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R E P O R T

of the Committee on Petitions

on the deliberations of the Committee on Petitions during the
parliamentary year 1990-1991

Rapporteur: Mrs Viviane REDING

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PE 150.218/fin.
Or. FR*A Series: Reports - B series: Motions for Resolutions, Oral Questions.**- C Series: Documents received from other Institutions (e.g. Consultations)*

* = Consultation procedure requiring a single reading

**II = Cooperation procedure (second reading) which requires the votes of the majority of the Members of Parliament

**I = Cooperation procedure (first reading)

*** = Parliamentary assent which requires the votes of the majority of the current Members of Parliament

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Rule 129(5) of Parliament's Rules of Procedure requires the Committee on Petitions to inform Parliament every six months of the outcome of its deliberations (cf. paragraph 1 of the Explanatory Statement).

At its meeting of 28 February and 1 March 1991 the Committee on Petitions appointed its chairman, Mrs Viviane Reding, rapporteur.

At its meetings of 24-25 April and 29-30 April 1991 the Committee on Petitions considered the draft reports and adopted it unanimously.

The following took part in the vote: Reding, chairman and rapporteur; Pagoropoulos, vice-chairman; Coimbra Martins, Dillen, Gil-Robles Gil-Deigado, Gutiérrez Díaz, Happart, Schmidbauer, Newman, Pierros and Wilson. Also present: Antony

The report was tabled on 3 May 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

MOTION FOR A RESOLUTION

on the deliberations of the Committee on Petitions
during the parliamentary year 1990-1991

The European Parliament,

- having regard to Rule 129(5) of the Rules of Procedure,
 - having regard to its previous resolutions on petitions, in particular the resolution adopted on 15 June 1990 on the basis of the annual report on the deliberations of the Committee on Petitions during the parliamentary year 1989-1990, with indications as regards future procedure for handling petitions (Doc. A3-107/90)¹
 - having regard to the Interinstitutional Declaration signed at the sitting of 12 April 1989² on petitioning the European Parliament,
 - having regard to the report of its Committee on Petitions (Doc. A3-0122/91),
- A. whereas the number of petitions and complaints from individuals received by the European Parliament has increased in recent years,
- B. whereas in dealing with petitions use should be made of all the options available under the Rules of Procedure and administrative practice, in particular forwarding petitions to the Commission and to the parliamentary committees and the drawing up of reports by the Committee on Petitions, pursuant to Rule 129(1) of the Rules of Procedure.
1. Recalls the importance of petitions for the European Parliament and for the Communities, in that they provide a link with individual citizens, their content often points to genuine needs or expresses a general feeling of unease, and they are always, in the final analysis a means of contributing to the democratic nature and running of Community institutions;
 2. Considers therefore that one of its primary duties and priorities is to do all it can not to let down petitioners;
 3. Calls on the parliamentary committees and departments concerned to respond appropriately to the petitions referred to them for an opinion, for further action or for information and furthermore calls on parliamentary committees asked for an opinion or for further action to consider such requests at their meetings and to respond within a reasonable period of time;

¹ OJ No. C 175, 16.7.1990, pp. 214 and 215

² OJ No. C 120, 16.5.1989, p. 90

4. Calls on the Commission to step up its processing of the petitions forwarded to it and to take the steps necessary to achieve a sharp reduction in the time taken to reply, in the interests of petitioners;
5. Calls on the Commission to monitor petitioners' cases continuously, keeping the Committee on Petitions informed of any developments and duly forwarding to it those documents of a general nature announced when petitions are considered;
6. Expresses its concern at the large number of petitions exposing the failure to apply or the misapplication of Community law and calls on the Commission to continue to investigate all such cases as quickly as possible;
7. Urges the Commission to use all the means at its disposal to secure compliance with Community law, particularly in areas involving Community financial contributions or loans, by not allocating or by reclaiming funds which may have been granted for operations which, in the Commission's opinion, might involve the infringement of Community law;
8. Calls on the Member States to take the measures necessary to reduce the time taken to reply to questions concerning petitions addressed to them by Parliament and the Commission, pursuant to the Interinstitutional Declaration of 12 April 1989;
9. Calls on the Commission to forward to Parliament an annual report on the complaints made by the staff of the Communities concerning the failure to apply or the misapplication of Community law to them by the Community Institutions or their bodies, and on the outcome of such complaints;
10. Welcomes the growth in cooperation between the Committee on Petitions and the ombudsmen and petitions committees of the national parliaments, which - once it is strengthened and increased - will provide the foundations for a suitable structure for defending individual citizens in their dealings with the administration at national, local and Community level;
11. Expresses its opposition to creating a European ombudsman since this would undermine the power of Parliament and its committees to supervise the Commission and its departments and would be a new structure overlapping with and detracting from existing ones such as the European Parliament's Committee on Petitions;
12. Considers that, at Community level, it is preferable for a parliamentary committee to examine, process and reach a decision on petitions which are submitted rather than for an ombudsman to pass judgement on such cases;
13. Fears that certain texts being considered by the Intergovernmental Conference on Political Union:
 - would unnecessarily introduce a new element making the institutional structure more complex and cumbersome, by setting up a body which would operate independently but under a remit conferred by the European Parliament with the approval of the Council, which would have separate powers of enquiry to rival Parliament's own, which would be able to embark on an enquiry on its own initiative (as the

