bodies of the EU....and to the Member States only when they are implementing Union law’. The Petitions Committee, together with DG Justice of the European Commission, organised a hearing on 6 October 2011 where Commissioner Redding was again present. Commissioner Redding readily recognised that there is a communication gap between citizens’ expectations, fuelled by declarations from representatives of EU institutions and the actual fall-out from the Charter.

A panel of distinguished academics and legal professionals explored whether the application fulfilled the main objective of the Charter ‘to strengthen the protection of fundamental rights’. The majority view was that it is not. Jean-Paul Jacqu e of the College of Europe made the point that the Charter has added to the complexity, rather than simplifying the position of fundamental rights in the EU. Elspeth Gould from CEPS used the case of FRONTEX as an example to illustrate the contradictions, and Professor Giuseppe Tesaro from the Italian Constitutional Court spoke of the disillusionment on the part of citizens, with the danger of ensuing general disaffection with the European project. Professor Van Erp of Maastricht University took the view that property rights are indeed covered by the Charter in article 17.

Property rights in Spain, in particular the sub-category of properties in Spain affected by the 1988 Coastal law, have been in the limelight of the Committee’s work time and again, for several years:

- 70 petitions, involving all coastal autonomous communities (15 out of 22 coastal provinces):

Petitions by autonomous community			
23	Valencian Community: 10 Valencia (eight of which, Urb La Casbah), 9 Alicante, 4 Castell�o.	3	Asturias
11	Andalusia (mostly Almer�a)	3	Cantabria

10	Catalonia (all refer to two Marinas in Girona: Empuriabrava and Santa Margarita)	2	Basque Country (both of which include historical mills in the property)
9	Balearic Islands	2	Galicia
9	Canary Islands (mostly Tenerife and the town of Candelaria)	1	Murcia
		2	general complaints against the Ley de Costas

- At least 25 petitions refer to properties that have been in the possession of the petitioner since before 1988. Many other petitions refer to properties built before 1988, but last purchased after 1988.
- The petitions represent around 27,000 signatures: A few (3) petitions alone account for 26,000 signatures, whereas most petitions (43) were submitted by one petitioner, representing themselves or their household, and many petitions (20) have multiple signatures, often representing an association or a platform. Only a few petitions (4) refer to salt and aquaculture activities, on behalf of companies.
- 51 petitions have been submitted by Spanish citizens; 19 petitions have been submitted by citizens of other countries (18 EU, 1 US).

The petitioners were given a hearing in May. Subsequently, the coordinators decided to set up a working group to consider next steps.

The Commission brought case C-306/08 against Spain because of the incompatibility of some of the provisions of the Valencia regional land development legislation with EU procurement rules. The Court ruled that there was no infringement of Community law. The proceedings brought by the Commission before the Court, and the judgement, focused only on public procurement aspects of the Valencian land legislation. Neither the Court proceedings nor the judgement referred to other aspects of that legislation, such as expropriation issues, environmental impact, urban land-use designation, or to the appropriateness of the regional land development policy in general. Some 31 petitions remain open subject to resolving problems highlighted in the Auken report¹.

In November, the Committee sent a fact finding mission to Berlin in order to follow up on the 'Jugendamt' problem that has been the subject of a large number of petitions, followed by the Committee for several years. It concerns the role of the German authorities in protecting the best interest of children and the rights of parents. The objective of the visit was to meet with the Bundestag's Committee on Petitions and Committee on Family and Youth. The delegation also discussed the matter with representatives of the Ministry for Family Affairs and the

¹ N. whereas Parliament considers that the obligation to cede legitimately acquired private property without due process and proper compensation and the obligation to pay arbitrary costs for unrequested and often unnecessary infrastructure development constitute a violation of an individual's fundamental rights under the ECHR and in the light of the case-law of the European Court of Human Rights (see, for instance, Aka v. Turkey¹), 18. Believes, nevertheless, that the absence of clarity, precision and certainty with regard to individual property rights contained in existing legislation, and the lack of any proper and consistent application of environmental law, are the root cause of many problems related to urbanisation and that this, combined with a certain laxity in the judicial process, has not only compounded the problem but has also generated an endemic form of corruption of which, once again, the EU citizen is the primary victim, but which has also caused the Spanish State to suffer significant loss

Ministry of Justice. Members had the opportunity to better understand the German rules for child care supervision. Even if the number of petitions raising alleged problems related to cross-border cases is significant, it remains negligible in comparison to the very large number of cases dealt with by the authorities in the absolute. Legal security is ensured by the existence of avenues for appeal.

