

BULLETIN 39

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1. EDITORIAL

Dear act4europe friends,

2005 was marked by new developments regarding the role of NGOs in the EU: while the last decade saw an important increase of NGOs' involvement in the EU policy process, last year revealed a changing trend, including a surprisingly open questioning of the contribution of NGOs and of their working method. This took place by a context marked by a reflection on participatory democracy following the French and Dutch referenda, but also by the increasing role played by the fight against terrorism in the EU political agenda.

Unfounded critics against NGOs have also multiplied. Quite often attacks against NGOs adopted a "one-size-fits-all" approach or over-focus on financial aspects that discredited the argument. In particular, MEP Koch Mehrin's written declaration criticising NGOs and social partners for lacking transparency and "accusing" them of presenting critical views of globalisation was supported by only some 70 MEPs (out of 732) so far, which proves these are still minority views.

At the same time NGOs' reaction cannot afford being merely defensive and reactive: increased transparency and accountability, as well as a reflection on NGOs' contribution to the EU policy process will do nothing but strengthen the credibility of our sector and its ability to achieve its goals. In particular, the "Transparency Initiative" is a key initiative for the future of European and national NGOs, which NGOs should perceive as an opportunity rather than a threat, provided it is based on the right approach, an approach that takes account and reflects the diversity of NGOs and of their ways of operating, particularly on the ground. This should also be the case of the EU's strategy on NGOs and the fight against terrorist financing.

Another key priority for the Civil Society Contact Group and the Act4europe campaign throughout 2006 will be to further develop **input on the evolution of civil dialogue** and the role of NGOs in the EU political process, produce a concrete vision of how participatory democracy can develop next to representative democracy (with or without the constitutional treaty). This will be achieved, amongst others, through the publication of a study on civil dialogue in the first semester of 2006.

2005 will stay as a year of intense reflection and questioning on the constitutional process and the Future of the EU. Six months ahead of the "period of reflection", civil society has increasingly mobilised in reaction to governments' lack of political will: the initiatives that are reported on in this issue prove we entered a more pro-active phase, which will hopefully pave the way to concrete action throughout the months to come. There is still much work to do.

Having said this, all I can wish you is a restful time during the holidays and a lot of energy for 2006!

Elodie Fazi
Coordinator
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Act4europe campaign

2. CIVIL SOCIETY CONTACT GROUP and ACT4EUROPE

CSCG elects new chair

On November 3rd, Anne-Sophie Parent was elected new chair of the Civil Society Contact Group for one year, taking over from John Hontelez, Secretary General of the European Environmental Bureau. Anne-Sophie Parent is also the President of the European Social Platform and Director of Age - the European Older People's Platform. She has been a representative of the Social Platform to the Civil Society Contact Group for several years.

NGOs and anti-terrorist strategy: meeting with Commissioner Frattini

On Tuesday 22 November, a cross-sectoral NGO delegation (headed by Concord and composed of representatives from the Social Platform, Green-10, Human Rights and Democracy Network and the Civil Society Contact Group), met with Commission Vice-President Franco Frattini to discuss the Commission's proposal to set up a **Code of Conduct for Non-profit Organisations**. The aim of the Code is to promote, on a voluntary basis, transparency and accountability best practices within the non-profit sector, with a view to prevent their exploitation for the financing of terrorism and other types of criminal abuse.

Responding to concerns from NGO representatives regarding both the consultation process and the content of the Code, Commissioner Frattini stressed that substantial improvements were made to the text, following an on-line consultation this summer. In particular, the proposal to organise awareness programmes on the vulnerabilities of the non-profit sector to terrorist financing was withdrawn. Mr Frattini also acknowledged the need to further consult with civil society and to gather knowledge about the working conditions of NGOs on the ground, but reassessed that there is no case for NGOs to enter into talks with terrorist networks.

The communication was published on November 29. It can be found on http://europa.eu.int/eurllex/lex/LexUriServ/site/en/com/2005/com2005_0620en01.pdf.

