



European Economic and Social Committee

Conference on
***"Participatory democracy: current situation and opportunities
provided by the European Constitution"***

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Session 3

***Participatory democracy: towards a new partnership between
all those concerned by European governance***

STATEMENT

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Mr Chairman, Ladies and Gentlemen,

I want to thank the European Economic and Social Committee for organising this conference on participatory democracy. It is a good opportunity to discuss the current situation and have a look at future developments and possibilities to strengthen our co-operation.

As you know, over the last few years the Commission has taken several initiatives to involve civil society more and reinforce our culture of consultation.

In this context, I should like to mention, in particular, 3 important issues:

- First, last year the Commission started to implement its new framework for “better law-making” and in particular, its minimum standards for consultation of interested parties. This is the follow-up to the White Paper on European Governance, which laid down the guidelines for our work. The basic philosophy behind it remains relevant.
- Second, the co-operation protocols between the Commission, the European Economic and Social Committee and the Committee of the Regions, signed in 2001, have succeeded in intensifying our relations. The more proactive role of these two committees was one of the guiding principles of the White Paper on Governance.

- Third, the draft Treaty establishing a Constitution for Europe provides a consolidated view of the general principles of participatory democracy in the EU. Nobody seems to be challenging these new treaty provisions at the IGC.

I shall come back to these issues later.

Let me however start with an overview of the **latest developments** regarding the Commission's consultation process.

In the White Paper on European Governance, the Commission took several initiatives aimed at making the dialogue with civil society more coherent and more transparent. One of these initiatives was the laying down of general principles and minimum standards for such consultations.

I know that you are well aware of these standards, but allow me briefly to recapitulate the main requirements:

First of all, they introduce principles of participation, openness, accountability, effectiveness and coherence as key elements to govern the Commission's consultation processes. They are the very same principles stated in the White Paper on European Governance.

Second, minimum standards are established: They require, in particular, that (1) the subject for the consultation is clear; (2) all relevant parties have an opportunity to express their opinions; (3) the Commission publishes widely in order to meet all target audiences, in particular, via the website "Your voice in Europe", which is the Commission's single access point for

consultations, (4) Participants are given sufficient time for responses; and (5) adequate feedback is provided.

These standards apply at the early policy-shaping stages of major proposals and before decisions are taken.

As you know, the Commission works in a decentralised manner and different Directorates-General are responsible for their own mechanisms of dialogue and consultation. This decentralised structure allows the specific nature and conditions of different policy areas to be taken into account. However, the minimum standards for consultation foresaw a set of implementing measures to make sure that they are coherently applied across the Commission.

2003 was the first year of implementation of these standards and I would like to share with you some of the **first results** we have achieved:

Although the standards for consultation are very recent (actually only around one year old), they have already produced the first positive results: open public consultations are now announced on the specific website. Consultations provide sufficient time for contributions and reporting on stakeholder consultations has significantly improved.

Regarding the results, I should also like to refer to a report that the Commission published in December last year. This report, which is called “Better lawmaking 2003”, provides an overview of our efforts on better regulation that were made last year. It also includes, for the first time, an

overview of public consultation and implementation of the minimum standards.

The report shows that in 2003, the Commission produced 5 Green Papers and 142 communications, published 73 reports and organised 60 Internet consultations through the “Your Voice in Europe” website. These figures show the extent of the Commission’s activities, policy reflections and consultations.

The report also shows the positive results regarding consultation.

However, I do recognise that further efforts need to be made in providing information on how comments are taken into account in the proposals or why they may or may not be accepted and therefore reflected in our final decisions.

In the Commission, the emphasis is now on ensuring the good, practical implementation of the minimum standards and rooting them deeply in the Commission’s stakeholder consultation practices. Although consultation in general is well established in the Commission, the minimum standards are a new thing, and it is clear that their “deep-rooting” is a long-term process. But once started, this process has become irreversible. The first year of implementation already showed the move towards more transparent and coherent consultations. It was indeed a major step forward for the EU.

As I already mentioned, the consultation standards also set general consultation principles. **Openness and accountability** are the key elements.

The Commission applies the principle of **openness**. It seeks to remain open to constructive external input. Everybody must be able to provide the Commission with input. Although a system of giving specific consultative status to NGOs is applied by certain international organisations, such as the Council of Europe, the Commission does not wish to limit its consultations to a certain number of pre-screened or accredited organisations.

