

Have your say! **The EU Participatory Toolbox in the Democratic Life of the Union**

Practical Workshop for Students

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Since the Lisbon Treaty, the Union derives its **democratic legitimacy** not only from **representative democracy** – which remains its founding democratic principle – but also from **participatory democracy**.

Citizens take part in the political process through their **elective representatives** (the European Parliament and the governments gathering in the Council).

Citizens participate *directly* via a multitude of **channels of participation**. As such, citizens are also entitled “*to participate in the democratic life of the Union*”, as provided for in Article 10(3) TEU.

THE TREATY OF LISBON (2009)

Article 1 TEU

This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.

Article 10 TEU

3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.

Article 15 TFEU

1. In order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible.

2. The European Parliament shall meet in public, as shall the Council when considering and voting on a draft legislative act. (→ Article 16(8) TEU)

3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies [...]

Each institution, body, office or agency shall ensure that its proceedings are transparent and shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents [...].

Article 298 TFEU

1. In carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration [...].

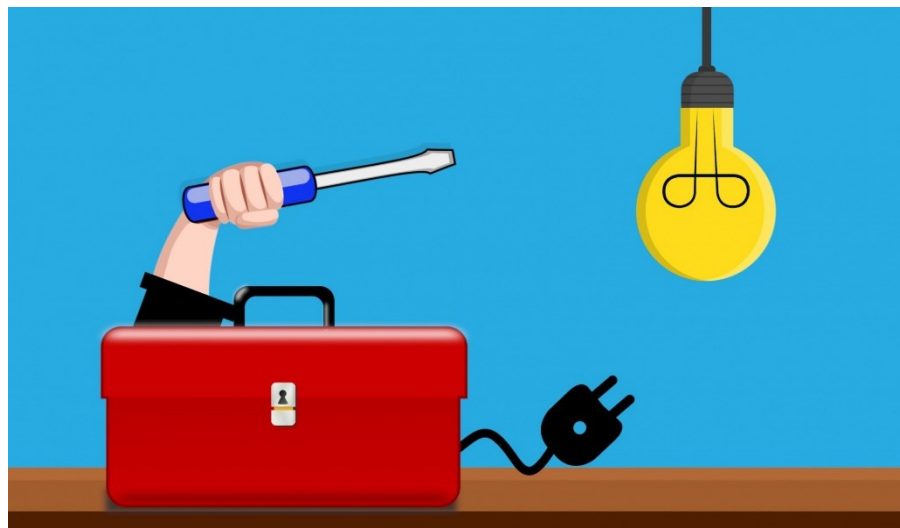
Who is an EU citizen?

Article 9 TEU and Article 20 TFEU → Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

“[...] the authors of the Treaties thus established **an inseparable and exclusive link** between possession of the nationality of a Member State and not only the acquisition, but also the retention, of the status of citizen of the Union [...]”

“[...] the loss of that status and of the right to vote and to stand as a candidate in elections held in the Member State of residence of the person concerned is the **automatic result of a sovereign decision made by a former Member State, under Article 50(1) TEU, to withdraw from the European Union** and thus to become a third State with respect to the European Union.” (Court of Justice, Grand Chamber, judgment of 9.6.2022, *EP v Préfet du Gers, Institut national de la statistique et des études économiques (INSEE)*, C-673/20, paras. 48 and 62).

THE EU PARTICIPATORY TOOLBOX



Today, the European Union provides a wide array of participatory opportunities for its citizens to engage with – and potentially influence – EU decision-making. These mechanisms include:

- • Requests for access to documents of the EU institutions (Article 15(3) TFEU; Article 42 of the Charter of Fundamental Rights of the EU),
- • Petitions to Parliament (Articles 20(2)(d), 24 and 227 TFEU; Article 44 of the Charter),
- • Public consultations by the Commission (Article 11(3) TEU),
- • Complaints to the European Ombudsman (Articles 20(2)(d), 24 and 228 TFEU; Article 43 of the Charter),
- • European Citizens' Initiative (Article 11(4) TEU and Article 24 TFEU).