Council transparency: Member States agree to open parts of Council meetings to public

In October, the Civil Society Contact Group urged the Parliament, UK presidency and Foreign Ministers to tackle the crucial issue of transparency of the Council of Ministers. In his answer to the Civil Society Contact Group dated 30 November, UK Minister for Europe Douglas Alexander assured the Contact Group that the UK presidency was "keen to find ways for the Council to operate in a more open fashion" and will consider two different options: full implementation of the current Council rules of procedure, or their revision (which would require an agreement from 13 out of 25 Member States). On December 21st, Member States agreed to hold parts of the Council meetings in public. The agreement enters into force immediately. Click here to know more about the [act4europe](http://act4europe.horus.be/code/EN/actions.asp?id_events=101) campaign: http://act4europe.horus.be/code/EN/actions.asp?id_events=101. To know more about the Council's decision to open some of their meetings to the public: <http://euobserver.com/9/20604>

CSCG calls on EU institutions for support to Russian NGO sector

The last vestiges of democracy in Russia are deteriorating rapidly. After several years of systematic clampdowns on independent media, private business and the judiciary as well as the near total control of the current parliament, the last remaining pillar of civil society, the NGO sector, is now under grave threat: legislation that would severely undermine the sovereignty of Russian NGOs has overwhelmingly passed the Duma in a first reading and caused widespread concerns among civil society organisations. In letters sent to the European Commission,

Parliament and the UK presidency on 5 December, the EU Civil Society Contact Group urged the EU to make its voice heard on this crucial matter for the future of democracy and demanded that this legislation does not go forward in its current form. On 9 December, Russian President Vladimir Putin signaled he was willing to scrap the most controversial parts of the bill. On 15 December, the European Parliament adopted a resolution on this crucial matter, initiated and supported by all political groups. On December 21st, the Duma adopted a slightly revised version of the proposed law. Foreign NGOs will be able to work in Russia without having to register as a Russian organisation. Registration will still be necessary. Funding from outside Russia will be controlled and NGOs can be closed down if they are deemed to put a threat to Russia sovereignty, cultural heritage, integrity or national interests.

Please visit http://act4europe.horus.be/code/EN/actions.asp?id_events=102 for more background information.

Report from CSCG brainstorming seminar on the EU crisis

The report of the CSCG seminar on the EU crisis that took place in Brussels on 6 October is now available. You can download it from our website: <http://act4europe.horus.be/module/FileLib/6%20October%20report%202.pdf>.

3. NEWS on participatory democracy

Commission defines its strategy on the transparency initiative

Following the announcement of the transparency initiative in March 2005, the European Commission adopted a Memorandum setting out the strategy to implement the initiative on 9 November: http://europa.eu.int/comm/commission_barroso/kallas/doc/etik-communication_en.pdf. Three levels of actions are proposed:

- Actions to be implemented **by the Commission**, including the setting up of a web portal with links to information on end beneficiaries of EU funding, links to Member States' information on end beneficiaries, invitation to OLAF to give enhanced visibility to information about fraud cases.
- Actions to be proposed for **inter-institutional discussion**, such as ethical rules and standards for institutions and access to documents
- Actions to be proposed in a **Green Book to be published in early 2006**, including debates on legal obligation for Member States to publish information on end beneficiaries of EU funding, on lobbying and on Commission's consultation practices.

The Civil Society Contact Group will publish a position on the initiative in the months ahead. You can find more information on the transparency initiative on Siim Kallas' website:

http://europa.eu.int/comm/commission_barroso/kallas/transparency_en.htm, as well as on ALTER EU's website (NGO coalition calling for mandatory registration procedure for lobbyists): <http://www.alter-eu.org>.

10th anniversary of the Ombudsman: towards greater awareness from NGOs?