Commission does at present), and which, ultimately, would only undermine the workings of the institutions;

- would significantly restrict citizens' rights by introducing a condition under which petitions to the European Parliament would not be admissible unless they directly concerned the petitioner as an individual, thus greatly diminishing the political significance of petitions.

14. Considers that the work and resources of the Committee on Petitions should be expanded substantially and that it should cooperate more closely with the Commission, the national ombudsmen and the national parliamentary committees responsible for petitions;
15. Considers, therefore, that instead of restricting the resources of the Committee on Petitions, extending its remit, and in particular its investigative powers, would ensure that it acted effectively on behalf of the general public in the Community;
16. Instructs its President to forward this resolution and the report of its committee to the Commission, the Council, the governments and parliaments of the Member States, the national petitions committees or other committees with competence in this field and the national ombudsmen.

EXPLANATORY STATEMENTI. INTRODUCTION

1. This report, drawn up pursuant to Rule 129(5) of the Rules of Procedure, follows on the previous annual reports submitted by the Committee on Petitions to Parliament and on the last six monthly report (PE 144.332/fin.). It deals with the Committee on Petitions' deliberations during the parliamentary year 1990-1991 and covers the period from 13 March 1990 to 11 March 1991.

The annual report (Doc. A3-0107/90) submitted in 1990 on the deliberations of the Committee on Petitions during the parliamentary year 1989-1990 set out a number of ideas on petitions and the procedure for handling them:

- petitions are important for the European Parliament as a whole in that they provide a close link with individual citizens, indicate where a problem exists and are a means of contributing to the democratic running of the Community; it is significant to note that a number of the petitions submitted to the European Parliament have provided the Commission with an opportunity to exercise its power (under Article 169 of the EEC Treaty) to ensure that the Member States apply Community law and, where appropriate, to refer a matter to the Court of Justice to establish that an infringement of the Treaty has taken place;
- the practice of forwarding most petitions to the Commission so that it can consider the facts and provide information reflects a healthy view of relations between the institutions and is based, inter alia, on the Interinstitutional Declaration signed at the sitting of 12 April 1989;
- petitions which are declared admissible may also be forwarded by the Committee on Petitions either to internal bodies such as parliamentary committees, or to Parliament's departments for appropriate action.

2. The aim of this report is to review the work of the Committee on Petitions during the parliamentary year 1990-1991 in the light of the principles set out above, to assess whether any changes are required in procedures and to formulate proposals where necessary.

II. THE ACTIVITIES OF THE COMMITTEE ON PETITIONS: GENERAL INFORMATION AND STATISTICS

3. The number of persons petitioning the Parliament is continuing to increase. During the parliamentary year 1990-1991, there has not only been an increase in the number of petitions (785 as against 774 the previous year, 692 in 1988-89, 487 in 1987-88, 234 in 1985-86, 100 in 1983-84 and 20 in 1977-78), but in particular the number of signatories to petitions has significantly increased. A list of the mass petitions, together with the number of signatures, is attached to this report: it will be observed that a large number of petitions were signed by several

thousand people, notably 250 000 signatures for Petition No. 371/89 and more than a million signatures for Petition No. 150/91.

4. During the period under review, the committee held 14 meetings over a total of 32 half days (there was one coordinators' meeting during this period). One of these meetings was held in Luxembourg on 21 and 22 May 1990, and the committee met several leading Luxembourg figures including Mr Marc Fischbach, Minister for the Civil Service and Mr Jean Spautz, Minister for the Interior.

Another meeting was held in Dublin on 16, 17 and 18 July 1990. The committee met several leading figures there including Mr Michael Woods, Minister for Social Affairs, Mr Michael Mills, the Ombudsman, and Mr Garret Fitzgerald, the former Taoiseach (Prime Minister).

For the period, the biennial meeting with national ombudsmen and the chairmen of national parliamentary committees on petitions was held on 19 March 1991, just after the end of the period covered by this report.

