

Interacting with European institutions and processes

# A HOW-TO GUIDE FOR COMMUNITIES AFFECTED BY MINING.





[www.yestolifenotomining.org](http://www.yestolifenotomining.org)

## **Interacting with European institutions and processes: A how-to guide for communities affected by mining**

**2022**

This guide draws on the knowledge of communities across Europe who have generously shared their experiences of engaging with the EU with the European members of the Yes to Life, No to Mining Network (YLNM) who have written this guide. We thank them for their time and generosity.

We dedicate this guide to communities resisting mining across Europe, and those communities outside of Europe resisting mining projects with ties to Europe.

Design by Alfred Rhoades

This document is based on the experience and testimonies of European citizens and activists who have engaged with European Union mechanisms to register claims, petitions and complaints related to the negative effects of existing or proposed mining projects in Europe.

Despite this European focus, we believe that many of the proposed courses of action described here can also be of use to those affected by mining projects outside Europe in which the institutions and administrations of the EU or EU countries play a negative role. For example, in cases where the European Investment Bank finances a project, a consultancy or public procurement related to mining. Or in cases where a mining company or the customer or consumer of the raw material is of European nationality, for example the German car industry.

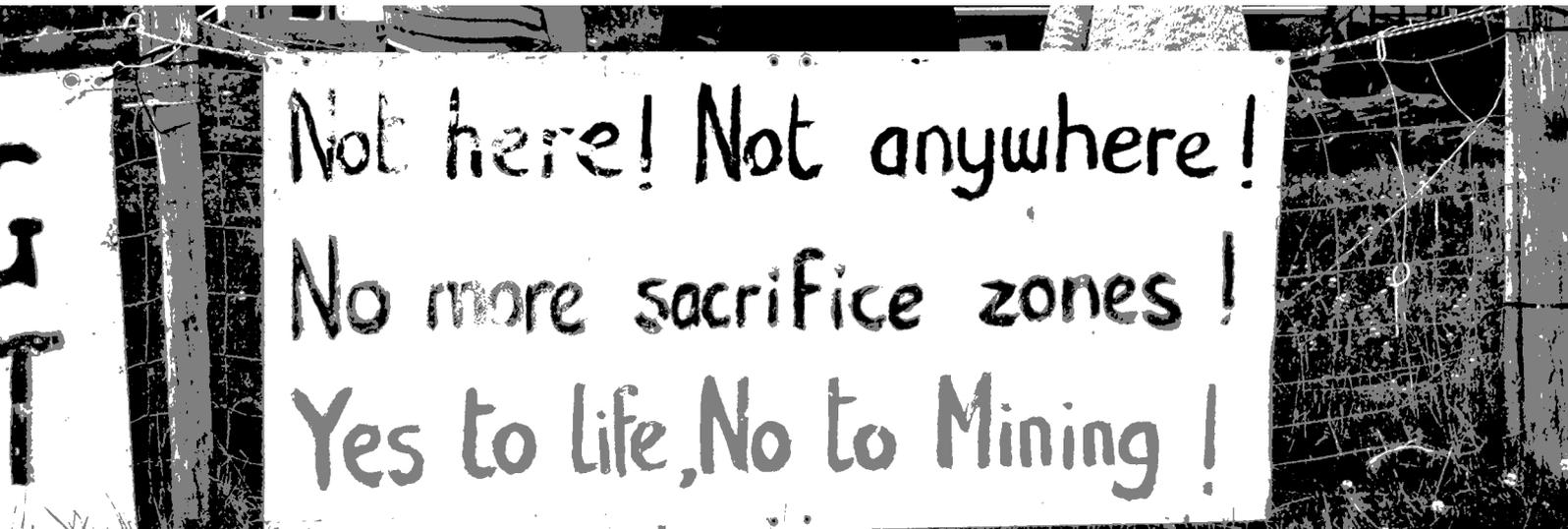
In fact, the idea for this guide arose from questions raised by a non-European member of the Yes to Life, No to Mining Network who wished to better understand the functioning of European Institutions.