The Committee on Petitions, as co-rapporteur with the Committee on Constitutional Affairs under rule 50 of the Rules of Procedure, drafted an opinion in late 2010 on the proposal for a regulation on the European Citizens' Initiative. The Committee was pleased that its suggestions to guarantee a public hearing for successful initiatives and a simplification of the rules on admissibility were adopted. It regrets that its proposal to eliminate the age limit for signatories was not accepted. The change to Rules of Procedures regarding the Committee mainly responsible for organising the hearing in Parliament for successful Initiatives is still not settled.

The Committee needs to carefully consider and define its role in light of the evolutions enshrined in the Lisbon Treaty: Charter of Fundamental Rights, European Citizens' Initiative, accession by the EU to the ECHR.

Internal Market

Freedom of movement is almost taken for granted by EU citizens and they rightly complain when they encounter difficulties in enjoying their rights. Around 15% of petitions registered fall under the themes 'Internal Market', 'Pension', 'Taxation' and 'Financial Services' put together:

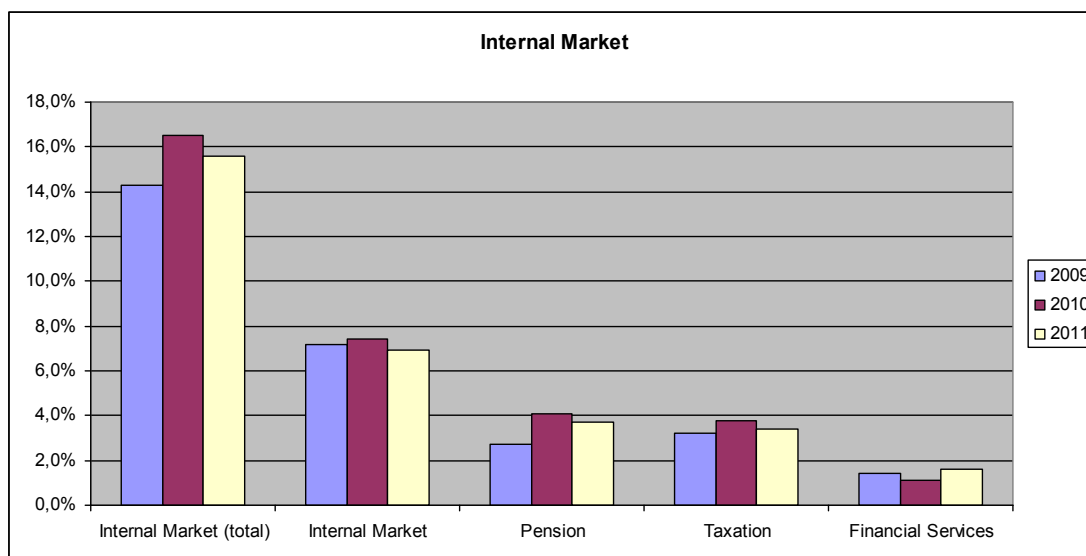


Table 7

The Committee decided to draw up an own initiative report entitled 'EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights' with Adina-Ioana Vălean as rapporteur. The draft report, based on the first-hand feedback that petitions provide, highlights persistent problems with the implementation of the Directive on the free movement of EU

citizens and their family members¹, access to social security entitlements, mutual recognition of qualifications, obstacles faced by people with disabilities, family law issues and mass expulsions on the basis of ethnic or national origin affecting the Roma. The report emphasises the importance of information websites and alternative dispute resolution mechanisms and the continued need for information and communication.

As pointed out in previous annual reports and the report on EU citizenship the numerous alternative information websites (i.a. Your Europe), and dispute resolution mechanisms, (SOLVIT, EC Pilot and CHAP, ECC-Net, etc) are probably becoming better known and resolve a certain number of potential petitions. Nevertheless, some issues remain, for example double taxation of income, which formally/legally does not fall under EU competence but which constitute an impediment to free movement. The Committee heard a number of petitioners on this subject; it decided to write to Member States, urging them to reach a pragmatic solution.

Filtering of submissions - non-petitions

A new procedure introduced in June 2011 in order to direct submissions not considered relevant to be answered by other services. A total of 647 submissions were filtered out and **not** registered as petitions.