5. At its meeting of 20 and 21 June 1990, the Committee on Petitions adopted a report on the situation of Community languages and that of Catalan (Doc. A3-169/90), for which the rapporteur was Mrs Reding and the co-rapporteurs Mr Gasoliba i Böhm, Mr Gutierrez Diaz and Mrs Miranda de Lage. The rapporteurs met on eight occasions to prepare this report. The motion for a resolution contained in the report was adopted at the sitting of 11 December 1990 by 183 votes to 0 with 3 abstentions.
6. During the reference period, the committee declared 535 petitions admissible (as against 421 in the parliamentary year 1989-90).

283 petitions were declared inadmissible (207 in 1989-90).

In 93 cases, the petitioners were advised to apply to a national authority (usually an ombudsman or a committee on petitions). Where the petitioners themselves so requested, the Committee on Petitions forwarded the complaints directly to the authorities concerned.

7. During the parliamentary year, consideration of 467 petitions was closed (in 1989-90 the figure was 442 petitions and in 1988-89 282 petitions).

At the end of the parliamentary year, 430 petitions were still being examined (in 1989-90 the figure was 387 petitions and in 1988-89 401 petitions).

8. In 331 cases, information was requested from the Commission (245 cases in 1989-90).

In nine cases, information was requested from Parliament's Legal Service (12 cases in 1989-90).

In one case, the Directorate-General for Research was requested to supply information to a petitioner.

In five cases (six last year), the committee asked the President of Parliament to request information from national authorities. In ten further cases, the committee asked the President of Parliament to inform

the national authorities of the problems referred to in the petitions, calling for action where appropriate.

Eight petitions were forwarded to other parliamentary committees for their opinion (one to the Political Affairs Committee, one to the Committee on Agriculture, Fisheries and Rural Development, two to the Committee on Legal Affairs and Citizens' Rights, two to the Committee on Social Affairs, Employment and the Working Environment, one to the Committee on the Environment, Public Health and Consumer Protection and one to the Committee on Youth, Culture, Education, the Media and Sports).

76 petitions were forwarded to other parliamentary committees or interparliamentary delegations for consideration, either separately or in the context of their other work (five to the Political Affairs Committee, four to the Committee on Agriculture, Fisheries and Rural Development, one to the Committee on Budgets, one to the Committee on External Economic Relations, ten to the Committee on Legal Affairs and Citizens' Rights, 18 to the Committee on Social Affairs, Employment and the Working Environment, two to the Committee on Transport and Tourism, 25 to the Committee on the Environment, Public Health and Consumer Protection, five to the Committee on Youth, Culture, Education, the Media and Sport, two to the Committee on Development and Cooperation, two to the Committee on Institutional Affairs, eight to the Committee on Women's Rights, one to the delegation for relations with Yugoslavia, one to the delegation for relations with Czechoslovakia, and one to the delegation for relations with Canada). In one of these cases, a document drawn up by the Directorate General for Research at the request of the Committee on Petitions was attached.

108 petitions were forwarded to other parliamentary committees or interparliamentary delegations for information (19 to the Political Affairs Committee, 19 to the Committee on Agriculture, Fisheries and Rural Development, two to the Committee on Economic and Monetary Affairs and Industrial Policy, one to the Committee on Energy, Research and Technology, one to the Committee on External Economic Relations, six to the Committee on Legal Affairs and Citizens' Rights, 12 to the Committee on Social Affairs, Employment and the Working Environment, one to the Committee on Regional Policy and Regional Planning, five to the Committee on Transport and Tourism, 26 to the Committee on the Environment, Public Health and Consumer Protection, 10 to the Committee on Youth, Culture, Education, the Media and Sport, six to the Committee on Development and Cooperation, two to the Committee on Institutional Affairs, six to the Committee on Women's Rights, one to the delegation for relations with Yugoslavia, one to the delegation for relations with the countries of South America).

9. The breakdown by petitioner's nationality and the country where the problem arose is as follows:

	<u>Nationality</u>	<u>Country involved</u>
Germany	202	97
Belgium	48	34
Denmark	8	9
Spain	97	91
France	103	106
Greece	48	58
Ireland	12	18
Italy	74	67
Luxembourg	11	10
Netherlands	31	17
Portugal	29	29
United Kingdom	114	70
Several Member States	5	121
Outside the Community	3	58
	—	—
TOTAL	785	785

10. Before being placed on the draft agenda for Committee meetings, petitions are grouped together by subject. The numbers and groups are as follows:

- Agriculture :	14
- Social Affairs:	172
- Customs :	20
- Environment :	148
- Taxation :	30
- Freedom of movement:	31
- Recognition of diplomas:	11
- Miscellaneous:	359

11. A number of petitions dating back a number of years are still being examined by the committee because it is awaiting, for example, a judgment of the Court of Justice or a national court, an opinion from another committee or replies from national authorities.