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## **THESE ARE THE BASIC QUESTIONS THIS GUIDE TRIES TO ANSWER:**

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- ? What are the main resources and mechanisms that we can use to complain to European Institutions in a concrete way about issues related to the impacts of mining on the environment and human rights?**
- ? Are these mechanisms meaningful? Is it worthwhile for citizens, activists and campaigners to engage with them?**
- ? Are there success stories we can learn from?**



**Not here! Not anywhere!  
No more sacrifice zones!  
Yes to life, No to Mining!**

# 1. BEFORE CONTACTING EUROPEAN INSTITUTIONS

**To carry out any type of complaint, it is necessary to:**

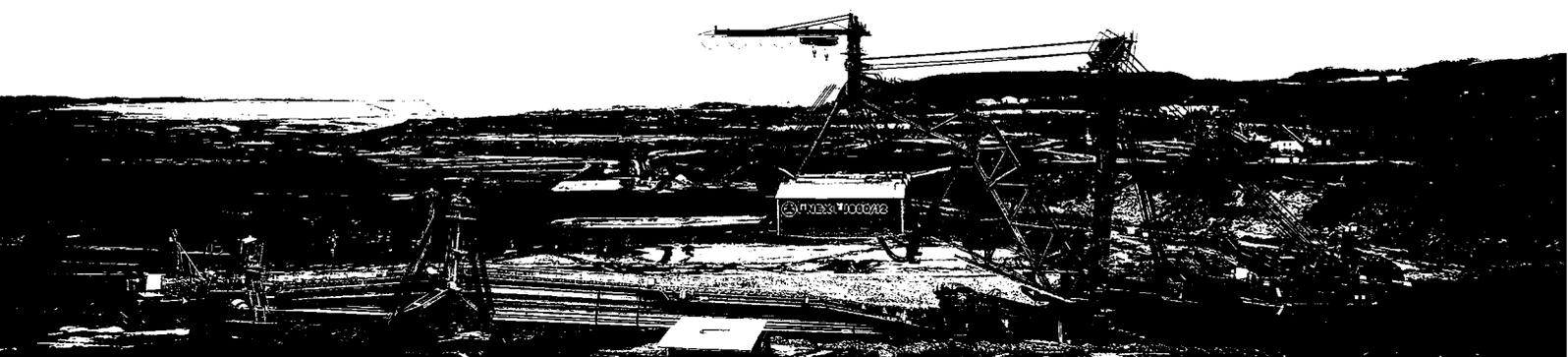
1. Document your case properly.
2. Seek allies.

## 1.1 How to document the case

This requires detailed preparation. The complaint you make must include an accurate description- in written form- of how the national administration of a member state is considered to have violated EU law, and which law, provision or directive has been violated.

***At a minimum, the information you prepare should include reports detailing:***

- The general context of your community and the threats you are facing, including historic land and water use, maps and similar.
- The actors involved i.e. companies, administrative bodies, scientific organisations, community organisations.
- Details of any community actions taken and any interactions with other actors, as described above. For example, documentation of legal processes carried out at local, regional and/or state level, press and news related to the matter, complaints lodged at local and regional level, photographs of ecological damage or social harm.



- Details of legislation and regulations, indicating the main contraventions of these laws (environmental, social, etc) caused by mining and related activities. In this, it is very important to indicate which European directive/s your complaint relates to, and which aspects of the directive/s are not being respected, in order to legitimise your complaint process.
- The political context and the role being played by local authorities.
- For example, actions or omissions by the responsible authorities that are harmful to those affected.

**IMPORTANT:** your complaint process is more likely to succeed if documentation is organised in a clear, chronological order so that the person dealing with the case (usually members of the European Parliament, Commissioners, or more often their advisors) can follow the process of your experience, understand the complexity of the problems you face and become familiar with them. The idea is that those who are going to process your complaint have enough information and understand your experiences well enough to take appropriate action.

It is also important to note that, in most of the EU's processes, you will have opportunities to provide updates and new information to supplement your initial documentation. It is therefore important to continue to provide new reports, photos or documentation as more facts about your case are revealed.

**OUR ADVICE:** The more thorough and orderly your preparation work is, the better the result you can expect, although there are no guarantees.

## 1.2 Forming partnerships and alliances

The success of your action largely depends on the capabilities and resources you can call on and deploy.

