

The right to petition the European Parliament

SUMMARY

The right to petition the European Parliament (EP) was formally set out in the Maastricht Treaty as one of the rights of European Union citizenship. Parliament's predecessors, from the beginnings of the Communities in the 1950s, had already recognised the importance of receiving petitions from citizens, and this has become a major expression of the Parliament's role as direct representative of EU citizens. The EP's practice is based on those of national parliaments, though is more extensive compared to many national parliaments in terms of scope.

The right of petition has developed substantially over time. In particular petitions addressed to the EP's Committee on Petitions (PETI Committee) and then transferred to the Commission can potentially lead to infringement procedures against Member States. There are, however, still some issues over effectively ensuring the exercise of the right – in particular concerning the responsiveness of the Commission and involving national parliaments more effectively.

These have led to a number of suggestions regarding the deadlines for the Commission to respond to PETI Committee requests for information and follow-up, and on ensuring regular information flow between the EP and the Commission. Other practical proposals deal with cooperation with national parliaments, in particular through a network involving the EP and national parliaments, and the closer involvement of Member States' representatives in the PETI Committee's meetings. Suggestions also concern achieving greater visibility and effectiveness of the PETI Committee within the European Parliament itself, including developments of its own procedure.



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Background

The right to petition parliaments allows citizens close contact with an elected representative political institution and the possibility to participate indirectly in the democratic process and influence the political agenda. Like referenda and popular legislative initiatives, the right of petition is a crucial element of a participatory democracy. In the EU context, the right of petition was provided in the rules of procedure of the European Parliament's predecessors – the [European Coal and Steel Community's Common Assembly](#) and [the European Parliamentary Assembly](#) – early in the 1950s. However it was only in the late 1970s and [early 1980s](#) that specific detailed provisions for submitting petitions to the EP by citizens were introduced in the EP's Rules of Procedure. This was followed by the creation of the dedicated Committee on Petitions (PETI) in 1987.¹ At that time it was based on custom [recognised](#) through a 1989 interinstitutional agreement securing for the first time the collaboration by the Commission and the Council, and not yet on a provision of the EU Treaties. The right to petition the European Parliament – in any EU language – as a right stemming from European Union citizenship was formally introduced at EU level in the Maastricht Treaty in 1992 (now Article 227, [Treaty on the Functioning of the EU](#) – TFEU), along with the establishment of the post of European Ombudsman (Article 228 TFEU) to deal with maladministration on the part of EU institutions or national institutions when implementing EU law.

The right of petition and EP procedure

The EP has developed procedures for the receipt and handling of petitions, centred on the Committee on Petitions (PETI). These are set out in Title IX of Parliament's Rules of Procedure.

The subject-matter of petitions

Petitions to the EP represent complaints, requests, observations on the application of EU law, or appeals to the EP to adopt a position on a specific matter covering the EU's areas of activity.²

Who can petition the EP?

Under Articles 24(2) and 227 TFEU, citizens and legal persons³ established in a Member State have the right to address a petition of public and private interest to the European Parliament on issues concerning them directly and covering the EU's areas of activity. In addition, this right is also enshrined in [Article 44 of the Charter of Fundamental Rights of the European Union](#). Non-EU citizens can also petition the EP, but only when legally resident in the European Union.

Procedure

Under [Rule 215](#) of the EP's Rules of Procedure petitions addressed to the EP in one of the official languages of the EU are first referred to the PETI Committee which examines their admissibility. In cases where petitions are declared inadmissible (if for example, the matter is not within the EU's fields of activity, or it does not directly affect the petitioner), where possible, other means of redress may be recommended.

The PETI Committee and European Citizens' Initiatives (ECIs)

Under Rule 218, the PETI Committee may [decide to examine](#) European Citizens' Initiatives (ECIs) which [cannot be submitted](#) to the Commission because not all procedural requirements have been met.