III. SOME PRACTICAL EXAMPLES

12. Some examples of petitions which have brought tangible results are given below.

Several Belgian petitioners complained that France refused to recognize physiotherapy diplomas obtained in another Member State. The infringement proceedings brought by the Commission under Article 169 of the Treaty against France resulted in the French authorities giving a formal commitment to amend the relevant regulations on the recognition of

physiotherapy diplomas to comply with Community law (Petitions Nos. 198/86, 397/87, 270/88 and 43/89).

A German national complained that non-Greeks were charged higher entrance fees to Greek museums than Greek nationals despite the fact that much restoration work in Greece is being funded by the Community. The Commission of the European Communities was asked to look into the matter and took the view that discrimination between Greek nationals and those of other Member States was in breach of Community law. It therefore commenced infringement proceedings against Greece pursuant to Article 169 of the EEC Treaty. As a result of these proceedings, the Greek authorities have amended their legislation so that nationals of other Member States are now admitted Greek museums on the same terms as Greek nationals (Petition No. 172/87).

An Italian petitioner, who had worked in Belgium, continued to receive family allowance after returning to Italy in 1972 because of disability. Since from 1972 onwards he also received a pension in Italy, the Belgian organization stopped payments of his allowances and demanded reimbursement of the allowances he had received. The matter was referred to the Commission which took the view that the action by the Belgian authorities was in breach of the relevant Community legislation. When the Commission made representations to the Belgian authorities, the latter took steps to bring Belgian social security legislation into line with the provisions of Regulation (EEC) No. 1408/71, in accordance with the case law of the Court of Justice (Petition No. 27/88).

An Italian firm complained that Italy did not recognize classification certificates concerning the inflammability of products from other Community countries. As a result of intervention by the Commission, which opened talks with the relevant Italian authorities, the latter announced that they intended to amend legislation on the inflammability of various materials and the classification and approval based thereon (Petition No. 97/88).

A French national, based in the United Kingdom, was refused membership of a British sheep breeders' association and complained of the association's restrictive practices. This petition, which was submitted at the same time as a formal complaint to the Commission, resulted in the association abolishing the restrictive practices about which the petitioner had complained (Petition No. 237/88).

A British petitioner living in Italy with his Italian wife and their two sons found himself made redundant, after which his residence permit had to be renewed every twelve months, a situation which the petitioner found humiliating. When asked to look into the matter, the Commission found that a Community worker who had benefited from the provisions on freedom of movement could not have his residence permit withdrawn because he had involuntarily become unemployed. However, when a worker found himself in such a position, the period of validity of his residence permit could be limited when it was renewed, although not for less than twelve months. After the Commission had taken up the case, the petitioner informed Parliament that his residence permit had been renewed for a period of two years, which he found satisfactory (Petition No. 346/88).

A Spanish national resident in Germany believed that the amount of his Spanish retirement pension was less than the amount due to him. When the Commission took the matter up with the Spanish body concerned, the calculations were revised upwards as called for by the petitioner (Petition No. 435/88).

An Irish national had to pay an administrative tax to obtain form E 111, a practice contrary to Community rules. In the previous annual report (Doc. A3-107/90), it was noted that, after the Commission had contacted the Irish authorities, this tax was no longer payable from January 1989. We are now able to report that, following the intervention of the Irish ombudsman, the tax was repaid to the petitioner (Petition No. 494/88).

A Greek national, who is an importer of fabrics from Belgium, complained about problems with the Greek customs authorities regarding the category of duty applicable to the goods and recognition of the type of material. As a result of infringement proceedings brought by the Commission under Article 169 of the Treaty, the Greek authorities have amended the relevant legislation and the petitioner informs us that the Greek customs authorities now accept the goods in question without difficulty (Petition No. 504/88).

After living for 32 years in West Germany, a Greek national returned to live in Greece and complained that he had to pay VAT twice - once in the FRG and once in Greece - on the car he imported into Greece after changing his place of residence.

The Commission took the view that the Republic of Greece had failed to apply the case law of the Court of Justice in the 'Gaston Schul' case, whereby the Greek authorities should have taken into account, in determining the amount of Greek VAT payable, the amount of VAT already paid in Germany. Following the submission of this petition, the Commission began proceedings against Greece under Article 169 of the EEC Treaty; these proceedings are now entering their final stage and the case is before the Court of Justice of the European Communities (Petition No. 577/88).

A French association submitted a petition on joint custody of children in the case of separation of the parents. The Committee on Petitions unanimously endorsed the opinion submitted to it by the Committee on Legal Affairs and Citizens Rights and requested the President of the European Parliament to forward it to the Commission and the Council. The opinion calls for the setting up in the Member States of a Ministry to deal specifically with children and the family, as called for by the petitioners. It is hoped that effective action will be taken in this area (Petition No. 637/88).

