



*European Economic and Social Committee*

**Conference on**  
***"The role of organised civil society  
in European governance"***

***Brussels - 8-9 November 2001***

**Workshop 1**

***Co-responsibility of organised civil society players***

**CONCLUSIONS**

1. Responsibility for drawing up legislation (and regulations) must remain with the official institutions - the "buck should stop" with representative democracy. Nevertheless, the role of organised civil society in the legislative process in general - and the self-regulation and co-regulation processes in particular - is an important issue because there is a need to:

- make the decision-making process more open and transparent;
- make the decision-making system more responsive to changes in the outside world;
- improve the quality of legislation; and
- better reflect complex issues in the decision-making process.

2. Organised civil society is involved in the EU legislative process in three different ways:

- it provides input into the decision-making process itself;
- civil society players act as co-regulators in a number of areas (as defined in the Treaty); and
- they act as self- or co-regulators in a number of areas (as an alternative to regulation).

3. **Questions discussed:**

3.1 **Can the general interest be reconciled with the development of different forms of self- or co-regulation?**

The social partners have traditionally been involved in the co-regulation process at work-place level. This activity has expanded over time and has produced a formal reference to their role in co-regulation in a number of areas at EU level under the provisions of the Treaty. This could now be expanded, selectively, into other areas such as environmental and consumer protection. A combination of regulation and co-regulation may be appropriate in certain cases.

There was a minority opinion that the current Social Dialogue process should be incorporated into the wider consultation process through the Economic and Social Committee.

There was a majority in favour of giving any group (or individual) the right to make a contribution into any part of the decision-making process. It was nonetheless felt that this would be more effective if it was channelled through a structured process.

The special interests of individual civil society organisations can be reconciled with general interest in three principal ways:

- Individuals are members of many parts of organised civil society. Civil society organisations should be able to recognise the general interest when making recommendations.

- More than one civil society organisation is involved in any of the co-regulation procedures. Others, meanwhile, have the right to provide input. Involvement in a co-regulation partnership places responsibilities on the parties involved, which they do not have when they are "lobbying".
- The legislative authority always has the last word.

Clear objectives (incorporating a general interest objective) will also help to balance special interests with the general interest.

### **3.2 Can the respective responsibilities of civil society organisations, other stakeholders, and the legislative and regulatory authorities be balanced?**

The Treaty should define what activities can be covered by self- and co-regulation. The legislative authorities should be responsible for deciding who should be the principal negotiating parties (but there must be scope for adding new civil society organisations into the system). They should also be responsible for finalising the results of the self- and co-regulation processes, as well as being responsible for monitoring implementation.

The role of the expert (in providing and then defining areas of agreement, areas of disagreement and areas of misunderstanding) is also important in achieving a balance. All parties should be encouraged to provide "expert" opinions. This will entail additional resources.

Members of civil society organisations should be trained in the self-regulation and the co-regulation processes. This may require funding from the EU Institutions. Further funding may also be required to ensure that civil society organisations have effective systems for obtaining grass-roots information and for feeding back the results of the consultation process.

### **3.3 How can the practices of self- and co-regulation at EU level be reconciled with the wide diversity of national legal and cultural traditions?**

There is no major conflict between the use of self- and co-regulation at EU level and different national and legal traditions. On a number of occasions different instruments have been used at European and national level, and different national authorities use different instruments to solve the same problem.

It may be necessary to promote the benefits of self- and co-regulation to national authorities.

**3.4 How can a Community framework be defined to govern self- and co-regulation practices?**

Legislative authorities should also be responsible for establishing the broad framework. The principles underpinning this framework should be similar to those that apply to primary and secondary legislation. Details should be left to the principal negotiators.

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