If the communities or organisations that need to open a channel for dialogue with the institutions are not familiar with the procedures, one possibility is to establish contact and advice with Members of the European Parliament (MEPs) and/or with organizations that work in Brussels and that know how the dynamics of the Commission works, what to do, when, how, to know the status of the file, etc.

At the earliest possible stage you should seek to contact and form a connection with those who can advise you on how to contact and interact with European institutions.

## 2. CONTACTING AND ENGAGING WITH EUROPEAN INSTITUTIONS

If you are considering contacting European institutions it is important to be aware that they and their processes are not always perfect or even effective. Those that exist can be slow and frustrating to engage with, as many citizens and activists have found.

However, engaging with these mechanisms can prove useful as part of a wider strategy. Below we describe how you can initiate contact with and engage in the mechanisms of European Institutions.

The main institutions that can be contacted and influenced in the European Union are the European Parliament and the European Commission. Of these two, the former is more accessible. There are different mechanisms via which you can contact these institutions.

### 2.1. Ask a Parliamentary Question

#### In Short:

**Why ask a parliamentary question?** To draw attention to a particular issue and/or to obtain answers to questions you have that you have not been able to get clarity on through administrative channels at other levels e.g. local or national.

**Who presents it?** An MEP, from any party, based on their own initiative or representing any citizen or institution can ask a question in the European Parliament- the democratically elected part of the European Union where MEPs sit.



Any MEP, political group or parliamentary committee can ask questions with a written request for a reply to the President of the European Council, the Council, the Commission or the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.

The Members of the European Parliament are very accessible and among the more than 700 that make up the Parliament it is not difficult to find some that may be willing to listen and take forward the question you want to ask. The best idea is to find those Members of Parliament known to have an affinity with the issue you want to raise or similar ones, or those who work in the areas most relevant to the question you want to ask.

Having a question lodged with the parliament may help your case if/when your case is passed on to other higher bodies, such as the Sectoral Commissions.

With regard to issues related to the impacts of mining, there are several Commissions that are relevant to the topic. The most important ones include: Environment (ENVI), Industry (ITRE). Others, like Agriculture (AGRI) or Regional Development (REGI) might also be relevant depending on the focus of the question.

The response time is six weeks for non-priority questions and three weeks for priority questions (one per month per deputy/political group or commission).



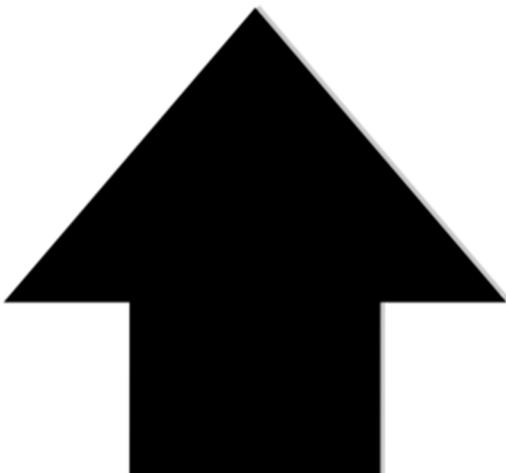
# ADVANTAGES

**This is a basic democratic mechanism for participation and access to information within the European Parliament, which can encourage debate within the institution.**

**It does not require any kind of bureaucracy to obtain quick answers to important questions and access to documentation that is difficult to access by other means.**

