



Dear President of the European Parliament, MEP Roberta Metsola,

Dear Members of the Bureau of the European Parliament,

*in cc: Chair of the Committee on Petitions, MEP Dolors Montserrat*

We, the undersigned, hereby submit to you a formal complaint against the Chair of the Committee on Petitions (PETI) of the European Parliament, MEP Dolors MONTSERRAT, for the serious breach of the Rules of Procedure (RoP) we firmly believe she committed during the PETI Committee Meeting held on 8th of September 2022.

This took place on the vote concerning Item 17 of the Agenda of the abovementioned Meeting, related to the following petitions:

- Petition No 0426/2021 by E.M.B.B. (Spanish), on behalf of the **Parliamentary Group of the Partido Popular in the Parliament of the Autonomous Community of Valencia**, on the circumstances of minors suffering sexual abuse while in the care of the Administration in her region, in Spain;
- Petition No 0468/2021 by Ana María Gil Jiménez (Spanish) on sexual abuses of minors protected by the Regional Government of the Valencian Community,

We had no other option but taking a firm stance on this with this action given the gravity of the situation.

MEP Montserrat, in a blatant conflict of interests, accepted to add to the Agenda of the concerned PETI Committee Meeting a petition filed by a prominent Member of her own Party (Partido Popular/EPP), completely disregarding the European Commission's written reply received on 1st March 2022. In this reply, the Commission outlined that it *"can only intervene with the Member States in the area of fundamental rights if an issue of European Union law is involved. The functioning of Spanish child protection agencies is regulated by Spanish law"*.

Therefore, the Commission made crystal-clear there was no connection with EU law and with the ongoing infringement procedure either, which was launched against 23 Member States, showing a problem affecting practically the whole EU, for incorrect transposition of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.

MEP Montserrat even chaired the sitting when a decision had to be taken on the same petition, and we consider her conduct during the vote inappropriate and detrimental to the rights of MEPs as well as to the credibility of a standing Committee of the European Parliament.

During the whole session up to this item, MEP Montserrat always implemented the weighted vote, namely a vote calculated according to the size of each Group. Faced with the evidence

this system would have led to the closure of these two petitions, thus going against her Group's line, she disregarded the practice of the weighted vote and chose a voting method based on counting each vote for each MEP present in the room - in a situation when several MEPs left the room in protest against the Chair's conduct of the meeting.

Based on the official video-recordings of the PETI Committee Meeting held on the 8th September 2022, the Chair omitted to mention the rules applicable on "Voting in Committee" and based the preparation of this vote on the PETI guidelines only, thus preventing MEPs to enjoy fully their rights as laid down in the EP's Rules of Procedure.

In particular, MEP Montserrat, confirming once again her very negligent and/or a very biased conduct, did not mention the rules in place under Rule 218, par 2, of the RoP<sup>1</sup>, which prevail over the PETI guidelines.

Before opening the vote, the Chair failed to remind the MEPs of the right for them or Political Groups reaching at least the high threshold in the committee to request before the beginning of the vote that the vote had to be considered valid only if the majority of its members have taken part in it.

According to Rule 179, which applies *mutatis mutandis* to Committees pursuant Rule 219 RoP, the high threshold is set at one fifth of the Committee's component Members. In the meeting room at that moment, the following MEPs were present wishing to close the two concerned petitions: 4 from S&D, 2 from GREENS/EFA, 1 from The LEFT and 1 from NI = 8. The high threshold at PETI Committee level is reached with 7 MEPs ( $35 : 5 = 7$ ). Therefore, those 8 MEPs would have met the high threshold. The majority of PETI Members were not in the room and the vote would have been impossible. Therefore, this case would have been referred back to Coordinators.

What is worse is the following:

MEP Montserrat clearly breached Rule 200, par. 4 RoP<sup>2</sup> on "adjournment of a debate or vote", which applies *mutatis mutandis* at Committees pursuant Rule 219.

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<sup>1</sup> Rule 218 (2): A committee may validly vote when one quarter of its members are actually present. However, if so requested by members or a political group or groups reaching at least the high threshold in the committee before voting begins, the vote shall be valid only if the majority of its members have taken part in it.

<sup>2</sup> Rule 200 (4): Before or during a vote, a political group or Members reaching at least the low threshold may present a motion calling for the vote to be adjourned. Such a motion shall be put to the vote immediately.



Based on the official video-recordings of the 8th September 2022 PETI Committee Meeting, 4 MEPs, namely MEP Ernest URTASUN (GREENS/EFA), MEP Diana RIBA I GINER (GREENS/EFA), MEP Iban GARCIA DEL BLANCO (S&D) and MEP Sira REGO (The LEFT) requested the adjournment of the vote and to refer the matter back to the Coordinators' level. You can see the video-recordings clicking at the following link (from minute 18:13:50) on: [https://multimedia.europarl.europa.eu/en/webstreaming/peti-committee-meeting\\_20220908-1500-COMMITTEE-PETI](https://multimedia.europarl.europa.eu/en/webstreaming/peti-committee-meeting_20220908-1500-COMMITTEE-PETI)

These 4 MEPs largely met the low threshold as, pursuant to Rule 179, it is established at one-twentieth of Committee's component Members ( $35 : 20 = 1.75$ , namely 2).

The Chair completely disregarded this request and did not put this motion to the vote immediately, thus severely breaching the Rules of Procedure, notably Rule 200, par. 4.

In the light of the above, with this complaint letter we firmly request to **declare null and void** the vote cast on 8th September 2022 in PETI on the two aforementioned petitions and to reconvene the vote in PETI on these two petitions during next PETI Committee Meeting scheduled for 10th October 2022.

We truly count on your action to ensure the PETI committee's full compliance with the Rules of Procedure, urging you to consider any other initiative you would deem necessary to protect the rights of all MEPs in the future meetings of this Committee, with a view to preventing any possible negligent or biased conduct by the PETI Chair from occurring again.

Yours faithfully,

Margrete AUKEN, Greens Coordinator in the PETI committee

Cristina MAESTRE MARTÍN DE ALMAGRO, S&D Coordinator in the PETI committee

Sira REGO, The Left Coordinator in the PETI committee