

**TOWARDS A STRUCTURED FRAMEWORK
FOR EUROPEAN CIVIL DIALOGUE**

Brussels, 15 February 2010

1) INTRODUCTION

Article 11 of the **amended Treaty on European Union** makes **participatory democracy** a tool to strengthen the democratic legitimacy of the European Union and therefore a principle of governance, as a complement to representative democracy. Thus civil dialogue becomes one of the major tools in policy-shaping and decision-making processes at European level. The EU institutions are required to conduct "***an open, transparent and regular dialogue with representative associations and civil society***¹".

In accordance with Article 11, the EU institutions have a joint responsibility to ensure that organised civil society, which embodies the aspirations and interests of the citizens of Europe, is actively involved in the formulation of European policies and processes. Therefore, a genuine and long-lasting commitment of all EU institutions to engage in a permanent and structured dialogue with organised civil society at European level is essential.

To be effective, European civil dialogue must be underpinned by mechanisms for dialogue established at local, regional and national level.

This document aims to define the measures needed to implement participatory democracy at European level.

2) WHAT IS ORGANISED CIVIL SOCIETY?

In 1999 the European Commission asserted that "civil society includes the following: trade unions and employers' organisations ("social partners"); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life ..."

According to the opinion of the European Economic and Social Committee (EESC) to which the European Commission was referred (OJ C 329 of 17.11.1999, p. 30), organised civil society is "the sum of all organisational structures whose members have objectives and responsibilities that are of **general interest** and who also act as **mediators** between the public authorities and citizens."

Implementation of Article 11 of the Treaty and the related documents could be based on a definition of "**organised civil society**" as an **intermediary** between **citizens** and **public bodies**. The

¹ Article 11 of the Treaty also provides for citizens' direct participation by stipulating that "*the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.*"

organisations of which it is composed represent a **general interest** or an interest of a part of society which they actively defend. These organisations are independent of public bodies, bringing together persons or organisations representing people on a voluntary basis. They are **non-profit-making**. They operate in areas **outside the sphere of enterprise**. They function in a **democratic** and **transparent** manner, with election of their constituent bodies on a regular basis and direct participation by their members in decision-making.

3) WHAT IS EUROPEAN CIVIL DIALOGUE?

The increased efforts since the 1990s to establish consultation procedures and a more or less structured form of sectoral dialogue with civil society organisations bear witness to a growing realisation on the part of the EU institutions of the importance and utility of giving organised civil society the opportunity to participate in European processes. These consultation and dialogue procedures are referred to by the catch-all term of "civil dialogue" yet - unlike social dialogue - the concept has not been officially defined in any text due to a lack of consensus regarding the concept itself, its scope, procedures and players.

At the present time and in line with current practice, **European civil dialogue may be considered to take three complementary forms:**

- sectoral civil dialogue between civil society organisations and their interlocutors within the legislative and executive authorities, referred to as "**vertical** dialogue";
- structured and regular dialogue between EU institutions and all of these civil society components, referred to as "**transversal** dialogue";
- dialogue between civil society organisations themselves on the development of the European Union and its policies, referred to as "**horizontal** dialogue".

Whilst these three forms of dialogue exist, they are still in an embryonic state, are not permanent and do not have any support structure. What is more, they vary considerably according to the institutions concerned (Parliament, Council and Commission).

The **Council of Ministers'** practices in this area are very limited, consisting of invitations to informal Council meetings. Its procedure for the preparation of decisions remains very opaque, with only a few Member States informing and consulting their citizens on the matters addressed.

The practices applied by the **Commission** vary considerably from one Directorate-general to another. Even in the best of cases, dialogue with organisations of social partners often continues to dominate the process.

The European **Parliament**, for its part, has taken the initiative of holding, on an occasional basis, **citizens' Agoras** with the objective to enable dialogue between MEPs and civil society on subjects considered to be of major importance on the European political agenda.

As far as the **European Economic and Social Committee** is concerned, it has set up a Liaison Group with European civil society organisations and networks as part of the process of establishing a regular and structured dialogue with these organisations and networks on issues of common interest whilst also helping to encourage dialogue among the civil society organisations themselves.

In effect, when viewed in the context of developing participatory democracy and better European governance, structured and institutionalised dialogue between organised civil society and the EU takes on particular importance. However, it requires ongoing consultations between the various civil society organisations themselves. Actually, such dialogue within organised civil society makes it possible to draw up coordinated positions for the institutions, with a greater impact and legitimacy.

4) RECOMMENDATIONS ON A STRUCTURED FRAMEWORK FOR EUROPEAN CIVIL DIALOGUE

Like social dialogue, civil dialogue, which covers more potential fields and participants, must be able to benefit from a **formal framework and institutional recognition**.

Rules must be established, including the implementing provisions governing the various forms of vertical and transversal civil dialogue: information, consultation or effective participation in the process of preparing decisions and monitoring policy implementation. Horizontal civil dialogue is organised by civil society itself, yet it must be able to benefit from a forum and appropriate funding.

