

Decision in case 896/2016/PMC concerning the European Parliament's failure to give valid justifications for not registering the complainant's petitions

Decision

Case 896/2016/PMC - Opened on 21/06/2016 - Decision on 28/11/2016 - Institution concerned European Parliament (Settled by the institution) |

A Greek national complained that the European Parliament had failed to give valid justifications for not registering his potential petitions.

The Ombudsman opened an inquiry into the matter. In the course of the inquiry Parliament gave explanations establishing that the complainant's submissions fall outside the mandate of Parliament's Committee on Petitions and also that they contained hate speech.

The Ombudsman found that Parliament was justified in deciding to stop corresponding with the complainant in relation to his previous alleged petitions and the matters raised therein. Accordingly, the Ombudsman closed the case as resolved. However, it appeared to the Ombudsman that it would have been better if Parliament had explained to the complainant from the outset the clear reasons for not dealing with his submissions. She suggested that, if such cases arise again in the future, Parliament should give clearer reasons for not registering them as petitions.

The background to the complaint

1. The complainant is a Greek national who turned to the Ombudsman with his concern that the European Parliament had refused to register his alleged petitions without giving any justification. The complainant gave as an example his potential petition submitted on 15 April 2016, which was about the *'Creation of legislation in the European Union for the protection of constructive intelligence and defence against wars of destruction of constructive intelligence'*.

2. The complainant enclosed with his complaint a letter from Parliament's Unit for Reception and Referral of Official Documents, in reply to his petition of 15 April 2016. In its letter [1], Parliament informs the complainant that it had " *received his petition* " but that " *[u]nfortunately, in its current form, it cannot be registered* ." Parliament further informed the complainant that if he wished to pursue the matter, he " *could reformulate the matter and resubmit a new petition* "



", using the appropriate online petition form or, alternatively, send it by regular mail. Not being satisfied with Parliament's explanations, the complainant turned to the Ombudsman with his complaint in June 2016.

The inquiry

3. The Ombudsman opened an inquiry into the complaint's concern that the European Parliament had refused to register his alleged petitions without giving valid justifications. The complainant wished Parliament either to register his alleged petitions or to provide valid justifications for not doing so.

4. The Ombudsman contacted Parliament which then replied to the complainant's request for clarifications. The complainant then made comments on that reply.

Allegation that Parliament refused to give valid justification for not registering the complainant's petitions

Arguments presented to the Ombudsman

5. Given the nature of this specific case, it is useful to quote Parliament's clarifications and the complainant's comments.

6. On 30 September 2016, the Chair of Parliament's Committee on Petitions replied as follows to the complainant's request for clarifications: "*You were informed by corresponding letters of the Chair of the Committee on Petitions that, **out of your twenty (20) registered submissions between 2013 and 2016, sixteen (16) petitions were found inadmissible** . [...].*

*For all sixteen submissions it was explained that they are inadmissible, **as the members of the Committee found that they do not fall within the Union's fields of activity or they do not qualify to be petitions or contain vulgar language** or are based on unfounded allegations that the European Parliament cannot investigate. Furthermore, **many of your numerous submissions were repetitive in their content and made reference to a specific ethnicity in an offensive manner** . [...].*

*Kindly bear in mind that **the Committee is only able to act on issues for which it is given competence by the Treaty** and by the Rules of Procedure of the European Parliament [...]. **In the majority of your petitions this has not been the case** , and the Committee could not examine them in substance [...].*

Based on the European Code of Good Administrative Behaviour and its article 14§3, I inform you that there will be no further correspondence on your previous petitions, which are closed or found inadmissible, and any matters raised therein.

Furthermore, the European Parliament reserves the right to neither publish nor translate certain petition summaries, such as those whose subject does not fall within the scope of the EU's fields



of activity, those lacking substantial elements enabling the identification of the EU's fields of activity, those with incoherent reasoning with an unclear link to the EU's fields of activity or those containing hate speech.” (emphasis added by the Ombudsman).

7. On 10 October 2016, the complainant sent the Ombudsman the following comments on Parliament's reply:

“ First the Petitions Committee of European Parliament illegally do NOT registered ALL of my Petitions , and from my registered Petitions almost All of them Reject ed with bias when they refer to anything against [a certain religious group] , by using the BIG LIE !! reasoning that they are out of European Interests even when they refer f.e. in EUROPEAN NUCLEAR SAFETY, CANCER/ONCOLOGY , HEALTH and in Other issues that they are EXTREMELY OBVIOUS inside of Vital European Interests and effect me Personally [...]