THE CASE LAW OF THE COURT OF JUSTICE



“ A negative decision by which the Parliament takes the view **that the conditions laid down in Article 227 TFEU have not been met must provide a sufficient statement of reasons to allow the petitioner to know which of those conditions was not met in his case.** In that respect [...] that requirement is satisfied by a **summary statement of reasons**, such as the one provided in the Parliament’s decision at issue in the case which gave rise to that judgment.(Court of Justice, Grand Chamber, judgment of 9.12.2014, *Schönberger v European Parliament*, C-261/13 P, para. 23).

“The right to undertake an ECI constitutes, as does, in particular, the right to petition the Parliament, an **instrument concerning the right of citizens to participate in the democratic life of the Union**, provided for in Article 10(3) TEU, in that it allows them to apply directly to the Commission in order to submit to it a request inviting it to submit a proposal for a legal act of the Union, for the purposes of the application of the Treaties” (Court of Justice, Grand Chamber, judgment of 19.12.2019, *Puppinck and others v Commission*, C-418/18 P, para. 54).

“It is precisely **openness in the legislative process that contributes to conferring greater legitimacy on the institutions in the eyes of Union citizens** and increasing their confidence in them by allowing divergences between various points of view to be openly debated. It is in fact rather a lack of information and debate which is capable of giving rise to doubts in the minds of citizens, not only as regards the lawfulness of an isolated act, but also as regards the legitimacy of the decision-making process as a whole” (General Court, judgment of 25.1.2013, *Emilio De Capitani*, T-163/21, para. 37).

THE RIGHT TO PETITION

Eligibility: The right to petition is open to any EU citizen and any natural or legal person that is resident or has a registered office in a Member State, either individually or in association with others. In order to be admissible, petitions must concern matters which fall within the EU's fields of activity and which affect the petitioners directly. The latter condition is interpreted very broadly.

Examination of petitions: The Committee on Petitions may take one or more of the following actions:

- Ask the European Commission to conduct a preliminary investigation on a petition and provide information regarding compliance with relevant EU legislation;
- Refer the petition to other Parliament committees for information or further action (a committee might, for example, provide the Committee on Petitions with an opinion, discuss or take account of a petition in its legislative, policy or scrutiny activities);
- If the petition concerns a specific case requiring individual attention, the Committee may contact the appropriate institutions or authorities or intervene through the permanent representation of the Member State concerned to settle the matter;
- Take any other action considered appropriate to try to resolve an issue or deliver a suitable response to the petition.

If a petition relates to a matter of general interest revealing incorrect transposition or application of EU law, it can lead the Commission to take action with the Member State in question, including through infringement proceedings.

Procedure: Petitions must state the name, nationality and address of each petitioner and be written in one of the official EU languages. They can be tabled either by electronic means through the Parliament's Petitions Web Portal or by post on paper. Petitions that meet these formal requirements are referred to the Committee on Petitions, which must first decide whether they are admissible. The Committee does this by ascertaining that their subject falls within the EU's fields of activity. Where this is not the case, the petition is declared inadmissible.



The impact of **BREXIT** in relation to the right to petition

The UK withdrawal from the EU poses unprecedented questions. Not surprisingly the Committee on Petitions has received a number of petitions in relation to Brexit. Those petitions has concerned the Brexit referendum and electoral franchise; the rights of UK nationals living in the EU-27 post Brexit; and the rights of EU citizens living in the UK after Brexit.



- [Petition No 0470/2017 by Ignacio Romero-Romero, on behalf of Españoles en Reino Unido - Surviving Brexit \(Spanish\), bearing 6,139 signatures, on guaranteeing the rights of all EU national residents in the UK and British nationals in the EU post Brexit](#)
- [Petition No 0097/2019 by Ian Stock \(British\) on the recognition of EU citizenship rights for British nationals after Brexit](#)
- [Petition No 0708/2021 by G.B. \(British\) on workers' rights in public jobs following the EU-UK Withdrawal Agreement](#)

