

BULLETIN 41

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1. EDITORIAL

Dear Act4europe friends,

Only six weeks ahead of the 15-16 June European Council which should draw an assessment of the “period of reflection” on the Constitutional Treaty, potential outcomes are still unclear. Last months witnessed serious divergences between Member States, European parties but also EU institutions’ stances on the future of the text, which should lead to an extension of the period of reflection beyond June.

However, numerous developments are expected in the weeks to come. Following a rather low start, activities and debates are multiplying, from the launch of a new Internet discussion forum to a range of national and local debates. Yet the “mushrooming” of initiatives should not overshadow a lack of common guidelines and leadership throughout the period of reflection, which makes it particularly difficult to ensure a real pan-European reflection. Hopefully, the June summit will provide clearer guidance and incentives for citizens to get engaged in this crucial debate.

On a more positive note, we welcome two important European Parliament reports on access to institutions’ documents and Council transparency, which took on board several proposals made by the CSCG in September last year. They might have an important impact on NGOs’ daily work, provided the Finnish Presidency lives up to its promise to make it one of its key priorities.

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2. CIVIL SOCIETY CONTACT GROUP and ACT4EUROPE

Fight against terrorism and NGO regulation: CSCG and members consulted on next steps of EU strategy

Developing an EU strategy to prevent terrorists from gaining access to financial resources was set as a strategic objective of the EU in March 2004. It led amongst others to the publication of a *Communication on the prevention and fight against terrorist financing through enhanced national level coordination and greater transparency of the non-profit sector* - COM(2005)620 in November 2005, which called for the adoption of national “codes of conduct” where NGOs are especially targeted. At European level, implementation is foreseen amongst others through the setting up of an informal contact group with civil society as well as of a conference on “Transparent NPO Governance” announced for the first semester of 2006.

On 30th March, Anne-Sophie Parent, Chair of the Civil Society Contact Group and other representatives from the CSCG network (CONCORD, Amnesty International EU Office, CEDAG, European Network Against Racism) participated in a preparatory meeting organised by the European Commission to discuss the implementation of the Communication. In particular, they made clear that any further action should be based on the principle of subsidiarity as well as on a clear definition of terrorism and of the actual threat. They also called for more transparency over the remit of the

contact group to be set up with civil society, which should be composed of representatives from public bodies, NPO sector and academics. Initially announced for the first semester of 2006, the conference on Transparent NPO governance is likely to be postponed to autumn.

For more information, please have a look at the CSCG briefing on the Code of Conduct: <http://act4europe.horus.be/module/FileLib/briefing%20on%20NPO%20Code%20of%20Conduct.doc>.

3. NEWS

European Economic and Social Committee adopts criteria on representativity of NGOs and launches public consultation

On 14th February, the European Economic and Social Committee published an opinion on the representativeness of European civil society organisations in civil dialogue, which aims to clarify its own relations with civil society organizations, but also to become a point of reference for all EU institutions and a basis for the development of good practices. The proposed criteria focus on three main dimensions:

- **Need for a statute, if possible European**, despite the withdrawal of this proposal by the European Commission in October 2005.
- **Support in the Member States** – the report suggests that representative organizations should be represented in more than half of the Member States, should make public the list of their members and should specify how many citizens are “directly and indirectly” connected to them.
- **Representativity**- The proposed criteria to assess representativity are above all of a qualitative nature, including the experience and the ability to represent citizens, as well as the confidence the organisation enjoys with EU institutions and other sectors of European civil society.

Although they appear as a useful counterpart to the development of civil dialogue, such criteria might raise issues linked to the access of less established organizations, subsidiarity within NGOs, as well as to a “quantitative” approach to representativity, which fails to tackle the specific nature of NGOs and how they work. The EESC thus launched a public consultation on 24 April, which will last until 30 June 2006: http://www.esc.eu.int/sco/registrations/Mail_En.asp?section=eco&mail_id=3&type=en.

Position of the Economic and Social Committee Opinion on the representativeness of European civil society organisations in civil dialogue:

http://eescopinions.esc.eu.int/EESCOpinionDocument.aspx?identifier=ces\sous-comite\sc023%20representativite%20org%20sco%20contexte%20dialogue%20civil\ces240-2006_ac.doc&language=FR

European Parliament calls on increased citizens’ access to the policy process

On 4th April 2006, the European Parliament adopted two key resolutions on access to documents of EU institutions and the transparency of the Council. Despite their non-binding nature, both documents should contribute to increase citizens’ access to the policy-making process.

Putting forward several proposals made by the Civil Society Contact Group in September 2005, the **report on Council transparency** submitted by David Hammerstein Mintz (Greens/EFA, ES) called on the Council to meet openly when it

decides on EU legislation, including in relation with conciliation committees and COREPER meetings (preparing the Council's work). Considering access to Council meetings indispensable for the public and media representatives, it also deplores the Council's own silence on these matter after its decision to further open meetings to the public in December 2005.