They were dealt with according to the following:

- a) Submissions containing a request for information about the European Parliament and its activities => 57 referred to Citizens' enquiries
- b) Submissions containing only comments or observations on EU policies, declarations without further request, or which are short or meaningless or contain offensive language => 468 (2010: 91) answered by DG PRES
- c) Submissions falling outside the field of activities of the European Union or which do not affect the citizen directly => 122 answered by the secretariat of the Committee on Petitions.

The purpose of this filtering procedure was to reduce the work load of the committee. It translates into a sharp drop of petitions registered as 'Personal Matter' (2010: 234; 2011; 74) and 'Justice' (2010: 125; 2011: 45). As mentioned earlier, these submissions can globally be categorised as falling under the heading of 'Fundamental Rights'

Overall, it should be noted that many petitions under the general heading 'Fundamental Rights', including so-called non-petitions, are based on a misunderstanding by citizens. They are under the impression that the European Court of Human Rights falls under the authority of the EU or mistake the European Parliament for a judiciary and court of appeal when national authorities have failed to deliver the result that citizens expect or wish for. This is hardly surprising, considering the expectations raised by politicians in the run-up to the Lisbon Treaty, which includes the Charter of Fundamental Rights and foresees the EU signing up to the European Convention on Human Rights. The Committee has decided it will continue to

¹ 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 ([2004] OJ L158/77)

consider admissible and investigate allegations of breach of fundamental rights when justified with a view to finding non-judicial remedies or political solutions. On the other hand, the Committee does not question the Commission's view with regard to its own competence as guardian of the Treaty which prevents it from intervening.

The Legal Service has been asked for an opinion on the definition of admissibility of petitions. In its answer it confirms that 'field of activity' as contained in the Treaty, 'can be considered to be even wider than the mere sum of the competencies exercised by the Union'. Amongst the implications of this, the fact that the Commission (which frequently conducts preliminary investigations regarding admissible petitions at the request of the Committee) only acts 'within the competencies of the Union' means that its interpretation of petitions is often narrower than the scope for interpretation of petitions offered to the Parliament and its Petitions Committee. The main parameters identified by the Legal Service concern the provisions of Article 3 concerning the objectives of the Union, read in conjunction with Articles 2 to 6 TFEU. The Legal Service resumes this as follows; 'The sum of provisions laid down in these Articles of the Treaties creates a category of activities wider than the sole competencies of the Union'.

Regardless, it is important that petitioners receive a duly motivated response and possibly guidance as to alternative recourse for their complaint. The EU Tribunal passed judgment on September 14th 2011¹ upholding a petitioner's complaint against the Committee's decision to declare his petition inadmissible. The court ruled that the Committee had failed to respect its duty to properly justify its decision and had not replied to the petitioner's allegation concerning possible breach of the Treaty.

Information

The need to step up efforts to provide better information to direct citizens concerns to the right interlocutor and to explain the competencies of different levels of government and public administration is reiterated by all. The Committee on Petitions repeats the call for improving its web portal on the European Parliament's website every year. Efforts should be sped up considerably.

Nevertheless, 2011 has seen a significant step towards reaching out to citizens; the secretariat now has a staff member dedicated to information and the result is as follows:

- a) Seven editions of the PETI-Journal newsletter have been published and distributed to ca 1000 persons. Around 50% of the recipients are inside the Parliament, some 25% are based in other European institutions and the remaining 25% are members of the general public.
- b) The PETI Facebook page and Twitter posts are followed, liked, syndicated and commented by an audience of around 1000 people, mainly members of the general public.

The aim is to redesign the web portal for petitions, closely linked to the Committee's presence on social media and editorial activities.

¹ Case T-308/07

Since web streaming of Committee proceedings began, viewings of the Committee on Petition outstrips others significantly. Citizens can follow the discussion of their petition from wherever they are.

Furthermore, attendance in meetings by citizens and authorities has remained stable over the past three years, though the share of petitioners has increased significantly in 2011. The cost of reimbursing travel costs for citizens attending meetings remains modest.