2021

Petition Format	Number of petitions	%
Petitions portal	1094	78.6
Letter	298	21.4

2021

Top 10 Petition themes	Number of petitions	%
Fundamental Rights	329	23.6
Environment	327	23,5
Health	313	22,5
Justice	172	12.3
Employment	94	6,7
Consumer's right	86	6.1
Internal Market	73	5.2
Transport	71	5.1
External relations	61	4.4
Education	54	3.9

REPORT on the outcome of the Committee on Petitions' deliberations during 2021



An example of a petition: on the treatment of honorary judges (Justices of the Peace) in Italy

[Petition No 1328/2015 by Renato Amoroso \(Italian\) on the statute on Justices of the Peace in Italy](#) [Petition No 1376/2015 by Vincenzo Colantuoni Romagnoli \(Italian\) on the treatment of honorary judges \(Justices of the Peace\) in Italy](#) [Petition No 0028/2016 by I.B. \(Italian\) on Justices of the Peace in Italy](#) [Petition No 0044/2016 by Manuela Cardillo \(Italian\), on the legal status of Italian sub-district court judges](#) [Petition No 0177/2016 by D. B. \(Italian\) on conditions of employment for Justices of the Peace in Italy](#) [Petition No 0214/2016 by E. A. \(Italian\) on Justices of the Peace in Italy](#) [Petition No 0333/2016 by M. C. \(Italian\) on Justices of the Peace in Italy](#) [Petition No 0889/2016 by Claudio Fiorentino \(Italian\) on the 'organic reform' of the honorary magistracy stemming from a government delegated law](#) [Petition No 1184/2016 by Maria Barbara Cerminara \(Italian\) on the incompatibility of the working conditions of honorary magistrates in Italian courts with European law](#) [Petition No 1202/2016 by Paola Bellone \(Italian\) on the violation by Italy of European legislation on the economic treatment of honorary court judges and honorary assistant prosecutors](#) [Petition No 0757/2017 by Pierpaolo Volpe \(Italian\) on the working conditions of honorary judges in Italy](#) [Petition No 0763/2017 by V. E. \(Italian\) on a legal dispute concerning pension entitlements](#) [Petition No 0778/2017 by Letizia Spaventa \(Italian\) on the working conditions of honorary magistrates in Italy](#) [Petition No 0779/2017 by Pasqualino Ludovico \(Italian\), on the working conditions of honorary magistrates in Italy](#) [Petition No 0780/2017 by Michele Chimienti \(Italian\), on the working conditions of honorary magistrates in Italy](#) [Petition No 1365/2021 by A.M. \(Italian\) on the proposed amendment of Article 196 of the Italian budget law for 2021](#)

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Committee on Petitions**

THE EUROPEAN OMBUDSMAN AND YOU

HOW IT WORKS

EN

Who can turn to the European Ombudsman? Citizens, businesses, and associations

- With complaints against an **EU institution, office, or agency**
- Who have **already tried to solve** the problem with the EU body concerned
- When the issue is **not more than two years old**
- When the matter is **not already before a court**

The Ombudsman can help with

- **Unfair treatment** by EU bodies
- Refused **access to documents**
- Lack of **transparency** in decision making
- Undisclosed or improper **lobbying**
- Problems with **EU tenders, contracts, or grants**
- An **unresponsive** EU institution, office, or agency

What can the Ombudsman do?

- **Investigate** your complaint
- Help find a **solution**
- Issue **recommendations** to EU bodies
- Proactively look into **systemic issues** in the EU administration

How to contact the Ombudsman?

- Contact the Ombudsman in one of the **24 official EU languages**
- Fill out the **easy online complaint form**

The European Ombudsman investigates complaints from individuals, businesses and organisations about **maladministration** by the institutions, bodies and agencies of the European Union.

A complaint must be made within **two years of the date when the person affected became aware of the facts.**

What is maladministration?

Maladministration occurs if an institution or body fails to act in accordance with the law or the principles of good administration, or violates human rights. Maladministration can include administrative irregularities, unfairness, discrimination or the abuse of power, for example in the managing of EU funds, procurement or recruitment policies. It also includes the failure to reply, or the refusal or unnecessary delay in granting access to information in the public interest.