As regards **accountability**, the minimum standards ensure that consultations are carried out in a transparent and coherent way. I must however stress that transparency and openness is a two-way street. It is not enough that the Commission is increasingly transparent in its consultation process and dialogues; civil society organisations must equally operate in a transparent manner. It must be clear which interests and who they represent.

The operational environment in which the Commission and the civil society organisations function must be open both ways; in addition to this openness, the organisations should seek a degree of self-regulation and to provide sound and usable input. In this respect, I should like to refer again to the White Paper on Governance, which correctly states: “With better involvement comes greater responsibility”.

Ladies and Gentlemen,

I have tried to explain the Commission’s practices in the consultation of external parties. Let me now turn to the draft Constitution for Europe and its **chapter on participatory democracy**. This chapter mentions, in particular, the open, transparent and regular dialogue between all European institutions and representative associations and civil society. It also stresses: “The

Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.” On transparency of the Union institutions it is said: “In order to promote good governance and ensure the participation of civil society, the Union Institutions, bodies and agencies shall conduct their work as openly as possible.”

The fact that the principles of participatory democracy are enshrined in the draft Constitution for Europe is a great step forward. These principles confirm the open and transparent approach increasingly applied by the institutions. But they also confirm the political equation “participation equals responsibility”.

Three immediate consequences of this come to my mind :

- ? **first:** To maximize their influence, civil society organisations should seek to ensure that their participation and their contribution are well founded.

- ? **second:** a balance should be struck between a wide and open participation of civil society in the decision-making process and the obligation for the Institutions to work in an efficient manner. Our institutions have an obligation to produce results. This is an obligation which has been entrusted on us by the Member States and the citizens. We have to deliver. We believe that through an active involvement of civil society organisations the results will be better.

- ? **third:** those who choose not to participate should not complain.

I am coming now to the two advisory bodies I mentioned earlier, whose role in the process of associating civil society more to Community life is of the utmost importance:

In the overall context of the legislative process, in which the Commission exercises its right of initiative and the European Parliament represents European citizens and the Council the Member States, the **two institutionalised advisory bodies** have an extremely important role to play. As representatives of organised civil society and local and regional authorities, the European Economic and Social Committee and the Committee of the Regions can provide valuable input. It is important to ensure that fuller advantage is taken of these important consultative bodies of the EU.

As regards relations between the Commission and these two bodies, several actions have been taken over the last years. Allow me to mention a few:

- In 2001 the Commission concluded **co-operation protocols** with the European Economic and Social Committee and the Committee of the Regions, which aimed at reinforcing their intermediary function between the EU institutions and organised civil society or the regional and local authorities. The co-operation protocols have given a renewed and welcome boost to our work. The proactive role of these two committees should be further strengthened. At the moment, reflections are underway on how this can be achieved.

- I would like also to mention the many **good initiatives** which the Committees have taken to raise debates and which have influenced the work of the 3 legislative institutions. One example is the conference on the Lisbon Strategy, which was held last October. Advisory committees are a natural place to organize such reflections and conferences on large questions. Today's conference is another good example of this.

In this context, I particularly welcome the recent adoption of the EESC's report on structured cooperation with European civil society organisations and networks. The Committee's decision to create a liaison group with organisations at European level, which are not represented within it, will certainly help to further improve the Committee's impact on the decision-making process.

Ladies and Gentlemen,

Let me conclude with a few key points:

After having drafted framework documents to reinforce the culture of consultation, the Commission now puts emphasis on good practical application, to ensure the credibility of its commitments. The first monitoring report on public consultation already shows many positive results.

As regards the draft Constitutional Treaty, the open and transparent line taken by the Commission is confirmed. It is a great step forward that the principles of participatory democracy are specifically mentioned in the new

draft Treaty. Representative democracy and participatory democracy are notions that complement each other. Together they provide the general context for consultation and dialogue. They are the indispensable link to the citizens we all work for, as well as to the real world outside Brussels.

As the Union expands to 25 and soon 27 Member States, the quality of the work of the European institutions – and not least the Commission – will depend on our ability to strengthen and develop those links in the coming years.

Thank you.