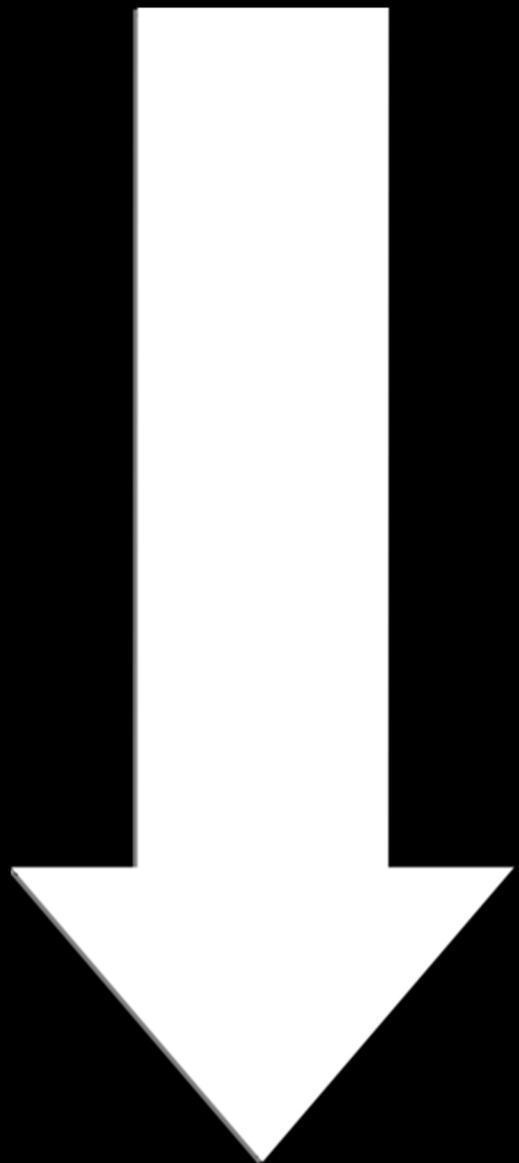
**It is a way to draw attention to important issues. Parliamentary activity is published in written and video form, which frequently appears in Google searches related to the same topics, helping to draw public attention to them.**

**Both the question asked and the answer obtained are recorded internally, too. They can thus serve as a reference for any future processes related to your case. For example, if it is dealt with in the Sectoral Committees of the Parliament, or if the case is brought to court, the question and its asking can be referred to.**



# DISADVANTAGES

**There are no obvious drawbacks of asking a parliamentary question if you are able to find an MEP who will take your question forward.**



## 2.2. Petitions to the European Parliament

### In Short:

**Who presents them?** Any EU citizen, organisation or institution residing or having its registered office in an EU Member State, can present a petition.

**What are they for?** They can touch on any issue or action that you consider to be in violation of a European Directive, and that your local, regional and state administration is not taking adequate action on.

**How are they presented?** By email contact: [peti-secretariat@ep.europa.eu](mailto:peti-secretariat@ep.europa.eu) or by internet (<https://petiport.secure.europarl.europa.eu/petitions/en/home>)

**In more detail:** The Petitions Committee (PETI) is one of the 22 committees of the European Parliament. PETI receives, examines and follows up on petitions, serving as a "bridge between citizens and their European institutions".

PETI's official objective is to facilitate the participation of citizens in the legislative activity of the European Union and to help correct the problems that arise in the practical application of Union law.

Both citizens of the Union and natural or legal persons (any person, institution, body) residing or having its registered office in a Member State may submit petitions to the European Parliament, individually or collectively, on any matter which comes within the fields of activity of the European Union and which affects them directly. Petitions may relate to matters of public or private interest.



It is important to find and enlist several MEPs to support the petition and help you follow it up. Although the official objective of the PETI Committee is to facilitate the free and equal participation of all citizens, in practice it is very important that at least one MEP supports and champions the petition. Otherwise it is quite likely that it will be shelved or caught up in EU bureaucracy.

The petitions procedure is a long one. Once the petition is accepted, the PETI Committee will follow it up. It is advisable to take advantage of this waiting period to obtain support from different groups across the political spectrum and to back up the petition with all the relevant supporting documentation outlined earlier in this guide. It is recommended that you maintain contact with those parliamentarians who have shown greater interest and sensitivity to your cause, regardless of the political group to which they belong.

The period during which the petition is in process can be a good time to engage the press, for example through press releases explaining to the public the reason for the petition. A petition can act as a rallying cry.

If the petition succeeds in arousing the interest of the Commission and they wish to further investigate the matter, the petitioner (you) will be invited to the European Parliament in Brussels to briefly present your arguments. If this happens, it is advisable to contact as many MEPs as possible by email before visiting the Committee on Petitions to present your case, send them your extended speech and ask for their support, as well as a possible meeting prior to your speech. In this way, you will be able to inform them in detail about your motivations, win their interest for your cause and convince them to support the vote in favour of keeping your petition open. You can also discuss the possibility of their intervening in favor of your cause in the different areas of their competence within the EU.