The European Ombudsman

How the Council ensures transparency of the process leading to the adoption of sanctions

CASE [SI/3/2022/LDS](#) - **OPENED ON** Friday | 03 June 2022 - **DECISION ON** Wednesday | 15 February 2023 - **INSTITUTION CONCERNED** Council of the European Union



The Ombudsman carried out an initiative looking into the transparency of the decision making by the Council of the EU concerning sanctions in the context of Russia's invasion of Ukraine. In this context, the Ombudsman sent a letter to the Council asking it to consider whether there are any additional documents which could be made proactively available to the public.

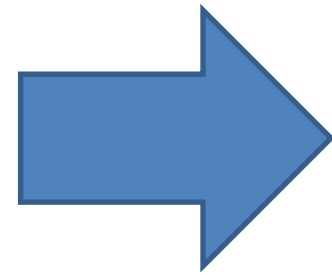
The Council replied that, due to the special nature of the decision-making process leading to the adoption of restrictive measures, and the circumstances of the war in Ukraine, it cannot make proactively available more documents concerning the adoption of sanctions.

The Ombudsman closed the initiative, taking note of the Council's reply and, notwithstanding the content of the reply, asking the Council to assess any requests for public access to related documents on their own merits. She also encouraged the Council to continue its efforts to inform the public adequately about the restrictive measures, to the greatest extent possible.

See also [EU Sanctions Whistleblower Tool](#)

HAVE YOUR SAY!





[DECISION \(EU\) 2021/2316 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 December 2021 on a European Year of Youth \(2022\), in OJ L 462, 28.12.2021, p. 1–9](#)

Legal basis: **Articles 165 (4)** and **166 (4)** of the **TFEU** (TITLE XII - EDUCATION, VOCATIONAL TRAINING, YOUTH AND SPORT)

In accordance with **Article 6(e)** of the **TFEU**, in the field of youth the Union has the competence to carry out actions to support, coordinate or supplement the actions of the Member States.

[Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a European Year of Skills 2023, COM/2022/526 final](#)

Legal basis: **Article 149 TFEU** (TITLE IX - EMPLOYMENT): In accordance with **Article 149** of the **TFEU**, in the field of employment the Union has the competence to support actions of the Member States, to encourage cooperation and to provide comparative analysis and advice, and to promote innovative approaches.

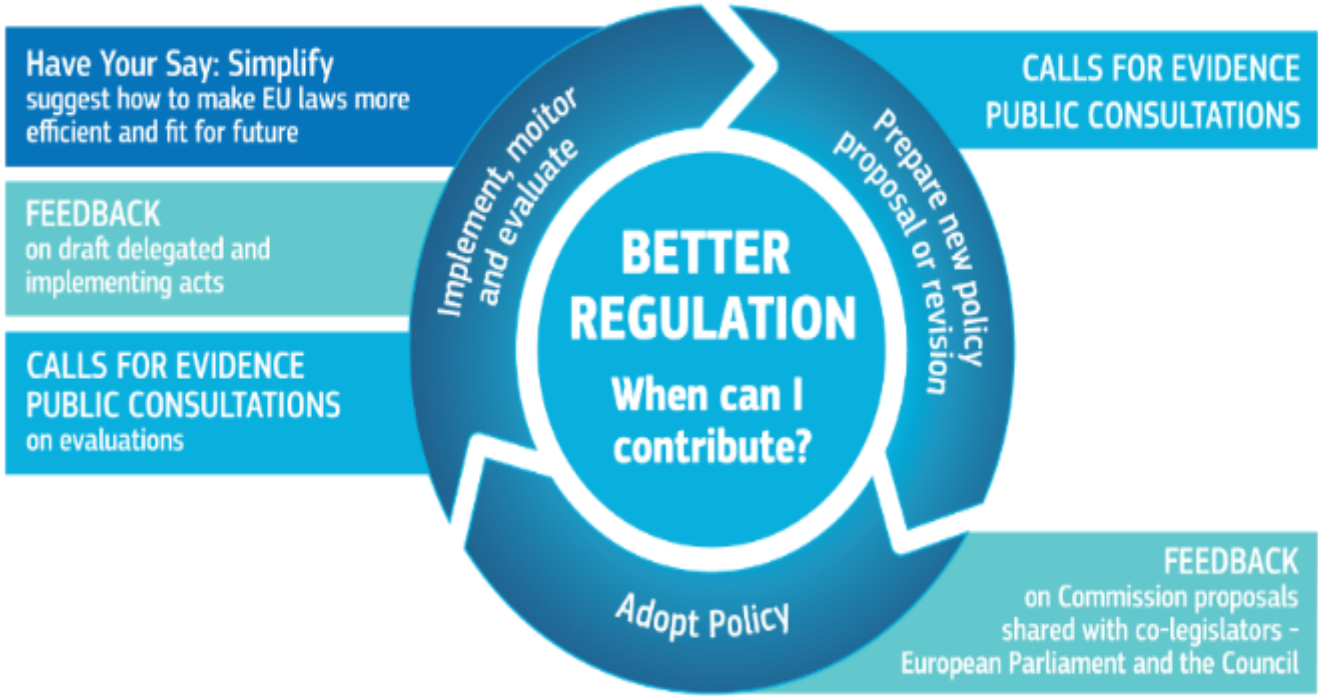
Article 149 TFEU provides that the Union's action may "*encourage cooperation between Member States*" and shall "*support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices [...]*".