This structured framework could be based on four interlinking elements:

- European statutes for associations, foundations and mutual societies;
- identification of the players in European civil dialogue;
- establishing eligibility criteria for participating in European civil dialogue;
- establishing an institutional framework for European civil dialogue.

a) **European statutes for civil society organisations**

European civil society organisations **must be able to profit from European statutes** if they so wish, which would thus confer a European dimension on their activities. These statutes would bring institutional recognition of the fundamental freedom of association, as enshrined by the European Union's Charter of Fundamental Rights, and would contribute to fostering European citizenship.

b) Identification of the players in the European civil dialogue

European associative networks bringing together and legitimised by national organisations with which citizens identify themselves in order to defend their interests should be recognised as players who represent them for the purpose of participating in vertical and transversal civil dialogue at European level.

c) Establishing eligibility criteria for participating in European civil dialogue

Participation in European civil dialogue should be based on **representativeness criteria** which ensure the credibility of those involved, thereby enhancing the legitimacy of the participating organisations.

The **criteria proposed by the EESC for European networks** (*cf. opinion SC/023 – CESE 240/2006 "The representativeness of European civil society organisations in civil dialogue"*), and which are applied by the European network and organisations which are members of the EESC Liaison Group are:

- represent general interests falling within the interests of European society;
- comprise bodies that are recognised at Member State level as representative of particular interests;
- have authority to represent and act at European level;
- have member organisations in most of the EU Member States;
- be independent, not bound by instructions from outside bodies.²

In addition to these criteria, European organisations taking part in civil dialogue should act **in accordance with the values on which the Union is founded and referred to in Article 2 of the amended Treaty on European Union**³.

d) An institutional framework for European civil dialogue

The responsibilities of the parties to European civil dialogue, the rights and obligations of the institutions and civil society organisations taking part in it, have to be established. They must enable the setting up of a **permanent and stable framework for dialogue**. Examples exist at transnational level, such as the Code of Good Practice for civil society participation in the decision-making process at the Council of Europe, and at national level (the Compact in the United Kingdom or the Charter of Reciprocal Commitments in France).

The European rules which will be developed for the implementation of Article 11 of the Treaty will have to take account of both the positive and limiting aspects of these various existing practices.

2 The other criteria are as follows: exist permanently at Community level; provide direct access to expertise; provide for accountability of its members; be democratic in its decision-making and in renewing its decision-making bodies; be transparent, especially financially and in its decision-making structures.

3 The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

WHAT IS EXPECTED OF THE EUROPEAN INSTITUTIONS

In order to establish structured civil dialogue at European level, the organisations and networks signatory to this document call for:

1. the appointment of "**reference points**" for civil dialogue within the European institutions. One Vice-president within the new European Commission will be responsible for fundamental rights and citizenship. Dialogue with civil society also must fall within her remit. Equally, a "reference point" must also be appointed within each Directorate-General.

One of the European Parliament's Vice-presidents should also act as an interlocutor for civil society, while the Council of the European Union, as well as the European Council, should give key figures responsibility for the implementation of civil dialogue.

2. the creation of **structured vertical civil dialogue groups**, in particular with the European networks representing organised civil society:
 - i. In each European Commission DG;
 - ii. In connection with the work of all the Parliament committees;
 - iii. In connection with the work of the Council of the European Union.
3. the setting up, on the basis of the existing institutional framework, of a **permanent inter-institutional body for transversal civil dialogue, with appropriate funding**, for consulting organised civil society on major topical issues relating to the future of the European Union;
4. the organisation of an **annual organised civil society conference** with a view to contributing to the European political agenda, involving all EU institutions;
5. the preparation of a **Green Paper on a structured framework for European civil dialogue as a fundamental feature of the implementation of Article 11 of the amended Treaty on European Union, in parallel with the citizens' initiative.**

THIS DOCUMENT IS SUPPORTED BY



EUROPEAN CIVIC FORUM

91 national organisations

26 European countries



**CONFEDERATION OF FAMILY ORGANISATION
IN THE EUROPEAN UNION**

53 national organisations

20 European countries



**EUROPEAN ASSOCIATION FOR THE DEFENCE
OF HUMAN RIGHTS**

22 national organisations

18 European countries



YOUTH FORUM JEUNESSE

99 European networks and national platforms
across all the countries members of the Council
of Europe



SOCIAL PLATFORM

37 European networks

All EU countries and beyond



EUCIS-LLL

**EUROPEAN CIVIL SOCIETY PLATFORM ON LIFE
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19 European networks

All EU countries



EUROCHILD

83 national organisations

35 European countries



**European Movement
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EUROPEAN MOVEMENT

43 national organisations

43 European countries



EUROPEAN DISABILITY FORUM

25 European networks
29 national councils in 29 European countries



EUROPEAN FOUNDATION CENTRE

223 European and international members



RURALITY, ENVIRONMENT, DEVELOPMENT

Coordinator of European Rurality Movement
12 European and international organisations



EUROPEAN WOMEN'S LOBBY

33 national organisations in 30 European countries
21 European networks



THE EUROPEAN CONSUMERS' ORGANISATION

43 national organisations
31 European countries

Grouping of NGOs social services providers



SOLIDAR

39 national organisations
17 European countries



EUROPEAN ASSOCIATION OF SERVICE PROVIDERS FOR PERSONS WITH DISABILITIES

34 national organisations
17 European countries



EUROPEAN COUNCIL OF ASSOCIATIONS OF GENERAL INTEREST

32 national organisations
21 European countries