	2009	cost	2010	cost	2011	cost
Total Persons attended	245		243		242	
Main petitioners attended	86		89		148	
Reimbursed	24	€10.665	12	€5.710	12	€6.513

STATISTICAL ANNEX

Table 1. Overview: no of submissions, petitions registered, SIR outcome;

	2009	%	2010	%	2011	%
Total submissions	1924	100,00%	1746	100,00%	2091	100,00%
standard letter DG PRES			91		468	
CITES					57	
PETI reply					122	
Total no of petitions registered	1924	100,00%	1655	94,80%	1414	67,60%
Total admissible	1108	57,59%	989	59,76%	998	70,58%
<i>whereof closed with reply directly</i>	424	38,27%	405	40,95%	315	31,56%
<i>referred to EC for opinion</i>	710	64,08%	607	61,38%	649	65,03%
<i>referred to other for opinion</i>	29	2,62%	26	2,63%	26	2,61%
<i>referred to other for information</i>	211	19,04%	184	18,60%	162	16,23%
Inadmissible	816	42,41%	667	40,30%	416	29,42%

Table 2. Petitioner nationality

Nationality	2009	%	2010	%	2011	%
Germany	496	25,8%	409	24,7%	315	22,3%
Spain	237	12,3%	261	15,8%	204	14,4%
Italy	219	11,4%	215	13,0%	166	11,7%
Poland	129	6,7%	94	5,7%	125	8,8%
Romania	152	7,9%	101	6,1%	102	7,2%
UK	122	6,3%	91	5,5%	80	5,7%
France	79	4,1%	78	4,7%	78	5,5%
Bulgaria	54	2,8%	40	2,4%	49	3,5%
Greece	78	4,1%	69	4,2%	49	3,5%
Hungary	17	0,9%	31	1,9%	26	1,8%
Austria	38	2,0%	25	1,5%	24	1,7%
Portugal	32	1,7%	25	1,5%	24	1,7%
Netherlands	44	2,3%	18	1,1%	23	1,6%
Belgium	27	1,4%	29	1,8%	22	1,6%
Ireland	31	1,6%	27	1,6%	16	1,1%
Sweden	13	0,7%	11	0,7%	12	0,8%
Finland	26	1,4%	25	1,5%	12	0,8%
Denmark	13	0,7%	17	1,0%	11	0,8%
Czech Republic	6	0,3%	9	0,5%	10	0,7%
Slovakia	14	0,7%	4	0,2%	7	0,5%
Slovenia	10	0,5%	4	0,2%	7	0,5%
Lithuania	8	0,4%	12	0,7%	6	0,4%
Malta	11	0,6%	11	0,7%	6	0,4%
Cyprus	8	0,4%	8	0,5%	4	0,3%
Luxembourg	2	0,1%	0	0,0%	4	0,3%
Latvia	11	0,6%	8	0,5%	3	0,2%
Estonia	3	0,2%	2	0,1%	3	0,2%
non-EU	44	2,3%	31	1,9%	26	1,8%
	1924	100,0%	1655	100,0%	1414	100,0%

Table 3. Country concerned

Country concerned	2009		2010		2011	
European Union	404	21,0%	285	17,2%	311	22,0%
Spain	279	14,5%	288	17,4%	216	15,3%
Germany	299	15,5%	273	16,5%	183	12,9%
Italy	177	9,2%	183	11,1%	138	9,8%
Romania	143	7,4%	102	6,2%	106	7,5%
Poland	100	5,2%	66	4,0%	104	7,4%
France	73	3,8%	62	3,7%	64	4,5%
UK	83	4,3%	66	4,0%	60	4,2%
Bulgaria	56	2,9%	36	2,2%	52	3,7%
Greece	74	3,8%	71	4,3%	48	3,4%
Portugal	37	1,9%	26	1,6%	30	2,1%
Hungary	25	1,3%	36	2,2%	23	1,6%
Ireland	37	1,9%	27	1,6%	22	1,6%
Netherlands	35	1,8%	12	0,7%	20	1,4%
Austria	34	1,8%	36	2,2%	18	1,3%
Czech Republic	13	0,7%	15	0,9%	15	1,1%
Denmark	14	0,7%	25	1,5%	14	1,0%
Sweden	17	0,9%	16	1,0%	13	0,9%
Belgium	30	1,6%	28	1,7%	12	0,8%
Finland	20	1,0%	26	1,6%	11	0,8%
Cyprus	13	0,7%	18	1,1%	10	0,7%
Malta	9	0,5%	13	0,8%	9	0,6%
Lithuania	14	0,7%	7	0,4%	8	0,6%
Slovakia	19	1,0%	7	0,4%	8	0,6%
Slovenia	12	0,6%	6	0,4%	7	0,5%
Luxembourg	4	0,2%	3	0,2%	4	0,3%
Estonia	4	0,2%	7	0,4%	3	0,2%
Latvia	11	0,6%	7	0,4%	3	0,2%
	1924	105,8%	1655	105,6%	1414	106,9%