Resolution of the Council, *The European Union Youth Strategy 2019-2027*, in OJ C 456, 18.12.2018, p. 1–22

“Socioeconomic exclusion and democratic exclusion go hand in hand. Youth struggling with disadvantages are generally less active citizens and have less trust in institutions. Europe cannot afford wasted talent, social exclusion or disengagement among its youth. Young people should not only be architects of their own lives, but also contribute to positive change in society [...]”.

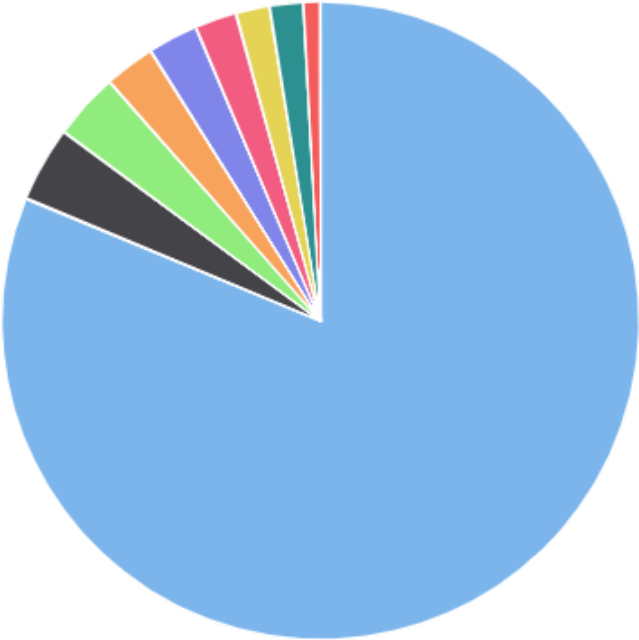
Guiding principles: “[...] C) Participation: recognising that all young people are a resource to society, all policies and activities concerning young people should uphold young people's right to participate in the development, implementation and follow-up of policies affecting them by means of meaningful participation of young people and youth organisations. In this context, policies should be built in recognition of the changes brought about by digital communication affecting democratic and civic participation”.

#EUHaveOurSay!



By category of respondent

- EU citizen: 191 (81.28%)
- Company/business: 9 (3.83%)
- Non-governmental organisation (NGO): 8 (3.40%)
- Other: 6 (2.55%)
- Academic/research Institution: 6 (2.55%)
- Business association: 5 (2.13%)
- Public authority: 4 (1.70%)
- Non-EU citizen: 4 (1.70%)
- Environmental organisation: 2 (0.85%)



