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## **REPORT**

on the perspectives for developing civil dialogue under the Treaty of Lisbon  
(2008/2067(INI))

Committee on Constitutional Affairs

Rapporteur: Genowefa Grabowska

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the perspectives for developing civil dialogue under the Treaty of Lisbon (2008/2067(INI))

*The European Parliament,*

- having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on 13 December 2007<sup>1</sup>,
  - having regard to the Treaty on European Union and the Treaty establishing the European Community,
  - having regard to its resolution of 20 February 2008 on the Treaty of Lisbon<sup>2</sup>,
  - having regard to the various resolutions dealing with civil society that it has adopted during the current parliamentary term,
  - having regard to its workshop held with representatives of civil society organisations on 3 June 2008,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A6-0475/2008),
- A. whereas a democratic European Union that is close to citizens requires close cooperation between the EU institutions and Member States and civil society at European, national, regional and local level,
- B. whereas an openness on the part of EU institutions and national, regional and local authorities to dialogue and cooperation with citizens and civil society organisations is a basic prerequisite for the latter's involvement in lawmaking and governance at all levels,
- C. whereas the Treaty of Lisbon enhances the rights of EU citizens vis-à-vis the Union by making it easier for citizens and representative civil society associations to take part in discussion on a “citizens' Europe”,
- D. whereas the current provisions, which have also been included in the Treaty of Lisbon, establish a vital legal framework for the development of civil dialogue at European level; whereas, however, those provisions are not always satisfactorily implemented,
- E. whereas civil society is at different stages of development in the 27 Member States, taking advantage to differing degrees of opportunities for involvement in participatory democracy, the lawmaking process and dialogue with national, regional and local authorities,

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<sup>1</sup> OJ C 306, 17.12.2007, p. 1.

<sup>2</sup> Texts adopted, P6\_TA(2008)0055.

- F. whereas the term “civil society” refers to the numerous non-governmental and not-for-profit organisations established by citizens, of their own will, that have a presence in public life, expressing the interests, ideas and ideologies of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations,
- G. whereas the representativeness of civil society organisations is very much a moot point, and whereas the vigour and effectiveness with which some organisations promote their ideas does not always reflect their representativeness,
- H. whereas the various EU institutions have different approaches to social dialogue,
1. Welcomes the contribution made by the European Union to the development of civil dialogue, both at European level and at national, regional and local level in the Member States;
  2. Stresses that civil society in Europe plays an important role in the European integration process, since it communicates the positions and demands expressed by EU citizens to the European institutions; highlights the importance of the expertise that civil society makes available to the institutions, and stresses the importance of providing information on and raising awareness about civil dialogue, in particular in connection with promoting the activities and objectives of the EU, building European cooperation networks and strengthening the European identity and identification with Europe within civil society;
  3. Stresses that broader public debate, more effective civil dialogue and greater political awareness are necessary if the EU is to achieve its political goals and objectives;
  4. Emphasises its special attachment to civil dialogue and draws attention to the importance accorded to such dialogue by the Treaty of Lisbon, which has made it an overriding principle across all spheres of EU activity;
  5. Welcomes the enhancement of representative democracy and participatory democracy resulting from the provision made in the Treaty of Lisbon for “citizens' initiatives” enabling one million citizens from a number of Member States to invite the Commission to submit a legislative proposal;
  6. Calls on the EU institutions and the national, regional and local authorities in the Member States to make the fullest possible use of existing legal provisions and best practices in order to step up dialogue with citizens and civil society organisations; considers, in particular, that the EP Information Offices in each Member State should play an active role in the promotion, organisation and management of forums that take place at least annually between Parliament and representatives of civil society in that Member State, and stresses the importance of the regular participation of its Members, both from the Member State concerned and from other Member States, in those forums;
  7. Calls on the EU institutions to involve all interested civil society representatives in the civil dialogue; considers it essential, in this connection, for the voice of young Europeans, who will shape and take responsibility for the European Union of tomorrow, to be heard;
  8. Calls on the EU institutions to ensure that all EU citizens – female, male, young and old,

urban and rural – are able to take an active part, with equal rights, in civil dialogue, without being subjected to discrimination, and, in particular, that members of linguistic minorities are able to use their native languages in such forums; takes the view that the EU's role in this area should be to foster the realisation of the principle of gender equality and to set an example in promoting that principle both within the Member States and outside the EU;