BUT , in short if any of my Petition refers to Crimes of [a certain religious group] ,e.t.c., the Petition Committee of EUROPEAN Parliament Reject it with INVALID or LIE Reasoning and so the Petition Committee of EUROPEAN Parliament put in HIGHER position the [...] Interests [of a certain religious group] and in LOWER position the EUROPEAN Interests!!! which is CLEAR VIOLATION(S) OF EUROPEAN TREATIES OR IT MAY BE CALLED TREASON !! OF EUROPE...

The above easily explain why from my 20 Registered Petitions, 16 of them have been Rejected! ,althought almost All of them refer to VITAL !! EUROPEAN Interests in which Investigations are expected to prove Crimes of [a certain religious group] & others [...] ”.

The Ombudsman's assessment

8. The right to petition the European Parliament is a *fundamental right* . [2] If Parliament refuses, on unclear grounds, to register a citizen's grievance as a petition, the fundamental right to petition Parliament risks being undermined. Such a refusal might, under certain extraordinary circumstances, lead to legal proceedings before the EU Courts [3] . Therefore, cases in which Parliament does not register a petition must be carefully assessed.

9. The present inquiry was opened because the complainant raised the concern that Parliament had not provided clear and detailed explanations for its decision not to register his submissions as petitions.

10. In the course of the Ombudsman's inquiry, Parliament has given an overview of the complainant's various submissions to its Committee on Petitions and an analysis of these submissions by reference to its competence.

11. It is now clear that Parliament considers the complainant's latest alleged petition, other unspecified petitions submitted by him recently, as well as his related correspondence, to fall outside its mandate. In Parliament's view, the complainant's correspondence also contains hate speech. Against this background, Parliament has now informed the complainant that it has decided to stop corresponding with him in relation to his previous alleged petitions and the



matters raised therein.

12. On the basis of the information obtained in the course of the present inquiry, the Ombudsman agrees with Parliament that the matter raised by the complainant, at least in his latest alleged petition, do not fulfil the admissibility criteria of a petition, which has to relate to an EU competence. Arguably, the '*protection of constructive intelligence and defence against wars of destruction of constructive intelligence*' does not fall within any EU competence, or it should perhaps rather be considered as unclear. However, Parliament's initial reasons for not registering the alleged petition (that is, that it could not be registered "*in its current form*", but that the complainant "*could reformulate the matter and resubmit a new petition*") were neither very clear nor informative.

13. However, it is clear from Parliament's clarifications and the complainant's comments that the complainant's submissions to Parliament contain hate speech, which should never be tolerated or reproduced through the official channels of the EU institutions.

14. The Ombudsman thus considers that Parliament has rightly availed itself of the possibility to stop corresponding with the complainant in relation to his previous correspondence and the matters raised therein. [4]

15. It would have been preferable if Parliament had explained to the complainant, from the outset, these clear reasons for not dealing with his submissions under the official petition procedures. However, given that Parliament has provided clear and valid explanations in the context of the present inquiry, the Ombudsman considers that Parliament has resolved the matter in a satisfactory way.

16. The Ombudsman will suggest to Parliament that it gives clearer reasons in similar situations in the future.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion:

Parliament has resolved the matter in a satisfactory way.

The complainant and Parliament will be informed of this decision.

Suggestion

Parliament could, if there are similar cases in the future, give clearer reasons for not registering submissions as petitions or for discontinuing correspondence on a matter.



Strasbourg, 28/11/2016

Emily O'Reilly European Ombudsman

[1] Parliament's letter is written in Greek.

[2] See Article 44 of the Charter of Fundamental Rights of the European Union.

[3] See, in this respect, the opinion of Advocate-General Jääskinen in Case C-261/13 P *Schönberger v European Parliament*. In the opinion, he took the view that, if there was a serious and persistent infringement by Parliament of the right of petition, the Commission would, as guardian of the Treaties, and if the petitioner complained to it, have to intervene in accordance with Article 265 TFEU.

[4] Article 14(3) of the European Code of Good Administrative behaviour. See also the European Ombudsman's Decision establishing guidelines on how to deal with abusive communications and complaints which amount to an abuse of process (available at: <http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/66787/html.bookmark> [Link]) for guidance as to what would constitute abusive communications.