EU climate target for 2040

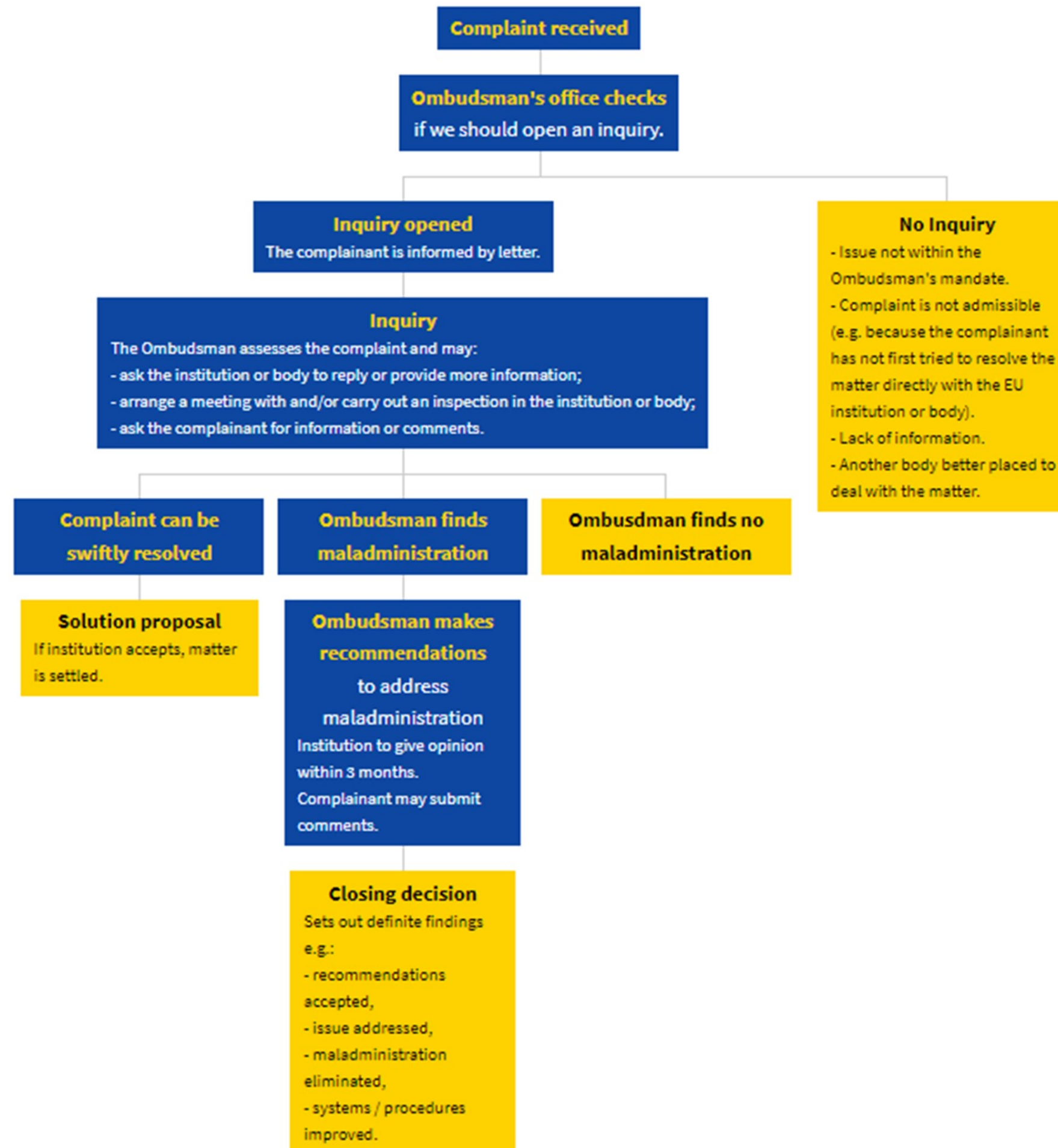


The subject of the petition must relate to a matter which comes within the Union's field of activity. This might for example concern:

rights as a European citizen as set out in the Treaties; environmental matters; consumer protection; free movement of persons, goods and services; internal market; employment issues and social policy; recognition of professional qualifications; other problems related to the implementation of EU law.

I want to submit a petition!

Make a complaint to the European Ombudsman



Thank you very
much for your
attention!