Table 4. Themes

Theme	2009		2010		2011	
Environment	201	10,4%	214	12,9%	227	16,1%
<i>Environment - Waste</i>	18	0,9%	24	1,5%	25	1,8%
<i>Environment Impact Assessment</i>	40	2,1%	43	2,6%	26	1,8%
Subtotal Fundamental Rights	679	35,3%	600	36,3%	394	27,9%
<i>Fundamental Rights</i>	165	8,6%	152	9,2%	123	8,7%
<i>Personal Matter</i>	216	11,2%	234	14,1%	74	5,2%
<i>Property</i>	106	5,5%	63	3,8%	21	1,5%
<i>Information Society & Media</i>	33	1,7%	26	1,6%	131	9,3%
<i>Justice</i>	159	8,3%	125	7,6%	45	3,2%
Subtotal Internal Market	276	14,3%	273	16,5%	221	15,6%
<i>Internal Market</i>	138	7,2%	123	7,4%	98	6,9%
<i>Pension</i>	51	2,7%	68	4,1%	52	3,7%
<i>Taxation</i>	61	3,2%	63	3,8%	48	3,4%
<i>Financial Services</i>	26	1,4%	19	1,1%	23	1,6%
Transport	101	5,2%	101	6,1%	69	4,9%
Consumers' Rights	96	5,0%	84	5,1%	55	3,9%
Economic & Monetary Affairs	27	1,4%	26	1,6%	53	3,7%
Employment	105	5,5%	64	3,9%	45	3,2%
<i>Energy</i>	30	1,6%	24	1,5%	43	3,0%
<i>Culture & Heritage</i>	57	3,0%	48	2,9%	42	3,0%
<i>Animal Welfare</i>	37	1,9%	34	2,1%	36	2,5%
<i>Institutions</i>	36	1,9%	30	1,8%	30	2,1%
<i>Health</i>	104	5,4%	83	5,0%	28	2,0%
<i>Urban Development</i>	77	4,0%	35	2,1%	28	2,0%
<i>Constitutional Affairs</i>	26	1,4%	27	1,6%	26	1,8%
<i>Fraud & Corruption</i>	22	1,1%	32	1,9%	25	1,8%
<i>Agriculture</i>	22	1,1%	21	1,3%	21	1,5%
<i>Industry & Enterprise</i>	45	2,3%	33	2,0%	21	1,5%
<i>Immigration</i>	38	2,0%	37	2,2%	17	1,2%
<i>External Relations</i>	38	2,0%	18	1,1%	16	1,1%
<i>Other</i>	146	7,6%	93	5,6%	69	4,9%
	1924		1655		1414	

Table 5. Status; open petitions since 1997 as at end 2011

	Open	%	Closed	%	Total
2011	565	39,96%	849	60,04%	1414
2010	224	13,50%	1432	86,50%	1655
2009	178	9,30%	1746	90,70%	1924
2008	141	7,50%	1745	92,50%	1886
2007	120	8,00%	1386	92,00%	1506
2006	45	4,40%	976	95,60%	1021
2005	31	3,05%	985	96,95%	1016
2004	16	1,60%	986	98,40%	2002
2003	7	0,50%	1308	99,50%	1315
2002	5	0,30%	1596	99,70%	1601
2001	0	0,00%	1132	100,00%	1132
2000	1	0,10%	907	99,90%	908
1999	1	0,10%	933	99,90%	934
1998	2	0,20%	1125	99,80%	1127
1997	1	0,10%	1305	99,90%	1306

Table 6. Meeting attendance

	2009	2010	2011
Total persons attended	245	243	242
Main petitioners attended	86	89	148
Reimbursed	24	12	12

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	12.7.2012
Result of final vote	+: 20 -: 0 0: 1
Members present for the final vote	Margrete Auken, Victor Boștinaru, Philippe Boulland, Giles Chichester, Nikolaos Chountis, Iliana Malinova Iotova, Carlos José Iturgaiz Angulo, Lena Kolarska-Bobińska, Erminia Mazzoni, Willy Meyer, Chrysoula Paliadeli, Nikolaos Salavrakos, Jarosław Leszek Wałęsa, Rainer Wieland
Substitute(s) present for the final vote	Zoltán Bagó, Birgit Collin-Langen, Axel Voss
Substitute(s) under Rule 187(2) present for the final vote	Ioan Enciu, Petru Constantin Luhan, Bogdan Kazimierz Marcinkiewicz, Franck Proust, Renate Sommer, Hermann Winkler