Possible outcomes

Once declared admissible, under [Rule 216](#) of the EP Rules of Procedure petitions are examined by the Committee with the possibility of inviting petitioners to a public hearing. The Committee can launch (in conjunction with [Rule 52](#)) an own-initiative report or submit a short motion for a resolution to the plenary. In addition, in investigating petitions and searching for a solution the PETI Committee may organise fact-finding visits in Member States or, where appropriate, decide to [refer](#) the matter to the European Ombudsman. Conversely, under [Article 2\(4\) of the Ombudsman's implementing provisions](#), the Ombudsman can also, in appropriate cases and with the consent of the complainant, transfer a complaint to the Parliament to be dealt with as a petition. In addition the Committee may request Parliament's President to [forward](#) its opinion or recommendation to the Commission, the Council or the Member State authority concerned for action or a response.

The EP also has the power, under [Article 226](#) TFEU to set up a [committee of inquiry](#) to investigate cases of maladministration in the implementation of EU law, except when the matter is subject to legal proceedings. Some petitions have indeed led to [such a committee](#) being set up, such as the 2005 [Temporary Committee of Inquiry into the Crisis of the Equitable Life Assurance Society](#).

The EP also adopts [annual reports](#) on the PETI Committee's activities. These concern the examination of individual petitions by the Committee and discuss possible improvements of procedure and relations with other institutions.

Judicial review

The right of petition has been subject to cases for annulment brought before the Court of Justice of the EU (CJEU). In [Case T-308/07](#) in 2011 the Court of First Instance (now the General Court) annulled the decision of the PETI Committee to declare a petition from a German applicant [inadmissible](#) due to the lack of clearly stated reasons, while upholding the EP's political right to take, or not take, further action on a petition.

Scope of the right of petition in the EP and in national parliaments

At EU level the right is adapted from national parliaments' practices in the area of petitions. However, compared to the broad access to the right to petition the EP, provisions governing access to the right of petition at national level are more restricted in many cases. These include first the restriction placed by some parliaments (the Danish Folketing,⁴ the Greek parliament⁵ and the UK House of Commons⁶) on the submission of a petition only through a Member. Other limits to addressing petitions involve restricting the right to address a collective petition to a national parliament to institutions (e.g. in Belgium⁷). In one case – Slovakia – requirements include a minimum number of supporters of a petition,⁸ e.g. when concerning a proposal for a referendum.⁹

Petitions and Commission infringement procedures

The PETI Committee has examined a number of petitions which have either played a role in the preparation of infringement procedures by the Commission against Member States, or represent cases where infringement procedures under [Articles 258](#) and [260](#) TFEU may be considered.

Petition 2050/2013 and Petition 2318/2013 on hazardous waste in Spain

These [petitions](#), submitted separately by two Spanish nationals, concerned complaints about the illegal burial of hazardous and municipal waste in Southern Spain by a private waste treatment plant affecting the groundwater. The petitioners requested the closure

of the landfills for breaching EU environmental legislation as well as a Commission inspection on the ground and called for those responsible to be identified.

Both cases were declared admissible in 2014, with the PETI Committee requesting information from the Commission. The Commission stated that the petitions were included in its [reasoned opinion](#) on Spain's breach of the Water Framework Directive prior to initiating an [infringement procedure](#) against Spain on uncontrolled landfill sites.

Petitions 1098/2010 and 1183/2010 on infringement of the right to free movement in conjunction with Petition 1289/2012

Two petitions (1098/2010 and 1183/2010) were submitted by German nationals¹⁰ and a third (1289/2012) by a UK citizen.¹¹ The first two concerned problems caused by the Swedish authorities' refusal to provide the German citizens with a population registration number, needed for all administrative purposes. The third petition dealt with the Swedish Tax Agency's decision to refuse the registration of the UK citizen with the Swedish Social Insurance Agency, thus excluding her from access to Swedish healthcare-system coverage. In all these cases petitioners claimed an infringement of their right to free movement in the European Union.

After declaring admissible all three petitions, the PETI Committee requested information from the Commission. The [Commission committed](#) itself to launching a dialogue with the Swedish authorities and to verify the compliance of Swedish administrative practice with EU law in the area of free movement of persons and the coordination of Member States' social security systems. On the registration number issue, it also considered the possibility to initiate an infringement procedure against Sweden, in case national measures are found to be inadequate.¹²

Petition 1053/2012 on unfair taxation of non-residents in Spain

This [petition](#) by a UK citizen dealt with Spanish taxation rules denying non-residents owning property the possibility to deduct expenses from their taxable rental income in Spain, which he considered a breach of the internal market and free movement rules of the European Union.

