

GUIDELINES FOR THE PETITIONS COMMITTEE

INTERNAL PROCEDURES & RECOMMENDATIONS.¹

The process.

1 Registration of petitions:

When petitions are addressed to the Parliament they are recorded in GEDA by the official mail service and then forwarded to DG Presidency - Members' Activities Division. The M.A.D. acknowledges receipt, provides a petition number, and records the name of the petitioner and the number of the petition for publication in the minutes of the first plenary session after registration. The petition, in its original version, is simultaneously introduced into ePetition.

2 Processing of petitions:

Petitions are sent in groups of 20 - 25 at a time from M.A.D. (Luxembourg) to the Committee secretariat. When the petition and any accompanying documentation reaches the secretariat of the Committee it is distributed to the administrators within the secretariat to be summarised and recommendations are formulated. A deadline is given and the summaries are again grouped together, by this date, and sent for translation. On receipt of the translated version the summaries and recommendations are checked for their coherence, eventually corrected, returned for translation if necessary, before being sent to the Distribution Service for communication to all members of the Committee. (Note; the procedure is the same for all petitions, whether submitted electronically or by post.)

3 Summary documents:

Members of the Committee receive a document containing summaries and recommendations in their own language every few weeks. (This may of course be checked against the original in ePetition) There is a deadline established by which time comments are to be sent to the Chairman of the Committee. Where no comments are registered the recommendations are considered to be approved and at this point letters are signed by the Chairman which inform petitioners of the Committee's intentions regarding the form of follow-up action to be given to the petition. The summaries and recommendations are introduced into ePetition, and any additional data added where necessary by the administrator.

¹ Concerning the petitions process itself and not the handling of reports and parliamentary opinions.

4 Admissibility:

To be considered admissible a petition must conform with the provisions of the Treaty (Articles 21 & 194) and with the Rules of Procedure of the European Parliament, notably Rule 191§1. Petitions which do not correspond to these criteria are declared inadmissible. An alternative means of redress or appeal may be suggested in such cases.

5 Investigation and follow-up:

If and when admissibility is established the substance of the petition may be further investigated. This is done in many cases by forwarding it to the European Commission for preliminary research, particularly to establish the legal status of the petition in relation to relevant EU Directives or Regulations. (Petitions received in languages other than EN, FR or DE must first be translated under the terms of an Interinstitutional Agreement.) The Secretariat General of the Commission forwards the request and the petition to the responsible service which provides a reply. It then coordinates the transmission of replies to the secretariat of the Committee.

The Committee secretariat may, in certain cases, conduct its own investigation where it has the knowledge and expertise to do so.

Petitions may be forwarded by the Chairman to other Committees of the European Parliament for an opinion or for information. Where an opinion is sought this may be provided in the form of a letter to the Petitions Committee, or in the form of a written document, depending on the substance of the response which is left to the discretion of the Committee concerned. Petitions forwarded for information do not as a general rule require a reply as they are intended merely to alert a Committee to a particular situation or event considered by the petitioner and the Petitions Committee to be worthy of note and to help, for example, with preparation of new legislation.

Petitions which concern issues on which the European Parliament has recently debated or voted upon are replied to by sending the corresponding resolution or legislative text to the petitioner.

6 Preparation of the meeting agenda:

Following the receipt of Commission replies a CM is prepared and translated for each one and the secretariat formulates a judgement as to whether the issue is to be itemised on the Committee agenda as an "A" point or a "B" point. It may conclude that the response is inconclusive or that the reply is only provisional in which case the issue will not be placed on the agenda. If another substantive reason is apparent, the topicality or inherent importance of the subject may require that the members be made aware of the issue even though no clear options are available.

The draft agenda is then prepared by the secretariat which takes into account the importance of the various topics leading to prioritisation, the availability of members and Commission officials, and the eventual presence of petitioners or other interested parties. Petitions covering similar areas of activity or themes may be grouped together to allow members to usefully compare similar situations which may pertain in different member states, or within a given state or region.

The draft agenda is submitted to the Chairman for his consideration and approval before being translated and made available to members. It is discussed during a preparatory meeting of the secretariat with responsible officials from the political groups in the Strasbourg session prior to each Committee meeting. Dossiers for all items are inserted in ePetition.

At this time the agenda for the Coordinators' meeting is also discussed. An annotated Coordinators' agenda is then prepared by the secretariat and distributed directly to the Bureau and Coordinators.

7 Meetings of the Committee:

The Committee finally approves the draft agenda, submitted by the Chairman, and debates or discusses all the "A" items, based upon the Communications to Members and other documents made available at the meeting. The European Commission official responsible makes an oral statement on behalf of the Commission. In exceptional circumstances the Commissioner responsible may be invited to make a statement. If a petitioner has requested to be present, or has been invited by the Chairman, he or she is given the opportunity to speak, provide additional information and respond to questions. Other interested parties, for example the representatives of Member States, may also be invited to attend the Committee and make a statement.

Having considered each petition, the Committee may formulate a recommendation for further action by keeping the petition open. Petitions which remain open may be further investigated by the Committee by means of a fact-finding visit in exceptional and duly justified cases (with the approval of Parliament's authorities and according to its rules), or they may be investigated further by the European Commission and/or the secretariat. Information may be requested from national or local authorities' concerned or other interested bodies, such as Ombudsmen where appropriate. The Committee might wish to prepare a report for plenary on admissible petitions which it considers to be of particular significance, or table an Oral Question to Council or the Commission, possibly with a draft resolution to wind up the debate

Or, the Committee may consider that a case has been sufficiently discussed, in which case it is closed. "B" items are closed under the written procedure, unless a member raises an objection in which case they are placed on the "A" agenda at the next meeting. Petitions which are closed are concluded on the basis of the reasons given in Committee.

In either case the petitioner is informed by letter from the Chairman of the Committee of the decision taken.

8 Outcome of meetings:

Following each meeting the secretariat meets to coordinate the administrative outcome for each item and responsibilities are attributed to each member of staff. A note is sent to the European Commission which confirms the decisions of the Committee in relation to each petition. Decisions of the Committee are entered into ePetition by the secretariat following this meeting. Letters are then prepared for the Chairman's signature.

9 Re-opening petitions:

If, following a decision to close a petition, other pertinent facts are brought to light by the petitioner which have, in the opinion of the secretariat, not been fully taken into account, then a request may be introduced to re-open a petition. These issues are addressed at the beginning of a Committee meeting by the Chairman.

10 Closing dormant petitions:

Petitions which have remained open, pending the provision of additional information for more than one year, and for which no further response has been obtained from the petitioner, may be closed by the Committee, on the advice of the secretariat, without further debate. They are also raised by the Chairman at the beginning of a Committee meeting.

11 "Balayage"

At the end of each legislature, the secretariat of the Committee reviews the situation of all open petitions which remain on file. It identifies petitions which may no longer be actively under consideration in Committee with a view to closing them. Under the new legislature, the Committee once formed considers the recommendations of the secretariat and takes a decision. Otherwise, all petitions remain open and their assessment will continue without interruption.