

EU Civil Society Contact Group

Representativity of NGOs taking part in civil dialogue State of play

16 March 2006

The debate on the representativity of NGOs and other "interested parties" has increased in the last decade, following the development of a more participatory EU policy process. This briefing (based on a first version published in November 2005) aims at presenting the main developments within the main institutions involved in this debate (Commission and Economic and Social Committee), with a particular focus on the latest position adopted by the EESC on 14 February 2006.

1. The Commission: guidelines rather than strict criteria

The **European Commission** made several attempts to define the representativity of NGOs in the 90s¹. In particular, stressing the importance of a framework of principles for creating a more structured dialogue, it proposed guidelines and reasons for selecting NGOs²:

- structure and membership;
- transparency of their organisation and the way they work;
- previous participation in committees and working groups;
- track records as regards competence to advise in a specific field;
- capacity to work as a catalyst for exchange of information and opinions between the Commission and the citizens.

Yet these guidelines did not lead to strictly defined representativity criteria such as those applied to EU social dialogue³. Besides, despite some proposals made in the Governance White Paper, the Commission has stressed since then they **should not lead to a system of accreditation**.

We also need to note that, in order to be registered in **CONECCS**⁴, an organization must have **some degree of formal existence, be EU wide, active, with expertise, and prepared to provide information about itself**. There are further compulsory questions about group establishment, objectives, and post-holders, and for those involved in EU consultative bodies, about sources of finance and details of members. Yet they do not constitute representativity criteria as such.

¹ *An open and structured dialogue between the Commission and Special Interest Groups* (SEC (92) 2272 final) *Communication on promoting the role of voluntary organisations and foundations in Europe* (COM (97) 241 *Discussion Paper "The Commission and Non Governmental Organisations: building a stronger partnership"* (COM(2001) 11 final)

² European Commission (2001a) 'The Commission and NGOs: Building a Stronger Partnership', COM(2001) 11 final.

http://europa.eu.int/comm/secretariat_general/sgc/ong/docs/communication_en.pdf, p. 11

³ According to the criteria set out in 1993³ and reiterated in 1998³, representative organisations should:

Be cross industry or relate to specific sectors or categories and be organised at European level;

Consist of organisations, which are themselves an integral and recognised part of Member State social partner structures;

Have adequate structures to ensure their effective participation in the consultation process.

A detailed list of organisations complying "broadly with these criteria" was published, which amounted to setting up a system of accreditation. Currently 58 organisations entitled to take part in European social dialogue.

⁴ http://europa.eu.int/comm/civil_society/coneccs/index.htm

2. Major developments within the Economic and Social Committee

2.1. Opinion on the Governance White Paper and first criteria (2002)

The European Economic and Social Committee (EESC) has become the lead institution in putting forward criteria for EU interest groups through its *Opinion on the White Paper on Governance* (European Economic and Social Committee, 2002)⁵.

The opinion defined nine representativity criteria that should be met by a **European organisation**:

- exist permanently at Community level;
- provide direct access to its members' expertise, and hence to rapid and constructive consultation;
- represent general concerns that tally with the interest of European society
- comprise bodies that are recognised at member state level as representatives of particular interests;
- have member organisations in most of the EU member states;
- provide for accountability for its members
- have authority to represent and act at European level;
- be independent and mandatory, not bound by instructions from outside bodies;
- be transparent, especially financially, and in its decision making structures.

2.2 . Opinion on the representativeness of European civil society organisations in civil dialogue (14 February 2006): summary and comments

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

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

General context

Aim: development of good practices within the EESC and other institutions- The goal of this position is to clarify the EESC's own relations with civil society organisations. Yet it also aims to become a point of reference for all EU institutions and a basis for the development of good practices. It is therefore a concern for a wide range of organisations and not only those represented in the EESC liaison group.

Target: mostly EU NGO networks- While the definition of civil society organisations provided by the EESC also includes socio-economic actors, the position focuses specifically on NGOs. Besides, the initiative targets primarily EU level organisations, which raises the question of the direct participation of national networks.

A limited scope (but clarification needed) - In particular, the following processes are *not* covered:

- Social Dialogue
- *"Daily dialogue at sector level between civil society organisations and between such bodies and their interlocutors within the EU's legislature and executive, particularly the Commission, as referred to in paragraph 3 of Article I-47"*, which needs to be clarified
- Open consultations

⁵ http://www.esc.eu.int/sco/docs/ces357-2002_ac_en.pdf

Three proposed assessment criteria

Need for a statute, if possible European - The opinion states that “*all organizations, whether de jure or de facto – active at European level should have statutory regulations*”. To what extent does this cover organizations with an informal character, such as the Green 10 and the Human Rights and Democracy Network (explicitly referred to), but also *ad hoc* coalitions? To achieve this, it also supports the creation of a European Statute of Association (withdrawn by the Commission).

Support in the Member States - The report suggests representative organisations should be represented in more than half of the Member States, make public the list of their members. It also stresses that a national organization should adapt its practices to those of the EU organizations it is a member of, which seems to run counter to the democratic way European civil society organisations are organized, i.e. through a bottom-up rather than top-down approach. It also proposes to follow the Council of Europe’s approach requesting organisations to specify how many citizens are “directly and indirectly connected” to them. Beyond the difficulty to provide reliable data, the number of citizens reached by civil society organizations can vary considerably depending on whether they are service providers, represent some specific segment of the population or specific issues. Can such figures be compared?

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. Organisations should be able to demonstrate their level of involvement in consultative processes, through benchmarks or activity reports for instance. These criteria based on a verifiable experience of dialogue with EU institutions should also be handled with precaution, in that they might close the door to organizations that are less established.

4. Further questions to consider

The debate over representativity raises a number of questions that go beyond the scope of the EESC position. In particular:

- Is a uniform approach possible?
- Should the criteria apply to all practices covered by civil dialogue, including open consultations, consultative committees, bilateral dialogue?
- Should a specific attention be paid to representative organisations in the framework of open internet consultations?
- Should the criteria cover *ad hoc* dialogue and less structured relations?
- If criteria need to be developed, which institution should be in charge of the process? What should be the role of civil society organizations?

Active Citizenship Network has held a project assessing the representativity criteria used by several national, international and EU institutions. Their final report is a valuable basis for further discussion: www.activecitizenship.net/projects/project_assessing.htm.