After declaring it admissible, the PETI Committee requested information from the Commission. The Commission [announced](#) that it had opened an infringement procedure against Spain (reference number 2007/4129), which ultimately led to a change in Spanish legislation providing for equal rights of residents and non-residents on the taxation of rentable income.

Petition No 2792/2013 on Romania's alleged lack of compliance with EU legislation with respect to equal access to EU waters

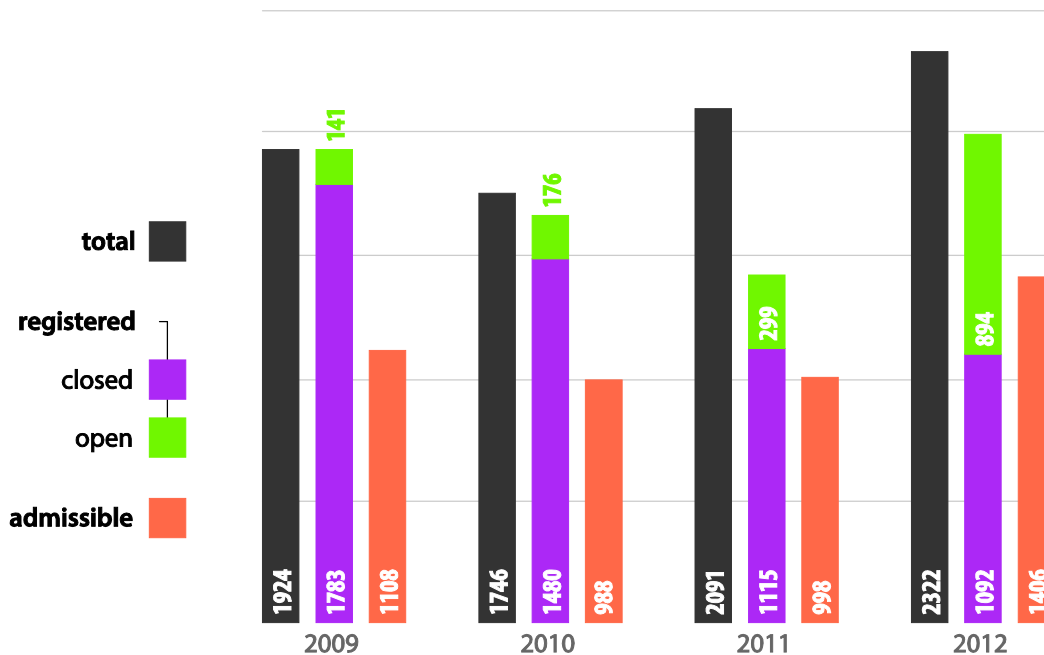
This [petition](#) by a Bulgarian citizen concerned the arrest of his fishing vessel by the Romanian fisheries authorities for fishing in Romanian waters without a Romanian fishing authorisation, and the wider issue of ensuring equal access to Union waters for fishing vessels from other Member States.

On declaring the petition admissible, the PETI Committee requested information from the Commission. The Commission stated that, due to Romanian non-compliance with equal access to EU waters, it had launched an [infringement procedure](#) against Romania in 2013, later temporarily suspended after a change of Romanian administrative practice. However after the decision of a Romanian Court of Appeal to quash an earlier court decision favourable to the petitioner in disregard of the relevant Commission position, the Commission is now considering renewing the infringement proceedings.