An Italian national who had worked in England complained that he had applied to the Italian authorities for an old-age pension but had received no reply. The case was taken up by the Commission and the petitioner obtained satisfaction and has now received the pension to which he is entitled and payment of the arrears due (Petition No. 114/89).

A cultural institute in Belgium complained that the Belgian customs authorities levied charges on small packets from other Member States containing samples of no commercial value (books and records). When

asked to look into the matter, the Commission found that this practice was in breach of Article 5(6) of the Sixth VAT Directive and commenced proceedings under Article 169 of the Treaty. The Belgian authorities, having received the Commission's letter of formal notice, announced that they would modify their legislation to put an end to the situation about which the petitioner had complained (Petition No. 126/89).

A French press agency complained that the Greek customs authorities refused to grant it VAT exemption on imports of consignments of highly topical journalistic material. The Commission took the matter up with the authorities concerned and the problem has now been solved to the satisfaction of the petitioner (Petition No. 34/90).

A petitioner who resides in Luxembourg sold her Luxembourg-registered car to her sister in Spain; she carried out the formalities required by the competent Luxembourg authorities but found that they were not accepted in Spain.

In Luxembourg when a car is exported the originals of the registration papers (carte grise) and vehicle licence must be handed back to the authorities, who supply certified photocopies of these documents, but the Spanish authorities refuse to accept such copies. The case was taken up by the Commission which took the view that the Spanish authorities refusal to recognize the documents was incompatible with Article 30 of the EC Treaty. The Spanish authorities have replied to the Commission admitting that the complaint is well-founded (Petition No. 305/90).

The Committee on Petitions has received large numbers of petitions on animal welfare. The petitioners are mainly calling for better protection of animals during transport and the abolition of intensive livestock rearing. The Committee on Petitions has forwarded these petitions to the Committee on Agriculture, Fisheries and Rural Development for further action. In an opinion sent to the Committee on Petitions, the Committee on Agriculture has confirmed that it attaches great importance to animal welfare and has undertaken to monitor closely the progress through the Council of proposals for legislation in this area.

However, in certain cases, the Commission has not - or not yet - been able to obtain satisfaction. A case in point is that of a former Commission member of staff with the Commission's delegation in Washington claiming unfair dismissal. The Committee on Petitions has considered this matter at length, consulting the relevant Commission departments and Parliament's legal service, and has come to the conclusion that the complaint is justified. The chairman of the Committee on Petitions has been instructed to write to the President of the Commission, forwarding to him all the facts of the case and asking him to examine the matter personally in detail. The committee looks forward to receiving Mr Delors' reply in the near future (Petition No. 223/89).

IV. APPROACH ADOPTED, RESULTS ACHIEVED AND SOME INDICATIONS FOR THE FUTURE

13. It is useful at this stage to assess the results achieved during the parliamentary year in the light of the objectives set in the previous annual report (cf. paragraph 1 above).

A. Greater information on the possibility of submitting petitions

The need to publicize this possibility has become apparent from the importance of petitions to the European Parliament. In the previous annual report (Doc. A3-0107/90, paragraph 8 of the motion for a resolution and paragraph 4 of the explanatory statement), Parliament's departments were asked to organize an information campaign to this effect. The chairman of the committee recently contacted the newly appointed Director-General for Information and Public Relations to discuss what action might be taken, for example, through television or radio programmes and the involvement of the European Parliament's information offices.

B. Limits on action by Parliament: the admissibility of petitions

The Committee on Petitions has continued to apply the criteria set out in the previous annual report (Doc. A3-0107/90, paragraph 16 of the explanatory statement), by declaring petitions admissible where:

- they concern the contents of the Treaties (including the Preambles) and of secondary Community legislation;
- they concern subjects which, though not connected with the letter of individual provisions of Community law, are of relevance to the construction of the Community in the light of its probable development;
- the subject is connected with action by a Community institution or body.

It must be pointed out that when declaring certain petitions inadmissible, the committee has advised the petitioners to refer the matter to national bodies (particularly Ombudsmen and national parliamentary petitions committees) who might help resolve their problems, or to the European Commission of Human Rights.

C. Processing of petitions declared admissible

Parliament's Rules of Procedure (Article 129(1)) give the Committee on Petitions the option of drawing up a report on petitions declared admissible. Despite the fact that the committee rarely avails itself of this provision, it did run into difficulties in connection with a report it had decided to draw up on noise pollution (the Committee on Petitions subsequently went back on this decision for reasons relating to responsibility for the subject and forwarded the petitions on noise pollution to the Committee on the Environment, Public Health and Consumer Protection for further action). However, it must be stressed that the

Committee on Petitions' power to draw up reports is an absolute right which is not subject to any authorization whatsoever: this has been clearly confirmed by the Committee on the Rules of Procedure, Verification of Credentials and Immunities (in a unanimous opinion, which was noted by the Enlarged Bureau without raising any objection—see PE 146.023). Indeed, it was pursuant to this rule that the Committee on Petitions drew up the report mentioned above (see paragraph 5) on languages in the Community and the situation of Catalan.