During the session held at PETI, you will be asked to describe the case behind the petition and to defend your position and arguments in just five minutes. Following this, representatives of the different political groups will express their position on the matter, which may or may not be in favor of your petition. Representatives of the European Commission will be present and will also respond to the petition. Finally, two additional minutes are granted to you, the petitioner, to present conclusions and to respond to the possible interventions of the MEPs who have spoken for or against your petition. This is the moment to state your objectives and to thank your supporters.

The Committee on Petitions will then decide whether the issue you have brought forward in your petition is considered resolved or needs further follow-up by holding a vote on whether the petition should remain open. In order to secure the outcome you want, it is advisable to maintain open channels of communication with MEPs from different countries and political groups and try to secure their vote.

## **Our Advice:**

- You should always ask that the petition be left open.
- Ask for a field visit, so that the people who are part of the process of evaluating your petition can get to know the problem first hand.

# **ADVANTAGES**

**A petition can be used to strengthen the transparency and accountability of the institutions involved in your case.**

**A petition allows a community to bring forward their problem themselves. It gives a community the chance to highlight the laws and directives that are not being respected by the other party (e.g. a mining company) without having to delegate power to local or national authorities that are often passive and possibly corrupt. This can help produce progressive changes for your struggle, including the EU putting pressure on both the politicians and companies responsible for your problems.**

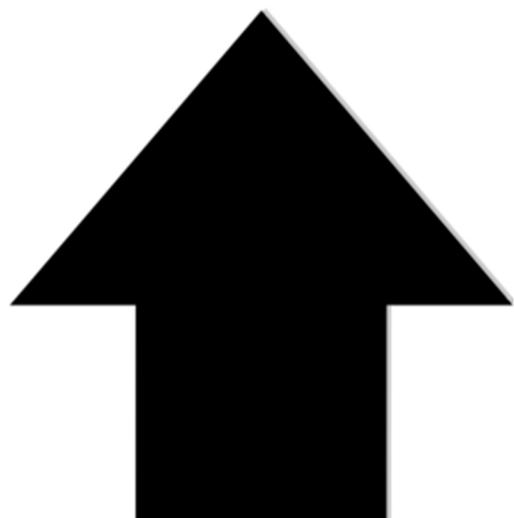
**The people or communities that present the petition obtain visibility and support for the issue in the European Parliament and the European Commission.**

**The Committee on Petitions consults with the competent authorities in the field and requires answers and reports. The processes at the European level serve to put pressure on authorities who are being uncooperative at the local level and to carry out on-the-ground inquiries into whether European Directives are being complied with.**

**In petition cases concerning a lack of transparency, which are very common in mining issues, it is sometimes possible to demand and access information you have not been able to access by other means. This can sometimes unblock complaint processes or even advance legal processes in the country of origin.**

**In the best case scenario, a successful petition can trigger a broader hearing on the issue, held in the European Parliament, as well as a fact-finding mission by a delegation of members of the European Parliament so they can learn about the problem at the root of your petition first hand.**

**All steps are opportunities for the petitioners to carry out communication and press work and to keep the public debate about their struggle alive.**

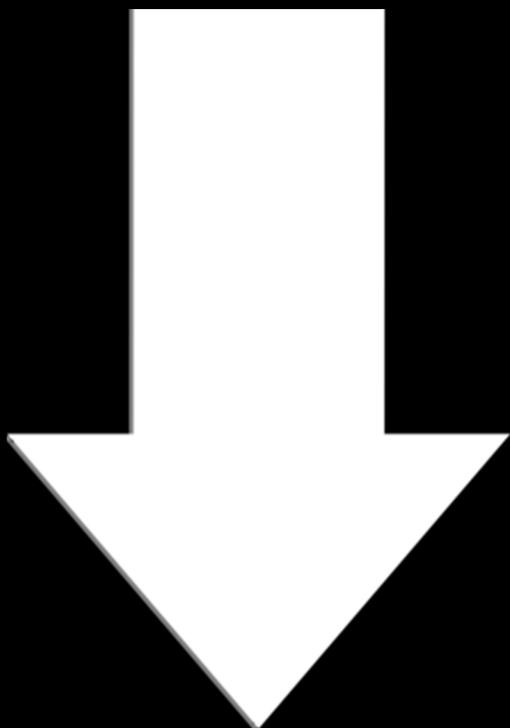


# DISADVANTAGES

The petition process can be lengthy. In some cases it has taken up to two years for communities and citizens to receive a response.