Data on petitions to the EP

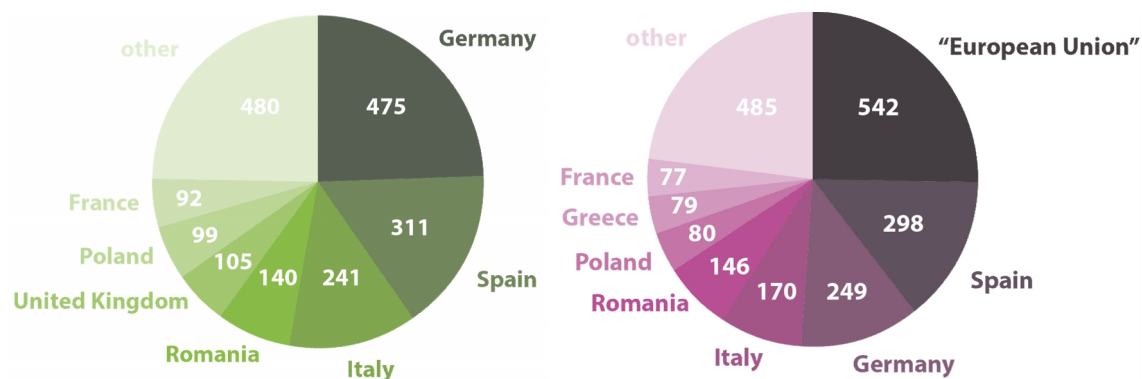
Statistical data (figure1) show a significant increase in the number of petitions, with a significant proportion of them declared admissible. Closed petitions refer to petitions that have been processed and an answer sent to the petitioner, while open ones concern petitions that are still being processed. On the origin of petitions and the Member States concerned (figure 2), most were submitted by citizens from Germany, Spain, Italy, Romania and the UK, and related to issues concerning these countries. In terms of field (figure 3) most petitions concerned fundamental rights, the environment, the internal market, consumers' rights, health and animal welfare.

Figure 1 - Number of petitions to the EP



Data source: [Report on the Activities of the Committee on Petitions 2013](#), (2014/2008(INI)), Rapporteur: Jarosław Leszek Wałęsa (Poland, EPP).

Figure 2 -Origin of petitions, by Member State (left) and Member States concerned by petitions (right)



Data source: [Report on the Activities of the Committee on Petitions 2013](#).

Figure 3 - Petitions to the EP by field



Data source: [Report on the Activities of the Committee on Petitions 2013](#).

Issues and proposed changes in the EP's treatment of petitions

While the EP has hailed the increased number of petitions addressed to it as considerable progress in terms of greater awareness of the right of petition, enhancing its status as directly representing EU citizens¹³ and allowing more direct input to other Committees in formulating legislation,¹⁴ it has identified some areas which may need improvement. These concern finding the most appropriate institution to which to address the petitions received from citizens and which could contribute to solving the issues raised by EU citizens. In this context the EP Report on the activities of the Committee on Petitions 2013 (Rapporteur: Jarosław Leszek Wałęsa, EPP, Poland) has presented a number of proposals aimed at better coordination with other institutions.

Concerning the European Commission, the PETI Committee suggested shorter deadlines for the Commission to respond to EP requests¹⁵ and for it to ensure a regular flow of information to the Committee on infringement proceedings linked to petitions, since petitions are seen as an early indicator of Member States lagging in implementing EU

legislation. In this context the EP highlighted the need for the Commission to monitor proactively and prevent projects which may lead to a breach of EU law from proceeding.¹⁶

In addition, the PETI Committee also raised an issue relating to competences, in view of the circumstance that citizens' expectations exceed the bounds of the Commission's possibilities to act. This concerns namely the restrictions¹⁷ imposed on the Commission's actions further to a request of the Committee on Petitions, due to [Article 51, para.2, of the Charter of Fundamental Rights](#) which limits the field of its application to the Union's powers established in the Treaties.

As to collaboration with national parliaments, the PETI Committee has suggested to boost this through structural dialogue¹⁸ and regular meetings with the chairs of national parliaments' Petitions Committees, within a network similar to the [European Network of Ombudsmen](#). Its aim would be to create a partnership allowing exchange of experience and best practices concerning the most efficient referral of petitions to the competent level and body, while recognising the differences in national parliaments' procedures for dealing with petitions. In terms of relations with Member States' representatives, the PETI Committee report proposes closer cooperation with them and their presence and active involvement in Petitions Committee meetings.¹⁹