Despite the existence of this option, the Committee on Petitions considers that the division of responsibilities between the various Community institutions and Parliament's internal bodies means that most petitions should not be dealt with independently by the Petition's Committee. The vast majority of petitions are therefore forwarded to the Commission of the European Communities or to other parliamentary committees with responsibility for particular sectors (cf. supra, paragraph 8) or to the European Parliament's Legal Service³; it is also felt that cooperation with national bodies dealing with citizens' complaints should be stepped up.

- (a) Most petitions are forwarded to the Commission. This procedure relies on effective coordination and follow up by the relevant department of the Commission's Secretariat, which passes the petitions on to various Directorates-General and forwards the replies to the Committee on Petitions. It must be said, however, that the time taken by the Commission to reply is becoming so long as to give rise to concern and is the main reason for the inquiries and protests from a number of petitioners who fail to understand why it takes four or six to nine months for a reply to the questions raised. There is of course a fundamental difference between cases which have to be taken up with the national authorities and those where it is merely a question of passing on information already available to the Commission. It is also necessary to distinguish between:

- the time taken to forward information to the Committee on Petitions; here delays are sometimes totally unjustifiable, not only because the replies take too long to draw up but also because the official channels imposed by the Commission; for example, a supplementary reply merely confirming that the Commission had referred the petitioner's case to the Court of Justice on 28 November 1990 and which was drawn up by the department responsible, had still not reached the Committee on Petitions in time for its meeting on 28 February and 1 March 1991; although it is perfectly reasonable for departments such as the Legal Service or the Private Offices of the Commissioners responsible to examine in detail draft notes which are binding on the Commission; serious thought should be given to reducing the time taken, particularly for notes which, by their very nature cannot possibly be controversial, since they merely state simple, objective and non-confidential facts;

³ Cooperation with the Directorate-General for Research should be stepped up, particularly following discussions between the Chairman and the Director-General (see previous annual report, Doc. A3?(2)-0107/90, paragraph 16, B, C, of the explanatory statement).

- the time taken and the ways in which the Commission monitors the application of Community law; this problem obviously goes beyond petitions, which merely indicate that the system is not working satisfactorily, and touches on the Commission's general power to ensure that Community legislation is applied (cf. Article 155 of the EEC Treaty). However, many petitions have prompted the Commission to initiate the procedure under Article 169 of the EEC Treaty (letter of formal notice from the Commission to a Member State which appears to have failed to fulfil an obligation under the Treaty, followed by the delivery of a reasoned opinion, then referral of the matter to the Court of Justice, which may find that the Member State concerned has failed to fulfil its obligations); the Committee on Petitions⁴ has therefore frequently been required to investigate cases in which the Commission uses this procedure and has often noted how long it takes: sometimes one year before the letter of formal notice, a further year before the reasoned opinion and yet another year before the matter is brought to the Court of Justice. Without wishing to detract from the importance and sensitive nature of negotiations which the Commission conducts with the Member States to persuade them to comply with Community law, it is not unreasonable to ask whether the time taken is always justified; moreover, as the Court's judgment is declaratory (cf. Article 171 of the EEC Treaty), in some cases the Member State concerned delays considerably before taking measures to comply with the Court's judgment which, in rare cases, results in two rulings against the Member State concerned: the Court finds against a Member State for not having complied with a judgment stating that it was in breach of Community law.

The Commission departments to which petitions are referred should once again be urged to monitor the position closely, keep the Committee on Petitions informed of any subsequent developments and forward any documents of a general nature announced when petitions are considered in committee. Examples of these are:

- a communication scheduled for the beginning of 1990 on the conditions under which European citizens travelling within the Community may take with them medicines which they require for their personal use (see Petition No. 66/89);
 - a report due from DG XI of the Commission on the application of Community law in the environment sector.
- (b) A practice which has increased considerably recently is that of forwarding petitions to other parliamentary committees, for an opinion, for further action or for information. This has already brought a number of positive results: for example, the Political Affairs Committee, the Committee on Agriculture, Fisheries and Rural Development, the Committee on Energy, Research and Technology, the Committee on Legal Affairs and Citizen's Rights, the Committee on the Environment, Public Health and Consumer Protection, the Committee on Youth, Culture, Education, the Media and Sport and the Committee on

⁴ Which delivered an opinion for the Committee on Legal Affairs and Citizen's Rights on the Seventh Annual Report on monitoring the application of Community law (Doc. A3-0012/91).