The fact that, in practice, it is almost always necessary to get the support of several MEPs for your petition puts complaints in the hands of the politicians, making petitions vulnerable to partisan political interests and subject to the limited time MEPs have available.

The responses of the European Commission to the PETI Committee and the petitioner can be frustrating and repetitive. They often 'throw the ball back', by saying that the issue has to be dealt with at national level, even when this has already been attempted multiple times and is the reason the petitioner has decided to appeal to the EU.



## 2.3. Complaints to the European Commission

### In Short:

**Who presents them?** Any EU citizen, and any organization or institution residing or having its registered office in an EU Member State, can make a complaint.

**What are they for?** Complaints can touch on any subject related to the working themes and activities of the different Directorates-General (DGs), each of which is led by a European Commissioner.

### How is it presented?

By e-mail: SG-PLAINTE@ec.europa.eu

By post: Secretariat General of the European Commission/ B-1049  
Brussels (Belgium)

### Representations of the European Commission to the Member States:

[https://ec.europa.eu/info/about-european-commission/contact/representations-member-states\\_en](https://ec.europa.eu/info/about-european-commission/contact/representations-member-states_en)

*N.B: The European Commission will acknowledge receipt of your complaint within 15 working days.*



**In more detail:** It is possible to file a complaint with the European Commission. In this complaint, you can address the European Commission regarding any measure (legislative, regulatory or administrative), lack of action or practice in an EU country that you consider contrary to Union law.

**What should the complaint include?** The Commission takes complaints for general issues that refer to the infringement of European regulations by national and local administrations, as long as these complaints have already been taken to the authorities of the country in question. The Commission does not deal with individual cases or cases involving private companies, unless it can be shown that the authorities are responsible for the case.

Making a complaint to the EC is a complicated procedure. The complaint must relate to issues on which the Commission is actively working, and for which there is a Directorate General. In relation to mining and extractive projects, relevant DGs include DG ENVI and DG GROWTH, DG ENERGY, DG CLIMATE, DG AGRI or DG MARE (for ocean matters) or others. If your complaint does relate to the work of one or more DGs, it will be dealt with by the Commissioner responsible for leading that DG.

**What is the procedure like?** The Commission or the relevant DG will acknowledge that they have received your complaint within 15 days. They will then examine and investigate your complaint and reply within 12 months.

If the Commission decides your complaint has merit, it can open a formal infringement procedure about which it will keep you, the complainant, informed. Alternatively, the EC may recommend you take another route through national or European mechanisms. Or it may decide that there is no infringement of European law and close the file after informing you, effectively ending your complaint.

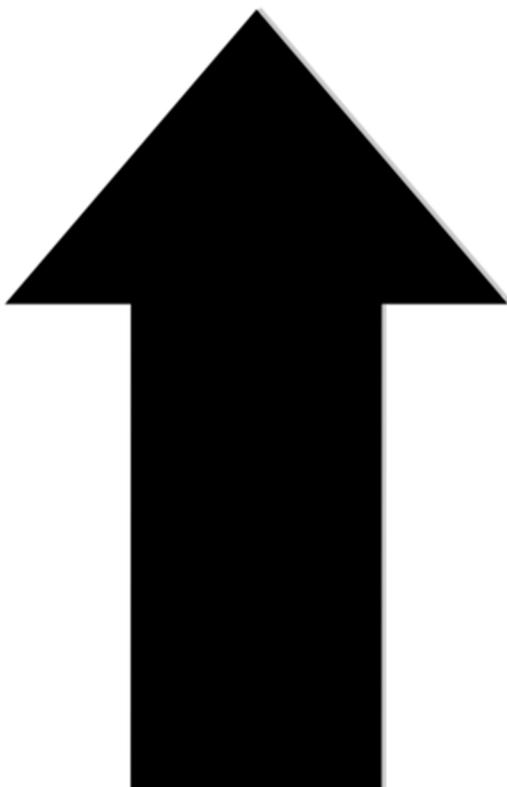
Prior to registering your complaint with the EC, you should identify the DGs relevant to your particular case and address your complaint to the Commissioners in charge of those DGs, as well as to the President of the Commission.



