



European Economic and Social Committee

AD HOC GROUP
Structured cooperation with
European civil society
organisations and networks

Brussels, 17 February 2004

FINAL REPORT

of the ad hoc group on

Structured cooperation with European civil society organisations and networks

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1. Introduction

1.1 Within the EU institutional framework, the European Economic and Social Committee is recognised as the body representing civil society organisations, providing a forum for consultation and information and an arena in which they can air their views.

1.2 Part I, Article 31(3) of the Draft Treaty establishing a Constitution for Europe states that:

"The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others representative of civil society, notably in socio-economic, civic, professional and cultural areas."

1.3 Clearly, however, any consultative body, whatever its status, must, under its terms of reference as laid down in the appropriate texts and declarations, make sustained efforts to discharge its remit as best it can and improve its practical performance. Such an approach is vital to its usefulness and influence.

1.4 Here, as elsewhere, the Committee faces shortcomings that it has a duty and a responsibility to remedy – or at least mitigate. EESC membership does not fully reflect the diversity and ongoing development of "organised civil society". Committee members are appointed by the Council on a proposal from Member State governments and represent national organisations only. At European level, however, many civil society players, networks, associations and, in particular, non-governmental organisations (NGOs) are emerging and operating effectively, but are not formally represented on the European Economic and Social Committee. Many of them have their own channels of direct information and communication with the European institutions. These include social dialogue in the case of employers' and workers' representatives, and the direct European NGO consultation procedures put in place by the Commission.

1.5 The EESC has of course already undertaken effective moves to establish relations with these players. Many useful links have been forged in a range of different ways – via hearings, conferences, seminars, meetings etc. There is no need to list them all out here. The most recent and most notable example of this desire for openness and interchange has been the regular information and consultation meetings with European civil society organisations and networks about the Convention proceedings, organised by the Committee in conjunction with the Convention itself. Meetings of this kind have undoubtedly served to demonstrate the EESC's desire to work harder and more effectively as a portal and listening post for organised civil society.

1.6 Thus, for more than three years, the Committee has repeatedly expressed its desire to strengthen cooperation with European civil society organisations¹ and has purposefully sought to take additional steps in that direction.

1.7 The Committee has been reinforced by the European Commission in particular which has undertaken to cooperate with the Committee to enable the latter to become “*an indispensable intermediary between the EU institutions and organised civil society*”². The cooperation protocol attached to this statement also states that:

“The Commission welcomes the moves by the Economic and Social Committee to involve organised civil society more closely so that, in the context of establishing new forms of governance, the Committee, in particular by developing a balanced approach which is in the general interest, can play its role fully and efficiently as intermediary between the EU institutions and organised civil society, (...)

1.8 Despite the evident the need to proceed with caution, European organised civil society is a potential source of knowledge, skills and experience which the Committee should be in a better position to harness. The Committee, for its part, could, on request, provide useful support to many European civil society organisations. In short, this means seeking, through consultation and practical action, to boost the overall effectiveness of initiatives undertaken by both sides.

1.9 Against this background, the Committee Bureau decided, on 25 February 2003, to set up an ad hoc group with the following remit:

“to explore arrangements and procedures for potential structured cooperation with European civil society organisations and networks, in line with the EESC president's work programme of 11 December 2002, the Bureau report of 16 October 2001 entitled The Economic and Social Committee and organised civil society (CES 1009/2001 fin) and the Committee opinion of 20 March 2002 on European governance (CES 357/2002).”

1.10 Chaired by **Ms Cassina**, the ad hoc group submitted an interim report to the Bureau meeting on 28 October 2003 in order to gather members’ views on the guidelines and the two principal ways forward for practical action that were proposed. After debate, the Bureau authorised the ad hoc group to finalise its report on the basis of the following principal guidelines:

1 See *inter alia* the Committee Bureau report adopted on 10 July 2001 on *The Economic and Social Committee and organised civil society* (CES 1009/2001 rev.) (see extract in Appendix I).

Also see Appendix II.

2 See the joint statement by the president of the European Commission and the president of the European Economic and Social Committee of 24 September 2001 (CES 1235/2001 – 4th paragraph)

- recognition of the fact that there is a need for the EESC to take a further step in its cooperation with European civil society organisations and networks and;
- the marked preference for a contact group³ between the EESC and the European civil society organisations and networks rather than a consultative commission of European organised civil society, while noting that important issues regarding its remit and composition need to be clarified.