Ahead of the **revision of EU legislation on access to documents**, Michael Cashman's (PSE, UK) report urges the Council to make its documents public, including preparatory papers. Amongst others, it proposes that:

- Regulation (EC) No 1049/2001 and the Council's Rules of Procedure, as amended should require access to be granted to all preparatory documents linked to a legislative procedure and to the records of the Council debates
- Existing legislation should be modified so as to define more clearly on what basis specific documents may be classified as confidential
- The EU should limit the right of Member States to restrict access to their contributions and amendments in co-decision and other legislative procedures.

Some of these proposals were backed by the upcoming Finnish presidency, as the Finnish Ministry of Justice declared that *"in order to improve openness to the public of the Council's activity, transparency will have a major role in communications during the [Finnish] Presidency"* in the second half of 2006.

Resolution on access to the institutions' texts (2004/2125(INI)):
<http://www.europarl.eu.int/omk/sipade3?TYPE-DOC=TA&REF=P6-TA-2006-0122&MODE=SIP&L=EN&LSTDOC=N>

Resolution on Council Transparency (2005/2243(INI)):
<http://www.europarl.eu.int/omk/sipade3?TYPE-DOC=TA&REF=P6-TA-2006-0121&MODE=SIP&L=EN&LSTDOC=N>

Finnish Ministry of Justice's press release:
<http://www.om.fi/35478.htm>

NGO coalition asks for a European citizens' initiative

The European Citizens' Initiative, opening up the possibility for citizens to submit a proposal to the European Commission if signed by at least one million EU citizens, was included in article 47 the Constitutional Treaty. Considering the implementation of a fair Citizens' Initiative as one step to overcome the lack of democracy in the EU, a coalition of more than 25 NGOs, are launching a campaign to collect one million signatures of people from all over the European Union demanding the introduction of the ECI by the EU. Everybody who wants to become active and support this project can do it from now on. The campaign will be officially launched after the summer break. For more information see: www.citizens-initiative.eu.

Active Citizenship network's project on a European Charter on Civic Participation

Active Citizenship Network and Active Citizenship Foundation (FONDACA) decided to promote the drafting of a European Charter of Rights on civic participation based on the Charter of Fundamental Rights and other relevant documents, which will state the rights and duties of citizen organizations participating in policy making. This project will be implemented with partner organizations from Austria, Czech Republic, Germany, Italy, Malta, Poland, Portugal, Romania, Slovenia and Turkey. The main activities include the collection of 50 best practices regarding civic participation in 10 New Europe participating countries. On the basis of the analysis results of the 50 Best Practices and the findings of the research carried out by the project team (a research on the official documents of the European institutions; on civic

organisations' papers, official documents, existent studies and researches addressing the themes of civic participation, active citizenship, civil dialogue and participatory democracy as well as Charters, Compacts and Conventions dealing directly or indirectly with the theme of citizens' participation in the policy-making at local, national and international level), the team will start drafting the Charter' contents.

For further information, please see:

http://www.activecitizenship.net/projects/project_charter_right_civic_participation.htm

4. "PERIOD OF REFLECTION" ON THE FUTURE OF EUROPE

In June 2005 the European Council decided to postpone the ratification deadline of the Constitutional Treaty until mid 2007 and launched a "period of reflection" to "enable a broad debate to take place in each of our countries, involving citizens, civil society, social partners, national parliaments and political parties". The state of discussions will be examined by the European Council on 15-16 June 2006.

This section provides updated information on some key EU and national developments.

Member States proposals to revive the Constitutional Treaty

German foreign minister Frank-Walter Steinmeier declared on 7th April that Berlin would present a "strategic plan" for ratification of the Constitution at the end of its EU presidency, in early summer 2007. Thus Germany wants to have the EU constitution ratified across the EU by 2009, suggesting a change in the name of the charter to "*Basic treaty for Europe*", according to the German daily Die Welt.

The Estonian and Finnish national parliaments are pressing ahead with ratification of the EU constitution despite last year's "no" votes to the treaty in referendums in France and the Netherlands. Estonia is set to ratify the EU constitution in May, while Finland is likely to follow just around the start of its EU presidency in July. However, recent opinion polls indicate that most Finns and Estonians citizens think that the European Constitution should be renegotiated, not further ratified.

The Czech Republic, Denmark, Ireland, Sweden, Poland, Portugal and the UK have either suspended ratification altogether or are hesitant about continuing with the ratification process.

Barroso against the attempts of reviving the Constitution

In a declaration made during a visit to Slovakia, Commission President Jose Manuel Barroso warned against Member States trying to revive the EU Constitutional Treaty before other European problems are solved. He rejected what he called "floating ideas" on how to revive the Constitutional Treaty referring to the German proposal of adopting a text under the new name "Basic Treaty for Europe" and to the similar proposals made during European People's Party congress in Rome in March. He underlined the need for a common energy policy and a strong internal market before dealing with institutions, as there is "*no clear consensus on where to go*". He explained that a policy-driven agenda is a much more useful tool allowing citizens to see the benefits of the European Union.