9. Calls on the EU institutions to adopt in an interinstitutional agreement binding guidelines concerning the appointment of civil society representatives, methods for organising consultations and their funding, in accordance with the general principles and minimum standards for consultation of interested parties<sup>1</sup>; points out that, to this end, all EU institutions should maintain up-to-date registers of all relevant non-governmental organisations, whether they are active in the Member States and/or focused on the EU institutions;
10. Calls on the EU institutions to make civil dialogue a horizontal task for all directorates-general in the Commission, all Council working parties in the Council of Ministers and all committees in the European Parliament, using transparent procedures and maintaining a genuine balance between the public and private sectors;
11. Calls on the EU institutions to cooperate more closely in developing civil dialogue and promoting an actively European mindset among EU citizens, with a view to ensuring better communication, information flow and coordination in connection with their public consultation activities; notes that, in this connection, regular meetings between civil society and Commissioners in forums in the Member States would be highly desirable as a way of reducing the perceived gap between the EU and the citizens of Europe;
12. Calls on the Council to afford easier and simpler access to its proceedings, which is a fundamental precondition for genuine dialogue with civil society;
13. Stresses the importance of developing a European communication policy as regards providing new ways and means of communicating with EU citizens (using the internet, e-technologies and modern audiovisual technologies);
14. Calls for the continued implementation of tried and tested EU measures to step up civil society involvement in the European integration process, such as Europe by Satellite, the Citizens' Agora, citizens' issues forums (e.g. Your Europe), internet debates, etc.;
15. Stresses the importance of the role played by professional European opinion polls in identifying and understanding the needs and expectations of EU citizens with regard to the way in which the Union operates; urges both EU institutions and civil society in the Member States to bear these expectations in mind in their interactions and debates;
16. Calls on the national, regional and local authorities in the Member States to foster civil dialogue, particularly in those countries and regions and in those sectors where it is not yet

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<sup>1</sup> See the Commission's communication of 11 December 2002 entitled "Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission" (COM(2002)0704).

fully developed or sufficiently well implemented; further urges those bodies to promote actively the development of regional interactivity of civil society among Member States, and cross-border initiatives; considers that the building-up of Member State clusters should also be explored as a means of promoting exchanges of ideas and experiences within the EU;

17. Calls on representatives of European society to take an active part in civil dialogue and in the formulation of European programmes and policies, thereby making it possible to influence decision-making processes;
18. Encourages EU citizens to become more involved in European debates and discussions and to vote in the forthcoming European Parliament elections;
19. Points out that, for dialogue with citizens at all levels – European, national, regional and local –, appropriate financial resources are required, and calls on the stakeholders in that dialogue and the entities responsible for it to ensure that it is adequately funded;
20. Stresses that, besides dialogue with civil society, there also needs to be an open, transparent and regular dialogue between the Union and churches and religious communities, as provided for by the Treaty of Lisbon;
21. Recommends to the EU institutions that they jointly make available information on the representativeness and fields of activity of civil society organisations in Europe, for example in a public, user-friendly database;
22. Calls on the Commission to submit a fresh proposal for European associations so that European civil society organisations can fall back on a shared legal basis;
23. Instructs its President to forward this resolution to the parliaments of the Member States, the Council, the Commission, the European Economic and Social Committee and the Committee of the Regions.

## EXPLANATORY STATEMENT

*'We are not seeking coalitions between States, we are uniting people'*  
**Jean Monnet**

What European citizens expect of the EU institutions is summed up by the slogan 'Nothing about us without us'. The successive EU enlargements have increased not only the number of Member States but also the number of people to whom Community law applies. And while the EU is a project subject to continuous change, communication between the Union and citizens has, regrettably, failed to keep pace with that change. A clearly visible communication gap has opened up, and this was reflected in both the French and Dutch rejection of the Constitution for Europe and the Irish rejection of the Lisbon Treaty. That gap appears to be narrowing as a result of the measures and projects implemented by the EU institutions. The efforts that have been made show that concerted action to influence the development of participative democracy around European issues at local, regional, national and supranational level can be successful.

