



European Ombudsman

Acknowledgement of
receipt

From: "MBX Euro-Ombudsman" <EO@ombudsman.europa.eu>
Subject: Complaint 202201846 - Acknowledgement of receipt
[CMSEO]:0034118
Date: October 12, 2022 at 7:46:31 AM PDT
To: "Martin Zizi"

Dear Sir/Dear Madam,

Thank you for writing to the European Ombudsman. Your complaint has been registered under the following complaint number: **202201846**

We will contact you again to let you know whether your complaint can be taken forward and, if so, what the next steps will be. We would normally expect to do this within the next four weeks.

The fact that you have made this complaint to the Ombudsman does not affect the legal time limits in any related administrative or judicial proceedings.

If you have any questions, please do not hesitate to contact our Office using the contact details below.

Yours sincerely,

Process & documents management

T. + 33 (0)3 88 17 23 13

eo@ombudsman.europa.eu

On Tuesday, October 11th, 2022 at 00:03, European Ombudsman (Do not reply) <noreply@ombudsman.europa.eu> wrote:

Your complaint has been submitted to the European Ombudsman. We will send you an acknowledgement of receipt within a few days.

Complaint about maladministration

Part 1 - Contact information

First name: Martin
Surname: Zizi
Nationality: Belgian
Country: Belgium
Tel.:

Language preference: English

On behalf of (if applicable): Other

E-mail address: martin.zizi@██████████

Entity Name: 189 doctors and scientists from EU, UK, US and Canada

Country of registered office: Belgium

Part 2 - Against which European Union (EU) institution or body do you wish to complain?

European Parliament

Part 3 - What is the decision or matter about which you complain? When did you become aware of it? Add annexes if necessary.

The decision to close without consideration in substance the petition I lodged on behalf of myself and another 188 doctors and scientists on 25 January this year, registered by the EP under number [0061/2022](#) drawing attention to the potential breach of Article 24 of the Charter of Fundamental Rights of the EU on the best interests of the child, as regards anti-corona measures applied to children.

Part 4 - What do you consider that the EU institution or body has done wrong?

I would like to put forward the following grievances regarding the treatment of the petition by the PETI Committee, notably as regards:

- the non-respect of the principle of due diligence in dealing with this petition;
- lack of transparency of administrative decisions and decision-making process;
- lack of respect for good administrative practice which would require the EP to provide at least a modicum of justification for their decision.
- ultimately, rendering moot the right guaranteed through Articles 20 and 227 of the Treaty on the Functioning of the European Union and of the Article 44 of the Charter on the right to petition the European Parliament.

The exchanges with the EP occurred as follows:

On 22 August I received an automatic notification from the Petitions Portal stating that the petition was closed (attached).

On 4 September, I wrote to the Secretariat of the PETI Committee (attached) asking further information about the closure of the petition, notably:

- I pointed out that the summary published on the Petitions Portal does not accurately reflect the claim made by our petition of a potential breach of Article 24 of the Charter. I kindly requested the remedy of this omission, as this is public information and it is important for the petitioners that the public has a correct reflection of our action.
- I pointed to the rules of procedure regarding the treatment of petitions as published on the Petitions Portal and to the fact that they do not seem to have been followed;
- I asked for details, including the date and minutes of the meeting where the petition was discussed.

On 22 September, I received a reply from the Secretariat (attached), pointing out that the decision of the Committee was "political" and otherwise not providing any answer to my questions.

I replied again on 22 September (attached) to the PETI Secretariat reiterating that their reply did not answer my questions related to the substance of the decision, that the lack of any justification cannot be explained as being 'political decision', and asking again for clarifications.

On 5 October I received an email signed by the Chair of PETI Committee (attached), informing me that the petition had been declared admissible and then closed. In terms of substance, the only justification raised in the letter is that vaccination is a Member State competence and therefore the European Parliament is not apt to deal with our petition. However, our petition did not make any claims about the vaccination campaigns falling under Member States' remit, but focused, among other issues, on the matter of principle of approving and promoting Covid-19 vaccines for use on children as part of the pharmaceutical interventions to combat the pandemic. The petition refers in general to both pharmaceutical and non-pharmaceutical interventions applied to children, while the PETI reply addresses a matter adjacent to one of the points raised by the petition in order to make the latter look irrelevant to the scope of competence of the EU. Moreover, to support its claims, the petition provided a long list of references to scientific research that points to the lack of pertinence and even potential physical and/or health harm of applying such an intrusive pharmaceutical intervention on children.

Furthermore, the letter from the Chair makes reference to a certain "decision" by the Committee, though no date of the meeting where that decision was made is provided, nor any detail about the nature of the discussions that lead to the decision to close.

On 6 October I replied to the letter of the PETI Chair (attached), highlighting the fact that this correspondence continues to not answer my questions on the transparency and reliability of the process and I continued to plead with the PETI Secretariat to provide me with more information about the treatment in substance given to this petition.

I have not received any further answer or information from the PETI Chair or Secretariat.

When carrying out a search of the public documents available on the PETI website I came across the following minutes of the 15 March and 15 June respectively, when the petition was discussed (attached). However, the minutes are very limited and do not enable an understanding of what was discussed or how the decision was made. However, I deduce from these documents that the decision to close the petition had been taken months prior to my notification, without a debate in substance by the Committee, and without providing the petitioners any opportunity to express their point of view or clarify any aspect of the petition.

Part 5 - What, in your view, should the institution or body do to put things right?

The EP's PETI Committee should:

- reconsider the decision to close the petition without substantive consideration;
- correct the summary presentation of the petition on the Petitions Portal by adding the reference to Article 24 of the Charter;
- open the petition to support;
- refer the petition for opinion to the European Commission, ENVI Committee, and to the PETI Committee for discussion;

- allow, to the extent possible, the petitioners to present their views during the debate of the PETI Committee.

Part 6 - Have you already contacted the EU institution or body concerned in order to obtain redress?

Yes (please specify and submit copies of the relevant correspondence)

See reference in section above to emails sent on 4 September, 22 September and 6 October.

Attachments below.

Part 7 - If the complaint concerns work relationships with the EU institutions and bodies: have you used all the possibilities for internal administrative requests and complaints provided for in the Staff Regulations? If so, have the time limits for replies by the institutions already expired?

Not applicable

Part 8 - Has the object of your complaint already been settled by a court or is it pending before a court?

No

Part 9 - Please confirm that you have read the information below

You have read the information note on data processing and confidentiality

Part 10 - Do you agree that your complaint may be passed on to another institution or body (European or

national), if the European Ombudsman decides that he or she is not entitled to deal with it?

Yes