1.11 However, the debate also demonstrated the need to clarify possible ambiguities in the report, touching in particular on the competences of the sections, social dialogue and the role of social partner organisations.

1.12 This report is not intended to provide exhaustive details on the rules for setting up the ad hoc group or on its procedures, but rather to establish its basic principles and to specify its guidelines. These rules must be defined at a later stage, in agreement with the competent authorities of the EESC and with due respect for the Rules of Procedure and the structure of the Committee.

2. **The approach adopted**

2.1 *Opening remarks*

2.1.1 There can be no doubt that the problem of the ways and means of establishing structured organisation with European civil society organisations and networks touch on the very identity of the Committee itself. It is vital, therefore, to ward against two risks:

- on the one hand, the risk of keeping ambiguities alive and generating obfuscation and blurred thinking about the respective roles of the players involved – failing, in other words, in the need to identify who does what; and
- on the other hand, the risk of having peripheral concerns take priority over substantive considerations, giving too much importance to powers and prerogatives and expending more energy in defending vested interests than in identifying and building on intersectoral areas of cooperation.

2.2 *Lines of approach*

2.2.1 For the reasons given in the introduction to this paper, it is of course vital to further step up cooperation with European civil society organisations and networks:

³ This expression is used generically and without prejudice to the final appellation of this body.

- it is important to optimise the synergies between organised civil society players, while respecting the identity of each one. These synergies are not, however, set in stone. The Committee's task, therefore, is also to adapt itself consistently to their ongoing development;
- it is vital to give practical shape – in the form of specific undertakings – to the lines of approach to this issue set out in earlier opinions and reports and in the work programme which the president submitted to the plenary assembly on 11 December 2002. Anything else would undermine the Committee's image and credibility.

2.2.2 Moreover, any significant progress towards increased and better structured cooperation with European civil society organisations and networks will grant organisations of civil society greater strength and visibility vis-à-vis Member States, EU institutions and public opinion, and the Committee added value and greater visibility in the accomplishment of its role and work.

2.2.3 It is essential, however, to be very clear about the Committee's motivation in this field and the objectives that it has in mind:

- the Committee is not out to "soft-soap" anyone. The intention is not to win over or curry favour with any civil society organisation that might have doubts as to the Committee's true representative nature;
- nor of course is it about the EESC proclaiming itself the sole voice of organised civil society or of trying to make the Committee a "filter" between civil society organisations and the other EU institutions.

2.2.4 It is vital, therefore, to respect the division of roles between the various players and, not least, to take full account of the Draft Treaty establishing a Constitution for Europe drawn up by the European Convention:

- on the one hand, Part I, Article 47 deals specifically with the social partners and autonomous social dialogue. It is thus important to remember the marked distinction between dialogue with civil society organisations, and social dialogue which has clearly defined players, powers and procedures;
- on the other hand, Part I, Article 46 (2) establishes, in principle, open, transparent and regular dialogue between the EU institutions and representative civil society associations

2.2.5 Care must be taken, moreover, to ensure that the mechanism put in place does not curtail the Committee's autonomy in forming opinions or curb its freedom to take decisions. In the words of the EESC president in his work programme: *"It goes without saying that it will be up to the members of the Committee ultimately to decide on the form and content of the opinions"* to be adopted by the EESC even when outside players have an input through dialogue and consultation.

2.2.6 The question of representativeness obviously requires serious consideration. For that reason, the Committee has decided to draw up an own-initiative opinion on the representativeness of European civil society organisations in civil dialogue. This issue must not, however, prevent any headway at all being made. A common-sense approach to the issue obviously includes a degree of prudence, but also requires openness and pragmatism.

3. **Option chosen**

3.1 The option chosen aims to establish a mechanism – more pragmatic than institutional but nonetheless permanent – to act, not as a joint think tank, but as a **liaison body and forum for political dialogue**.

3.1.1 The proposed title for this contact group is the “*Liaison group with European organisations and networks*”.

3.2 The contact group's remit would be to ensure that the EESC has a coordinated approach vis-à-vis European civil society organisations and networks and the follow-up of joint initiatives. It should also reinforce the visibility of the EESC's work as regards these organisations and networks.

3.3 **Tasks of the contact group**

More specifically, the contact group's remit would be to exchange views and information on:

- the respective priorities and work programmes, in particular with regard to the implementation of the EESC's semi-annual work programme⁴ and the respective work programmes of European civil society organisations and networks represented within the contact group;
- any other important topic of mutual concern.