Development and Cooperation have, in several cases, either included petitions in the reports they are drawing up or have delivered opinions: these opinions have been forwarded, pursuant to Rule 129(4), to the Commission or the Council, or have been sent to petitioners. Parliament had in fact called on parliamentary committees to take appropriate action on petitions when adopting the motion for a resolution contained in its last annual report (cf. OJ No. C 175, 16.7.1990, pp. 214 and 215, paragraph 7). The chairman of the committee had also raised this in meetings of the committee chairmen and when speaking at meetings of other committees. The response of other committees has been less encouraging.

Efforts should be made to extend Parliament's handling of petitions submitted to it, particularly through parliamentary committees.

- (c) Cooperation with national ombudsmen and national parliamentary committees responsible for petitions has also been developed. In a number of cases, individuals approach the European Parliament on matters which a national body would in fact be better able to resolve - or vice versa; in such cases petitioners are advised to take the matter up with these authorities. A survey conducted among representatives of these bodies at the meeting held by the Committee on Petitions with them on 19 March 1991, revealed that a number of petitioners did indeed refer their complaints to the relevant national bodies. The reason why it had been decided not to forward petitions directly was to avoid Parliament having to interpret petitioners' wishes: it was felt that if a person wrote to the European Parliament, the latter could not forward the letter to another body without the express consent of the petitioner. In practice there have been occasions on which the Committee on Petitions has not just written to the petitioner giving him or her the address of the national body concerned but has offered to take the matter up with the national authorities on behalf of the petitioner. A further advantage of this system is that it prevents cases being referred twice when the petitioner has in fact already written to the national body.
- (d) As regards the time taken by the national authorities to reply to questions raised concerning petitions, the Interinstitutional Declaration signed on 12 April 1989 has not brought about any improvement.

V. A NEW PROPOSAL : THE EUROPEAN OMBUDSMAN

14. During the parliamentary year 1990-1991, the possibility of appointing a European ombudsman to defend the rights of individual citizens in Community matters was considered within the framework of European Union. This idea appeared in the conclusions of the Presidency of the European Council in Rome on 14 and 15 December 1990 and - according to press reports - is now being discussed by the Intergovernmental Conference on Political Union on the basis of a draft proposal.
15. The Committee on Petitions had an opportunity to consider this issue at the meeting it held on 19 March 1991 with the national ombudsmen and the chairmen of the national parliamentary petitions committees, on the basis

of a presentation given by a Commission representative. It was not clear whether the plan is for a single European ombudsman (rather than a European ombudsman in each country). Whatever the case may be, those attending the meeting expressed a number of reservations : what is important is to improve the efficiency of the existing institutions and to avoid creating any confusion among the general public. A new body should not be set up without thorough consideration and in-depth studies and should in no circumstances diminish the effectiveness of the work being done by national ombudsmen and by the national and European petitions committees.

16. Despite the fact that the information available is unofficial and suggests that the project is at a very early stage, it is nonetheless worth making some preliminary observations.

On several occasions in the past the European Parliament has looked into the possibility of creating a European ombudsman and had taken the view that 'the existing differences between national legal systems and the Community legal system make it impossible purely and simply to transpose the institution of the ombudsman into the Community system' (cf. report by Mr CHANTERIE on behalf of the Committee on the Rules of Procedure and Petitions, Doc. A2-41/85; resolution adopted on 14 June 1985, OJ No. C 175, 15.7.1985, p. 273; this clause appeared in the opinion drawn up by Mrs VAYSSADE on behalf of the Committee on Legal Affairs and Citizens' Rights and annexed to the report). It was in fact as a result of the debate on this topic that it was decided to set up a separate committee on petitions as an alternative to a European ombudsman.

17. A European ombudsman would be a new institution which would assume some of the characteristics of the existing bodies in the Member States which defend the rights of individual citizens (possibly also before judicial bodies) and inform citizens of their rights. Moreover, the national legal systems would have to be changed to give the European ombudsman room for manoeuvre. In any case the announcement of the setting up of such a body would raise very high hopes among Community citizens who would expect to see their rights more effectively and widely defended within a very short period of time. There is serious reason to doubt whether these hopes would be fulfilled.
18. The proposal nonetheless derives from a commendable concern : how to give the individual citizen greater confidence in the institutions of the Community and of the future European Union? How to redress the imbalance between the helpless individual citizen and a powerful administration?

This proposal will force the European Parliament to face up to its responsibilities : the way of achieving these objectives is to expand the work of the European Parliament's Committee on Petitions. This inevitably means increasing its resources and powers, and stepping up cooperation between the European Parliament's Petitions Committee and those of the national parliaments and ombudsmen. The Committee on Petitions itself has the potential to develop into a kind of European ombudsman without the drawbacks of having to set up a new body and incorporate it into the national legal systems. The European Parliament, of which the committee is part, is an established body, accepted in all the Member States. The 'Committee on Petitions' ability to act with the authority of Parliament is a considerable asset and full advantage should

be taken of the opportunities that it provides before considering setting up other institutions.