# ADVANTAGES

**The European Commission is the most powerful body within the European bureaucracy and is promoting large-scale mining without sufficient community participation. Any effort to address it will help to raise the issue of the problems mining causes for communities and nature.**

**Although the Commission's responses to complaints about mining have become really frustrating for the people and communities who have raised them, there is reason to believe that while the Commission will give a public response that frustrates us, behind the scenes they are taking other actions that may help our cause, for example asking difficult questions about mining projects to the States involved.**



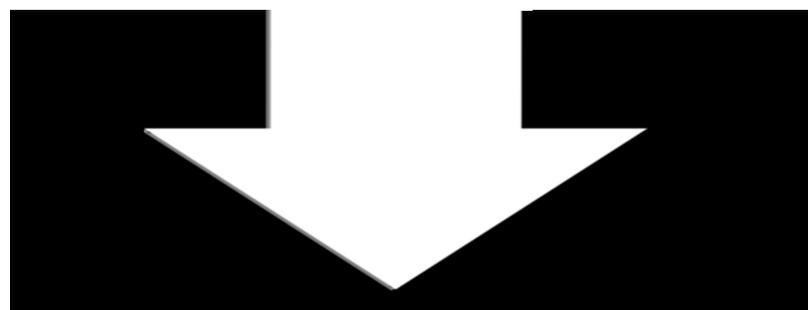
# DISADVANTAGES

**Complaints are time consuming, slow and the European Commission is less accessible and clearly aligned with industry in many respects. Accordingly, its responses are usually more friendly to industry than to the citizenry filing the complaint.**



## **Our advice:**

When you file a complaint with the European Commission we recommend that you file a petition with the European Parliament at the same time, as the two actions are complementary. Having an open petition reinforces the complaint to the Commission and can win awareness of- and support-for your complaint with MEPs.



## 2.4. Complaints to the European Ombudsman

### In Short:

**Who presents it?** Any citizen or any natural or legal person residing or having its registered office in an EU Member State, who has had a negative or unlawful experience within the framework of European institutions.

**What is it for?** To encourage the European Ombudsman to carry out an appropriate investigation into the functioning of the institutions, bodies, offices or agencies in question (with the exception of the Court of Justice of the European Union acting in its judicial role) and, if necessary, demand the appropriate corrections.

**What does the Ombudsman do?** The Ombudsman will examine complaints and report on them.

**How is it presented?** By telephone +33 (0)3 88 17 23 13

By email [eo@ombudsman.europa.eu](mailto:eo@ombudsman.europa.eu)

By internet <https://www.ombudsman.europa.eu>

**In more detail:** The function of the European Ombudsman is to supervise the activity of the administrations so that the rights of European citizens are not infringed. She/He investigates various types of maladministration including unfair conduct, discrimination, abuse of power, omission or refusal to provide information, unnecessary delays or incorrect procedures.

This may be useful to you if you are interested in addressing issues such as transparency, accountability and inclusive decision-making, ethics, management of EU public funds, fundamental rights and administrative procedures and practices within the EU, all of which are relevant to the subject matter of trying to navigate and solicit action from EU institutions.

The Ombudsman's role is to ensure standards of good governance are observed in the way the different parts of the EU function. So, if you consider, for example, that the European Commission or another EU institution or office has not properly dealt with a previous complaint or grievance you have registered, you can contact the European Ombudsman, complain to them and ask for an investigation.

# ADVANTAGES

If your complaint is taken forward, the Ombudsman will request a report on the matter from the Commission which puts pressure on them and may yield useful information.