In terms of achieving greater visibility within the European Parliament, the PETI Committee suggested a more substantial role for the Committee as a scrutiny committee, and greater involvement as an opinion-giving committee in connection with implementation reports on European legislation in Member States.²⁰ In addition, the Committee proposed the regular involvement of other parliamentary committees in PETI Committee debates concerning their fields of legislative competence and, in general, dedicating more time in plenary sessions to petitions from EU citizens.²¹

Concerning the PETI Committee's own internal procedure, proposals for changes focused on deadlines, mainly during the registration and admissibility phase. These include clear deadlines to speed up examining petitions – similar to other deadlines concerning legislative and non-legislative files – as well as an alert mechanism to remind Members of petitions not addressed for a long time, thus avoiding that old petitions stay open for long periods without substantial reason.²²

Apart from these issues, the more general question has been raised as to the appropriate position of the right of petition vis-à-vis other instruments of citizen participation such as the European Citizens' Initiative (ECI). It has been argued²³ that, in comparison to ECIs, the right of petition has a broader purpose. Hence, in cases where both overlap as a means of triggering political action from the EP, the result may be that the right of petition would remain a complementary element compared to ECI. Yet at the same time it has also been recognised²⁴ that greater political visibility of ECIs may ultimately have a favourable impact, by increasing public awareness of the right to petition the EP.

Endnotes

¹ Epaminondas Marias, The right to petition the European Parliament after Maastricht, *European Law Review*, no.2 (1994), p.169.

² See [note](#) on the EP website.

³ Since 1992 a wide range of legal persons are allowed to petition the EP. These include companies, various federations, associations and foundations, local authorities and international NGOs. See: Epaminondas Marias, The right to petition the European Parliament after Maastricht, *European Law Review*, No 2 (1994), p.176.

- ⁴ ECPRD Request No 2387, Deadline for answering to petitions, Final Summary, Prepared by the Romanian Chamber of Deputies, November 2013, p.4.
- ⁵ See the [Standing Orders of the Hellenic Parliaments](#).
- ⁶ See [Public petitions to the House of Commons](#) and ECPRD Request No 2387, Deadline for answering to petitions, Final Summary, Prepared by the Romanian Chamber of Deputies, November 2013, p.4.
- ⁷ See ECPRD Request No 2387, Deadline for answering to petitions, Final Summary, Prepared by the Romanian Chamber of Deputies, November 2013, p.9.
- ⁸ Ibid, p.13.
- ⁹ [Article 95 of the Slovak Constitution](#).
- ¹⁰ See Notice to Members, European Parliament Committee on Petitions on Petition 1098/2010 by Bernhard Bökeler (German), on discrimination of EU citizens by the Swedish authorities and Petition 1183/2010 by W.A. (German), on the need for a personal registration number in Sweden, 30.3.2015, p. 1.
- ¹¹ See Notice to [Members, European Parliament Committee on Petitions on Petition 1289/2012 by Elizabeth Bornecrantz \(British\), on an infringement of her right to free movement and residence in the EU, 29.8.2014, p.4](#).
- ¹² Ibid. p.4.
- ¹³ See [Report on the Activities of the Committee on Petitions 2013 \(2014/2008\(INI\)\), Rapporteur: Jarosław Leszek Wąteśa, p.3](#).
- ¹⁴ Ibid., p.4.
- ¹⁵ The present deadline is three months- see [Report on the deliberations of the Committee on Petitions during the parliamentary year 2002-2003 \(2003/2069\(INI\)\), Committee on Petitions, Rapporteur: Laura González Álvarez, 19 June 2003, p.9](#).
- ¹⁶ See [Report on the Activities of the Committee on Petitions 2013 \(2014/2008\(INI\)\), Rapporteur: Jarosław Leszek Wąteśa, p.7-13](#).
- ¹⁷ Ibid. p.8.
- ¹⁸ Ibid, p.13.
- ¹⁹ Ibid, p.13.
- ²⁰ Ibid, p.12.
- ²¹ Ibid, p.12.
- ²² Ibid, p.14.
- ²³ See [Citizens and EU Administration: Direct and Indirect links - Note - European Parliament, Directorate General for Internal Policies, Policy Department C, Citizens Rights and Constitutional Affairs, 2011, p. 22](#)
- ²⁴ Ibid. p.22.

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