The European Ombudsman was created 10 years ago to deal with complaints about maladministration by the institutions and bodies of the European Community. Since 1995, 20 000 complaints were received, coming mostly from individuals, which represent around 95 % of total complaints each year compared to 5% from associations and business. On 6th December, the European Ombudsman organised a workshop bringing together representatives from EU and national institutions (amongst others, Commissioner Margot Wallström and Emily O'Reilly, Ombudsman of the Republic of Ireland), NGOs, local authorities and business. Attended by several Civil Society Contact Group members, the workshop aimed mainly at discussing ways for the Ombudsman to better reach out to the citizens and the contribution of civil society organisations to achieve this goal. In particular, the possibility of collective complaints was particularly appreciated as a way to pool resources for more effective action. More information can be found on the Ombudsman's website: <http://www.euro-ombudsman.eu.int/10anniversary/en/2005-12-06b.htm>.

Mobilisation around the Statute for a European Association

Commission Vice-President Günther Verheugen decided to withdraw more than a third of pending EU legislative proposals dated before the 1 January 2004. According to the European Commission, most of the proposals were either inconsistent with the Lisbon Strategy or did not meet "better regulation" standards. Some were also outdated or stuck in the legislative process. Of particular concern for the CSCG's members is the withdrawal of the 1991/0386/COD on the **Statute for a European association**. This measure was justified by the lack of interest of the Council, as well as by recent case law of the Court of Justice on freedom of establishment, which makes such a statute "no longer justified".

In a reply to Mr Verheugen, CEDAG, the European Council for Non-Profit Organisations, urged the European Commission to reconsider its decision and keep the debate open on this issue, arguing, amongst others, that the legislation would not require anymore the additional burden of registering under the national regimes of different Member States, contribute to the transparency and accountability of NGOs, as well as to "bridging the gap" with European citizens. They are supported by several initiatives of the European Parliament, including a joint resolution, from the ALDE, EPP and UEN groups, and a written declaration to be tabled by MEP Robert Navarro.

Increased cooperation between the European Commission and the European Economic and Social Committee

On 7 November 2005 Anne-Marie Sigmund, EESC President, and José Manuel Barroso, President of the European Commission, signed a new cooperation protocol between the two institutions (the previous protocol dated from 2001). The Committee President, Anne-Marie Sigmund, stated that the political objectives of the new protocol "are a sign of a new culture of dialogue and debate with civil society and of the development of participatory democracy". Regarding the specific issue of civil dialogue the protocol "confirms the Committee's role as an institutional intermediary between the EU institutions and organised civil society", and states that the "Commission supports the Committee's commitment to strengthen dialogue with civil society, not least by means of the liaison group it has set up". It also aims to set up improved communication with the public, strengthening the coordination of shared priorities and provides for an in-depth follow-up of the Committee's opinions by the Commission. The text can be found on: http://www.esc.eu.int/priorities/index_fr.asp.

4. FUTURE OF THE CONSTITUTION/PLAN D

European Parliament to vote report on the future of the Constitutional Treaty

As the period of reflection is rather perceived as a period of inaction, the European Parliament decided to put the constitutional process back on tracks. On 15th December, the Constitutional Affairs Committee adopted a draft report on the period of reflection, in which it criticised the Council and Commission for failing to ensure that the reflection period has a clear focus. As ways to organize a dialogue around the text, it proposes the setting up of a series of Parliamentary Forums, starting in June 2006. It also acknowledges the crucial contribution regional parliaments, local government, political parties, social partners, civil society and the academic and community. The text now needs to be adopted by the European Parliament in plenary session in January. More information can be found at: http://www.europarl.eu.int/news/expert/infopress_page/001-3794-346-12-50-901-20051215IPRO3793-12-12-2005-2005--false/default_en.htm

Report from seminar "Bridging the gap" between the EU and its citizens

On 7-8 November, the European Commission and the European Economic and Social Committee jointly organized a seminar, which aimed to explore further the nature of the relationship between the European Union and its citizens, and to identify ways of bringing the two closer together. The seminar was organised around a series of workshops, whose results can be found on: http://www.esc.eu.int/stakeholders_forum/08_11_2005/results_07_11_205_en.pdf

ECAS report: which ways out for the constitutional Treaty?