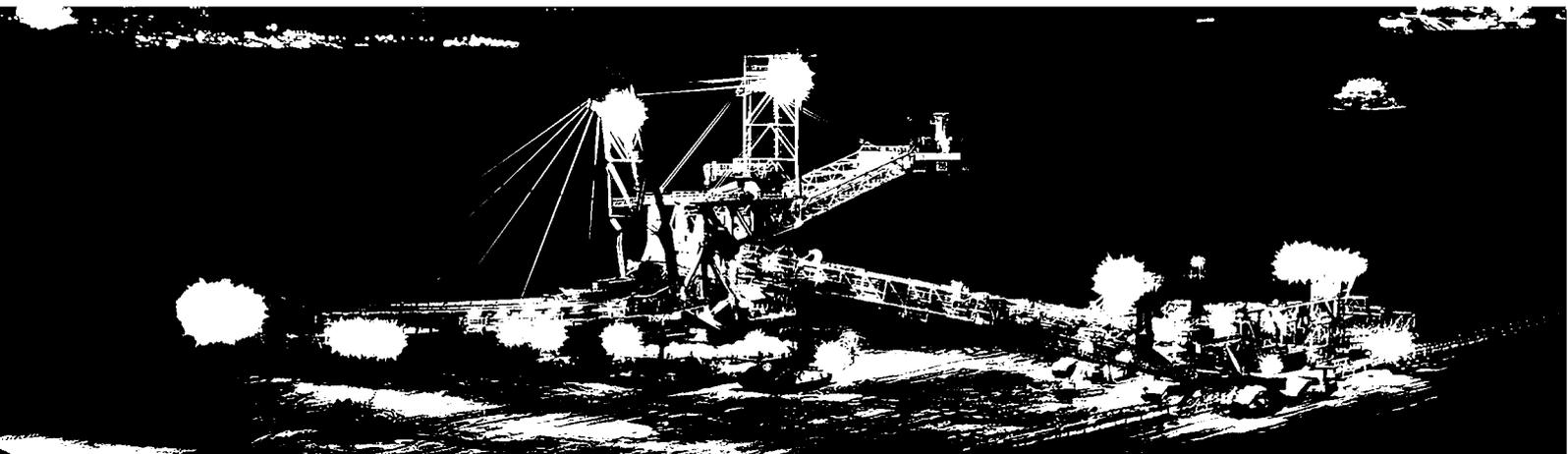
The Ombudsman's office functions effectively, appointing a dedicated official to follow up on each case and to maintain contact with those who have initiated the complaint.

# DISADVANTAGES

The results of these complaints can be positive on consumer issues. However, on issues related to mining and extractive projects, as well as others that have to do with business, the Ombudsman's office seems not to have much experience or specific knowledge. As a result, complaints are often dismissed.

The poor outcome of this type of complaint to the Ombudsman has to do, we believe, with this lack of knowledge. We therefore suggest that this type of complaint (those related to mining) should continue to be made so that the Ombudsman's office can begin to appreciate the trend of increased mining conflicts, and become more knowledgeable on the subject, perhaps even encouraging the Ombudsman's office to recommend that more effective mechanisms be established by the EU to react to an increasing number of complaints and petitions about mining.

One mechanism by which this could happen is the Annual Report of Activities prepared by the Ombudsman, which provides a yearly summary of the work carried out by their Office. Among other issues relevant to our theme, in 2019 this report highlighted the need for more transparency in the legislative process, in access to documentation, or to control the power of lobbyists.



# CONCLUSION

- ☒ To yield results from engaging with the EU, we must be active, alert and understand why we are engaging with these mechanisms as part of a wider strategy employing a diversity of tactics.
- ☒ Despite the downsides, we have found that it is worthwhile to strategically engage with the mechanisms described in this guide, generally after (or in parallel with) having used local and national mechanisms.
- ☒ The more related questions, complaints and requests you can register about your case, the better. This is the way to exert more pressure and influence within EU institutions. However, every effort you make must be well documented, well argued, complete, have a concrete objective and make clear references to the European Directives that are being violated or ignored in your case.
- ☒ When the mechanisms described here do not yield results in a fast and effective way, they can still be useful as a way of 'taking the pulse' of the institutions you are appealing to and establishing how useful they are going to be to you.

We believe it is our collective right and duty to act as custodians of the ecosystems we live in and rely upon. The questions, complaints or claims that we make need not be limited to our town, province, district or even our own country. If we file a complaint about an existing mining project in another country, with the full support and consent of local people, we are helping to turn a local problem into a problem with a global dimension and international support. A mine in one place that is destroying nature is everyone's problem, so that is where we must show up in solidarity.