Since the 1990s the European institutions have been slowly but surely becoming more open towards the general public, increasingly recognising the role played by civil society and increasingly seeking its opinion. Dialogue has been conducted between the European institutions and non-governmental organisations in a wide range of EU policy areas. This dialogue has become known as 'civil dialogue'.

Nonetheless, the EU still has a lot of ground to make up as regards communication and, specifically, civil dialogue. It is self-evident that the European project cannot be taken forward without the involvement of European citizens; what is more, one cannot have a fully functioning democracy without proper communication with the public. At the same time, public engagement with and support for the EU can be secured only by means of full information provision, open and dynamic debate and active public involvement in EU affairs, in accordance with the principle under which '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 10 of the Treaty on European Union).

The main aim of this report is to draw attention to the major role and significance of civil dialogue within the European Union, particularly in the context of the Lisbon Treaty, to outline the new forms of such dialogue and the opportunities it affords and to emphasise the need for clear and transparent rules for the conduct of such dialogue at European level.

The Lisbon Treaty give civil dialogue the status of a fundamental principle covering practically all EU policies and spheres of activity (Title II – Provisions on democratic principles – of the Treaty on European Union, in particular Article 11 thereof). However, there can be no civil dialogue without the involvement of civil society. Accordingly, in June 2008 the rapporteur organised a seminar within the EP on the prospects for the development of civil dialogue following the entry into force of the Lisbon Treaty. The seminar, which was attended by a large number of civil society representatives, was a great success, and the thought-provoking conclusions reached have, among other things, served as a basis for this report.

There is no single and universally applied definition of **civil dialogue**, either in EU law or in EU administrative practice. With the exception of a few Commission documents on consultation and communication policy in the EU<sup>1</sup>, there are no rules governing the organisation of or the framework and methods for civil dialogue. The fact that the European institutions have different approaches to civil dialogue makes it even more difficult to pin the concept down. In this connection, major reservations have been expressed about, for instance, the representativeness of the non-governmental organisations invited to take part in the dialogue, the lack of public access to Council proceedings, and the excessive amount of freedom enjoyed, in particular, by the Commission as regards the manner in which the dialogue is conducted.

The rapporteur therefore considers it essential for the concept of civil dialogue to be defined (or described) at EU level and for rules governing the representativeness of civil society participants to be laid down.

The **principle of representativeness** could best be satisfied by involving in civil dialogue those civil society organisations with which the public identify and which best – i.e. most fully and competently – represent their interests. The success of civil dialogue will hang precisely on this principle of representativeness; in other words on the involvement of all key stakeholders in the areas covered by the dialogue (EU institutions; national, regional and local authorities; European political parties; non-governmental organisations and other civil society representatives).

Civil dialogue is, by its very nature, two-sided and reciprocal. So it is not enough for the EU simply to provide the public with information on its activities; it also needs to find the time to listen to what the public are saying. They must also be given the assurance that their ideas and concerns will be treated with respect and taken into account by the EU institutions. Furthermore, the principle of reciprocity requires participants to be given feedback on the action taken on the proposals put forward during the dialogue. This should give the social partners greater influence over the decisions taken within the EU.

What is more, with a view to the selection of partners, a balance needs to be struck between the public and private sectors and representatives of social organisations and experts need to be afforded equal treatment.

**Principle of transparency.** When selecting the parties to be invited to take part in the dialogue, the EU institutions should act with the utmost **transparency**. With a view to this, the rapporteur proposes that, among other things, lists of the organisations that have been involved in consultations and have submitted their views and suggestions should be systematically published. When consultations are opened, the Union should appoint an EU contact person for civil society organisation representatives.

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<sup>1</sup> See the following Commission documents: White Paper on a European communication policy (COM(2006)0035); Plan-D for Democracy, Dialogue and Debate (COM(2005)0494); Action plan to improve communicating Europe by the Commission (SEC(2005)0985); Proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the programme “Citizens for Europe” to promote active European citizenship (COM(2005)0116); Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission (COM(2002)0704); White Paper on governance, 2001.

In turn, in connection with decisions taken under EU policies, non-governmental organisations (both European and national) should state clearly and openly whom and whose interests they represent. This will enable lobbyists to be told apart from genuine civil society representatives.