A new brochure published by the European Citizen Action Service, *What way out of the EU constitutional labyrinth?*, outlines the state of play and options on the future of Europe after the rejection by France and the Netherlands of the EU Constitution. It provides an analysis of the referenda campaigns on the Constitution and outlines the state of play in the different member states. The publication also summarises the main ideas and actions of the Commission's "Plan D" and comments on five options that have been presented to deal with the current EU crisis. You can find it on: http://www.ecas.org/file_uploads/950.pdf.

Citizens' convention organized by the Federalists on December 3-4

On 3 and 4 December, the European Federalist Movement (MFE), together with the Union of European Federalists (UEF), launched a European Citizens' Convention in order to reflect on the causes of the crisis, which "in the long run might cause the dilution of the European Union in a free-trade area". In particular, it adopted a Manifesto, asking "for a Constitution that will recognise peace as a founding value of the Union, that will advance social progress, and that will guarantee fundamental rights to all individuals, including a right of citizenship based on residence" (<http://www.federaleurope.org/typo3/fr.php>).

More information on the citizens' convention can be found on their website: <http://www.citizensconvention.net/en/index.htm>.

5. NEWS FROM MEMBERS

Social Platform publishes report of Conference: Building social policy on fundamental rights

The Social Platform published recently the report of its annual conference, which this year focused on "Building Social Policy on Fundamental Rights", held in Brussels on 10 – 11 October, 2005. The Platform believes that social justice should be the aim of social policies in Europe; respect and promotion of fundamental rights should thus be both the starting point and the ambition of such policies. Social NGOs advocate that fundamental rights be respected and protected in the European Union. As we struggle against a political culture that does not often consider how social or other policies might affect people's enjoyment of their fundamental rights, the Social Platform organised the conference to reflect on the role played by fundamental rights in policy-making. One aim of the conference was to create a forum in which social NGOs could think about what taking a rights based approach means in their particular fields. The theme also linked to current developments on European level: discussions around a European social model and the establishment of a Fundamental Rights Agency for the European Union. [Please click here to download the report.](#)

EPLO Campaign on the European Peacebuilding Office

In November, the European Peacebuilding Liaison Office (EPLO) expressed its support for Amendment 81 to article 26a to the Regulation establishing the Stability Instrument. The amendment, presented at the European Parliament by MEP Angelika Beer, aimed at the establishment of a European Peacebuilding Office. Within one year of the entry into force of this Regulation, the Commission had to submit to the European Parliament and to the Council a proposal establishing a European Peacebuilding Office. The mission of that office shall be to:

- coordinate the Community's response with international, regional and national institutions in the field of crisis management, conflict prevention, and peacebuilding;
- ensure coordination with the internal EU instruments for crisis management, conflict prevention and peace building;
- train civilian conflict management specialists (such as lawyers, municipal officers, non-governmental organisations) to a common standard;
- recruit and deploy civilian specialists;
- provide administration and logistical support for civilian experts deployed in the field;
- research and disseminate international best practice;
- establish an early warning system and promote early action
- establish framework partnerships with NGOs working in the peacebuilding field

The Foreign Affairs Committee of the European Parliament voted on Wednesday 23 November the amendment concerning the European Peacebuilding Office (PBO). Our lobby has been useful but unfortunately the amendment has been rejected. The result of the vote was 30-30, which means that only one vote was missing to adopt the amendment. Nevertheless, the Commission wants to push in favour of the text and there is still a chance to adopt it during the tripartite negotiations (EP-Com-Council). The text will be discussed again in the framework of the Stability Instrument's debate. We will thus continue our action concerning the PBO in the coming months.