It could also be instrumental in joint or cooperative initiatives or events on horizontal topics.

⁴ On the basis of the semi-annual document concerning the principal activities of the Committee in the context of the successive presidencies of the Council of the European Union.

3.4 *Composition of the contact group*

3.4.1 This body might have a fixed membership made up as follows:

- from the **EESC**: a fixed **ten-member** delegation: the president; the three group presidents and the six section presidents;
- from **European organisations and networks**: the idea would be secure as broad a representation as possible of the various sectors of organised civil society based on existing networks (the economy and the world of work, development issues, education and culture, human rights, charity work etc.) These representatives – of which there should, in principle, be **no more than around twenty** – would be appointed by coordination bodies selected by the organisations in question.

3.4.2 The Committee will consider these representatives to be authorised to speak and make commitments on behalf of the organisations and networks represented by them in the contact group.

3.5 *Working methods*

The agendas would be agreed jointly by the EESC president and a spokesperson for the European civil society organisations and networks represented within the contact group and appointed by them. They will also chair meetings jointly.

Meetings could be held three or four times a year, or more if considered useful or appropriate.

This arrangement would be put in place on an experimental basis for a period of, say, two years. After that, an assessment would be made of the group's relevance and its possible avenues for development, without pre-empting what these might be.

4. **Additional comments**

4.1 It should be emphasised that it is and will remain the primary responsibility of the sections to ensure an effective participation by European civil society organisations and networks in EESC activities, and, as a key priority, to integrate them fully and effectively in the Committee's opinion-drafting process. This is intended to widen the basis for consensus which is the foundation of EESC opinions in order to increase the added value of the EESC's role as consultative body and improve its working relationship with the other institutions.

4.1.1 Therefore, drawing more frequently on experts from European civil society organisations when drafting opinions would be advisable.

4.2 This contact group must be established in complete compliance with the Committee's tripartite structure. As already stressed in the Bureau's report of 10 July 2001, "*This three group formula is a distinctive and vital feature of the Committee, besides being a major asset in facilitating the organisation of internal structured dialogue between a wide variety of collective players anchored in the socio-economic fabric*"⁵.

4.3 We could further increase the value of this asset by taking full advantage of the special relationships that the three groups have with the European organisations with which they have a common interest. These relationships should be reinforced still further and the synergies increased, in the general interest of the EESC.

4.4 In this context, establishing a contact group is also intended to reinforce the EESC in its initiatives vis-à-vis European organised civil society, to increase the synergies which are vital to increase the effectiveness of the Committee's work, as part of a global, coherent and coordinated approach, and to ensure that these initiatives are transparent and visible.

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N.B.: Appendix overleaf

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CES 1009/2001 rev, item II-2

APPENDIX I

ECONOMIC AND SOCIAL COMMITTEE AND ORGANISED CIVIL SOCIETY (extract from the Bureau's report of 10 July 2001 – CES 1009/2001 rev.)

II. *Developing relations between the committee and civil society organisations not directly represented within its forum*

In accordance with the decisions of the Bureau at its meeting on 19 December 2000, the ad hoc group on "organised civil society" also has a remit to define instruments allowing the ESC to play its full role as institutional intermediary of organised civil society vis-à-vis the European institutions, as well as to consolidate and affirm the ESC's role as a "meeting place for organised civil society" and an "essential link" between the European Union and organised civil society. In response to expectations (for instance, in terms of mutual information, communication and consultation) on the part of civil society organisations which are not directly represented within the Committee, the latter's tripartite structure (employers, employees and various interests), as laid down in Article 257 of the Treaty, should be respected.

This three group formula is a distinctive and vital feature of the Committee, besides being a major asset in facilitating the organisation of internal structured dialogue between a wide variety of collective players anchored in the socio-economic fabric. Hence the Committee is not merely a collection or accumulation of individuals.

The groups and the relationships they form in their work to produce opinions make it possible to express and compare viewpoints reflecting the pluralist interests of a broad swathe of society.