### **Rules governing the conduct of civil dialogue**

Reference should be made here to the Commission's 2002 communication on a reinforced culture of consultation and dialogue, which lays down basic principles for the conduct of public consultations by the Commission. The communication stresses that all target groups should be involved in consultations, that they should be given all the information they require in order to be able to express their views on the documents or projects on which they are being consulted and that they should always be given confirmation that their views have been received by the consulting body. These principles primarily concern qualitative aspects of the consultation and dialogue process, but no mention is made of the framework and procedures for dialogue. The rapporteur would therefore like the Commission to have another look at the principles and to tailor them to current requirements, with a view to them becoming common principles for all the institutions.

National, regional and local authorities unquestionably have the most important role to play in supporting and fostering civil dialogue, in particular in involving the public in that dialogue. The public should be consulted at these three levels, and their views – particularly on European issues – should be forwarded to the EU institutions. Accordingly, the rapporteur proposes that national, regional and local authorities be required to publicise civil dialogue and to have recourse to it wherever possible. By becoming parties to such dialogue, EU citizens will become accustomed to the practice of participative democracy and will have a genuine opportunity to exercise their rights.

With a view to the entry into force of the Lisbon Treaty, particular attention should be drawn to the **citizens' initiative (one million signatures)** provisions, under which a proposal for legislation may be submitted to the Commission. These provisions will enable anyone involved in the democratic life of the EU (individual citizens and non-governmental organisations) clearly and formally to tell the Union what they expect of it.

With a view to ensuring **more effective civil dialogue**, the rapporteur would also draw attention to the following:

1. **Openness on the part of the Council:** enhanced, streamlined access to Council documents is of key importance to effective dialogue with civil society. Furthermore, information on the work of the various working parties should be made more readily available to the European Parliament and civil society.
2. **Closer and better interinstitutional cooperation on consultations with civil society.** In particular, a common platform for cooperation between Parliament and the Commission, with the involvement of the European Economic and Social Committee and the Committee of the Regions, should be set up.
3. **New channels, methods and opportunities for communicating with citizens, and closer cooperation with the media.** New technologies (digital technologies, Internet)

should actively be brought to bear in setting up information outlets. Significant progress has been made in this respect as regards the media, with, among other things, the launch of the Europe by Satellite channel.

Furthermore, with a view to predicting how the European public will react (which is a particularly complex matter, in view of the influence of national outlooks and political beliefs) and to understanding public reactions once they have happened, mechanisms such as European think tanks need to be put in place with a view to analysing public expectations and public opinion trends.

4. **Funding.** For genuine civil dialogue to be possible, appropriate funding needs to be made available. In this connection, the rapporteur would draw attention to the EU regulation on political parties and foundations, which is the outcome of the first stage of Plan D and which has an important role to play in involving citizens in ongoing, genuine and substantive dialogue.

During the 2009 European election campaign in particular, attention needs to be drawn to European issues. EU citizens must be confident that voting in the elections will (through the Members that they elect) give them a significant say in EU decision-making, in particular in decisions that affect their daily lives. They also need to be safe in the belief that, in matters affecting them, the European institutions will not take any decisions without first consulting them (i.e. without engaging in civil dialogue). The EU funding earmarked for the 2009 elections therefore clearly represents an excellent investment in the expansion of participative democracy.

All financial support – however limited it may be – for non-governmental organisations operating at national level can, depending on the national context (with particular reference to national traditions, experiences and organisational capacities), significantly strengthen civil dialogue mechanisms.

Lastly, the rapporteur would urge that broad support be provided for those civil dialogue measures that have been a success and have become firmly established on the European scene (for example, the Agora, a forum for dialogue between citizens and Parliament), and would also call for new common, interinstitutional measures and projects in the field of European communication policy.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	2.12.2008
<b>Result of final vote</b>	+: 10 -: 1 0: 0
<b>Members present for the final vote</b>	Jim Allister, Richard Corbett, Andrew Duff, Maria da Assunção Esteves, Anneli Jäätteenmäki, Aurelio Juri, Íñigo Méndez de Vigo, Johannes Voggenhuber, Andrzej Wielowieyski
<b>Substitute(s) present for the final vote</b>	Georgios Papastamkos, Jacek Protasiewicz, György Schöpflin