Where there are a large number of complaints revealing shortcomings in legislation, Parliament is able not only to attempt to find a solution to individual problems but, more importantly, to discuss the matter with other Community bodies to arrive at a general remedy through changes in the existing legislation.

It would also be necessary to strengthen cooperation - which is already extremely fruitful - with the national ombudsmen and parliamentary committees to resolve problems submitted to the European Parliament through petitions, not only at individual level but also to ensure that the unease expressed in petitions about specific situations is taken into account by the national parliaments through the adoption of general measures, where appropriate in the form of legislation.

This is an ambitious plan and requires a radical change in the attitude to petitions, whose real role as a factor in the democratic running of the Community must be clearly perceived by everyone within Parliament. It must also be appreciated that upgrading the work of the committee in this way cannot be achieved without adequate resources : the Committee on Petitions should have the resources of an ombudsman whose task it is to contribute to the very objectives of a parliamentary body. To sum up, the work of the Committee on Petitions must be extended, firstly by exercising to the full the powers conferred on it by the Rules of Procedure (cf. Rule 129(1) and (2)).

MASS PETITIONS

The following petitions bore 50 or more signatures:

<u>No.</u>	<u>Subject</u>	<u>Number of Signatures</u>
199/90	The 'Animal Health Act' of 1981 and animal protection	54
204/90	Italy's failure to implement the Community's environment policy	203
205/90	Breach of environmental regulations in building a sewage plant in Corsica	420
241/90	Recognition of full university status of the "Accademie di Belle Arti"	93
243/90	Right to bargain collectively	600
275/90	Removal of pesticides from the Chessington, Surrey, water supply at an early date	300
281/90	Incorporation of Guadeloupe in the European Community	1,680
282/90	Improvement of the situation of the Eritrean people	5,628
297/90	Release of 250 conscientious objectors, Jehovah's witnesses, from the military prison at Avlona	244
302/90	Protection of traditional non-industrial fishing in Third World countries	2,190
306/90	Conscientious objection	246
362/90	Ban on the testing of cosmetic products on animals	31,907
373/90	Situation of Belgian teachers and the quality of teaching in Belgium	7,700
375/90	New bill on citizens' band radio	70
379/90	Attempts within the European Parliament to abolish 'corridas'	67
380/90	Protection of donkeys in Spain	50
382/90	Measures to protect the ozone layer	137
392/90	Situation of former political prisoners in Spain	1,227

418/90	Protection of horses during transport to other countries	200
424/90	Support of sanctions against apartheid in South Africa	115
426/90	Protection of animals during transport	253
428/90	Suffering of animals during export	3,000
439/90	Preservation of the Caretta-Caretta turtle which is threatened with extermination	122
440/90	Action in support of the Third World	270
462/90	Action against apartheid	1,200
463/90	Introduction of a European Seniors' pass in the United Kingdom and other concessions in favour of pensioners	5,000
471/90	Health damage caused by electromagnetic fields	1,792
480/90	Export of live horses for slaughter	500
491/90	Problems relating to the Scottish new town development corporations	438
509/90	Brazilian rainforests	145
539/90	Recreational use of public water	300
540/90	Settlement of the Palestinian question	181
544/90	Public freedom of choice to buy natural medicines	1,640
559/90	Protection of the fox	20,597
593/90	Behaviour of the Italian police	76
615/90	Vehicle test circuit in the Crau (France)	655
629/90	Abolition of the Wages Councils in the United Kingdom	2,300
652/90	Special needs of ethnic minority groups and migrant workers in the Community	1,300
655/90	Situation in the Middle East	22,216
670/90	Reduction of financial aid for Yugoslavia	60
673/90	Continuation of employment in the civil service	440
681/90	Effects of the accident at the Farmoplant factory in Massa	1,000
683/90	Public access to water for recreation	8,375

686/90	Environmental situation in the port of San Esteban de Pravia	130
693/90	Decision by the Greek Supreme Court of Appeal banning the keeping of domestic animals in rented flats	1,200
730/90	Application of Directive 82/501/EEC (the "Seveso" Directive) in Italy	84
732/90	Deterioration of the Place des Martyrs in Brussels	229
756/90	Measures to end nuclear tests	382
763/90	Ban on catching songbirds	280
773/90	Protest campaign against German immigration law	400
150/91	Cruelty to animals	over 1 000 000

The sessional services informed the committee that on 27 September 1990 a further 250,000 signatures were received in support of petition No. 371/89, on reprocessing of nuclear fuels, which had been submitted during the 1989-1990 parliamentary year.