More specifically, the measures to be taken should help:

- *ensure that the Committee can play its full role as catalyst and institutional intermediary on horizontal issues for the Member States' civil society organisations in their relations with the EU institutions and consolidate its position as the main channel of communication and information for these organisations;*
- *ensure in future, in particular at the internal co-ordination level, a coherent and co-ordinated overall approach for all Committee actions vis-à-vis civil society organisations not represented at the Committee;*
- *foster synergies with civil society organisations not represented at the Committee;*

- *ensure that Committee actions vis-à-vis organised civil society are transparent, and*
- *guarantee the requisite visibility of these actions.*

To do this, the ESC must:

- *step up and amplify the actions it has undertaken in recent years as a link between the Community institutions and organised civil society both inside and outside the European Union; and*
- *on the basis of the following proposals, implement new activities and equip itself with instruments enabling it to capitalise on the gains from Nice, consolidate its role as a link between the European Union and organised civil society and as a permanent and structured forum for dialogue and cooperation at Community level.*

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APPENDIX II

REFERENCE DOCUMENTS

EESC opinions (extracts)

“The Committee is the right forum in which to further broaden civil dialogue, and it should therefore make appropriate arrangements as soon as possible for this dialogue also to be conducted with those civil society organisations that are not currently represented in the Committee. This would be a crucial contribution to developing the model of participatory democracy.”

“The role and contribution of civil society organisations in the building of Europe”, 23 September 1999 (CES 851/1999 – paragraph 12.1)

“The Committee is fully aware that it is not able to influence the appointment of its members. In accordance with the principle of subsidiarity, this is the responsibility of the Member States. For this reason, one of the Committee's priorities is to find means of involving more representatives of Community-level civil society organisations in its work and in the implementation of concrete initiatives as part of an ongoing process. The tripartite structure of the Economic and Social Committee will have to be respected in this context.

As a follow-up to the first convention on civil society organised at European level (October 1999) and bearing in mind the comments made in the preceding paragraphs, the Committee has set itself two priority goals here, namely (i) to establish bases for cooperation with organisations representing civil society at European level which wish to cooperate and (ii) to serve as a bridge between civil society organisations - both within the EU and in the candidate countries - and the Community institutions.

At the first civil society convention, the Committee was strongly encouraged, especially by the Commission, to embark on this path. Also welcomed were the initiatives which the Committee had already taken and which it intended to pursue further with a view to assisting the institution-building process in the candidate countries

In the light of the above and the hopes raised by the convention, the Committee declares that it is willing to consider setting up an organisational structure for carrying out the appropriate work and, in particular, to consider the possibility of establishing within its midst a civil dialogue observatory, to serve as a forum for discussion and interaction. European NGOs, in particular, would be involved in the work of this observatory.”

“The Commission and non-governmental organisations: building a stronger partnership”, 13 July 2000 (CES 811/2000 – paragraph 6.4 to 6.4.3)

“The ESC recognises the need for it, in common with other European institutions, to adapt to the challenges which Europe is now facing. It is aware that this will require changes within the Committee as well as a reorientation of its relationships with the other institutions. The Committee recently adopted an opinion which mooted the possible establishment, within the ESC, of a ‘Civil society observatory’ to introduce initiatives for developing the civil dialogue and enhancing the Committee’s role as a forum for developing the participation of organised Civil Society representatives in the democratic process.”

“Strategic objectives 2000-2005”, 19 October 2000 (CES 1198/2000 – paragraph 3.1.10)

“(…) the Committee reiterates its readiness to meet the challenges of the new governance concept and to make its contribution to institutional reform. Thus on 19 December 2000 its Bureau decided to lay down operational measures that would help the Committee to be an even more effective representative of and institutional broker for organised civil society in its dealings with the organisations concerned and the Community institutions. (...)

The Committee believes that a medium-term strategy should be drawn up in cooperation with the institutions and European bodies representing organised civil society.

The Committee is convinced that the following specific initiatives would accelerate the developments desired by all interested parties:

1. ***“Forum for civil society”***: *this is the Committee's unofficial title for the platform it wishes to set up to provide ongoing support for open dialogue and exchanges of opinion and experience between civil society organisations, whether or not they are represented on the Committee. The Committee would very much like to see the European bodies send their representatives regularly to these meetings.”*

“Organised civil society and European governance: the Committee's contribution to the drafting of the White Paper”, 26 April 2001 (CES 535/2001 – paragraph 6.2)

“The Committee is willing to develop, in cooperation with the Commission, its role as a forum for dialogue and consultation. The EESC will increase its efforts to implement the arrangements included

in the Protocol for Cooperation signed with the Commission and will strive to create similar mechanisms of closer cooperation also with the Council and the European Parliament.”

“European Governance - a White Paper”, 21 March 2002 (CES 357/2002 – paragraph 6.9)