European Commission launches an Internet discussion forum on the future of Europe

On Monday 27th March, the European Commission launched an **Internet discussion forum on the future of Europe**, in 20 languages. "*Debate Europe*", which all citizens are invited to join, is part of the Commission's "Plan D" for Dialogue, Debate and Democracy" following the French and Dutch "No" to the Constitutional Treaty.

Beyond a space for debate, the forum provides useful documents on European Union policies as well as links to national debates that take place as part of the period of reflection. The results will be added to those of other debates taking place around Europe as part of the period of reflection, and will be discussed at the European Council in June. For further information on "Debate Europe", please see: <http://europa.eu.int/debateeurope>

European Parliament organises discussion fora on the Future of Europe

Following its call for a broad public debate on the future of European integration, the European Parliament is organising a series of debates, which aim to give a wide range of stakeholders the opportunity to exchange views between them and with MEPs on the future of the Constitutional Treaty, but also that of the European Union.

On **24-25 April**, it organised a hearing with civil society organisations, which were invited to express their views on the priorities stressed in the European Parliament's report on the period of reflection. Several CSCG members took part. More information can be found on: http://www.europarl.eu.int/comparl/afco/hearings/20060424_forum/information_en.pdf. This followed a previous hearing with social partners that took place on **21st March**, **social partners** (more information and contributions to be found on http://www.europarl.eu.int/comparl/afco/hearings/default_en.htm).

On **8-9th May 2006**, it will also co-organise an **Inter-parliamentary Forum** with the Austrian and Finnish presidencies, which will involve Members of the European Parliament and National Parliaments in a common reflection. It should deal with the following issues: Economic and Social Model in the face of globalization, Europe in the World, Perspectives of the area of freedom, justice and security, Future of Union's resources.

Second European Citizens' Convention organized in Vienna by the Union of European Federalists (UEF) in June 2006

Following the organization of a **Citizens' Convention** on 3-4th December 2005, the Union of European Federalists decided to continue with what is going to become a series of conventions. The **Second European Citizens' Convention** will take place in Vienna on 29-30th June and be organised as a response to various policy papers published by the European institutions in the months following the launch of the Period of Reflection. For further information on the European Citizens' Conventions, please see: <http://www.federaleurope.org/index.php?id=4121>

5. NEWS FROM MEMBERS

Newsletters

CONCORD March Flash:

<http://www.concordeurope.org/download.cfm?media=pdfUK&id=1413>

European Forum for the Arts and Heritage, March newsletter:

<http://www.efah.org/index.php?id=14&pagelang=en>

Several CSCG members express concerns on the future of the Fundamental Rights Agency

On March 22nd, the Social Platform, Concord, Human Rights & Democracy Network, European Roma Rights Centre and European Roma Grass Roots Organisation signed a common position addressed to Wolfgang Schäussel, Federal Chancellor and President of the European Council. Welcoming the commitment of the Austrian

Presidency to consider the establishment of the Fundamental Rights Agency a priority, they expressed **deep concerns related to the capacity of the Agency to deal with human rights issues**. They consider that negotiations should be based on open debate and transparent communication and that issues concerning independence and civil society participation should not be neglected. The above-mentioned organisations expressed concerns related to the fact that the negotiations are being carried out on the basis of new proposals, which significantly depart from the initial Commission proposal, and do not refer to or fully reflect the UN Paris Principles on national institutions for protection and promotion of human rights. To tackle these concerns, they proposed amongst others:

- **A strict definition of the roles of the European Commission and of the Member States** in order to avoid too tight a control over programmes and priorities of the Agency.
- An **active collaboration between the Agency and the civil society**, implying structured representation of, and effective cooperation with, human rights and social NGOs
- **Rather to delay the project** if adequate time for discussion and consultation in order to secure the creation of a meaningful agency cannot be provided

For further information on the common position, please see the letter: <http://www.amnesty-eu.org/>

G-10 statement on transparency of the high level group on competitiveness, energy and the environment

As a follow-up to the Communication on Industrial Policy of October 2005, the European Commission set up a High-Level Group on Competitiveness, Energy and the Environment (HLG), which held its first meeting on 28th February. The HLG will aim to foster closer coordination between policy and legislative initiatives and “to contribute to creating a more stable and predictable regulatory framework”.

Several members of the G-10 published a joint statement on the 28th February in which they warned that the work of the **HLG should "not replace or interfere over the two years of its operation with the standard decision making procedures in the EU"**. Stating that the advisory group is "very political in nature, even if it may look rather technical", they demanded that agendas, presentations, minutes, interim and final reports of the group be made available online to the public.

For further information on the G-10 members statement, please see: <http://www.eeb.org/press/20060228-Environmental-NGOs-statement.pdf>

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