

Mr Maroš Šefčovič
Vice President on Interinstitutional Relations and Foresight
European Commission

Copy: Klara Dobrev, Vice President of the European Parliament in charge of relations
with the European Economic and Social Committee

Brussels, 17 July 2020

Dear Vice President Šefčovič

Re: Open letter on breaches in transparency and accountability of Member States nominations to the EESC 2020-2025

We are writing to you on behalf of Civil Society Europe, as the coordination of civil society organisations in Europe. Our letter is based on article 302 of the consolidated Treaty on the Functioning of the European Union, as we would like to bring forward our concerns on the proposed nominations by Member States of some members of the European Economic and Social Committee for the period 2020 - 2025, falling into the EESC Group III membership. We hope that we reach you well before the European Commission sends its recommendations to the Council of the EU.

We are in particular alarmed by the way the nomination processes for representatives of civil society organisations in Croatia, in the Czech Republic, and in Poland were carried out as they are not consistent with the accountability and good governance rules and have worrying implications for civic freedoms.

In all those countries, the adopted procedures and voting results of the nominating bodies established by law have been disregarded in order to favour other candidates chosen by national authorities.

In Croatia, the election procedure within the Office for Cooperation for NGOs was flawed as civil society organisations were put in minority as compared to public authority representatives and were not even allowed to present their own candidates, pushing a majority of civil society representatives backed by social partners not to participate in the

vote for Group III candidates¹. One of the people elected as a result is also the new President of the Council for Civil Society Development, Danko Relić, who was supposed to organise the session and was responsible for the credibility of the election process.

In the Czech Republic, the Governmental Council for NGOs was entrusted with the nomination of Group III members. Two out of four candidates voted by a large majority of participants (21 and 18 out of 23) were later replaced by the Prime Minister (as Chair of the Council), despite complaints, with candidates that had only received 3 and 1 votes respectively and justifying this choice with new requirements that had not been agreed before the voting procedure (see letter enclosed). Moreover, these “new members” are currently EESC members in other groups than Group III, which would bring a disbalance in the EESC membership and lower the representativity of the third sector. Besides that, one of them is a chief advisor of the Prime Minister, motivates his candidature as “to ensure better coherence with the governmental policies” and is nominated by a foundation which seems to be a “letter box”, doesn't have any visible activities and hasn't been fulfilling its legal obligations in the legal registry for 13 years. The other was nominated by the Agrarian Chamber, but was recently removed from her office there and begins to work for one of the major business person in the agrarian sector in the country. This poses serious questions for independence and representativity of these candidates.

In Poland undue pressure and a smear campaign has targeted the candidacy of a current member of the EESC and Vice President of its Fundamental Rights and Rule of Law (FRRL) working Group, recently elected quaestor for the next term, Karolina Dreszer-Smalec. She is Vice President of the National Federation of Polish NGOs (OFOP), the largest and oldest federation of Polish NGOs. The campaign against her reappointment was particularly motivated by her participation in the EESC's FRRL Group's study visit to Poland in 2018 and the publication of the country report. This is a clear example of the pressure faced by civic organisations and voices that the Polish government considers as critics. It is particularly worrying also in the context of the current Article 7 procedure against Poland, and will have a chilling effect on civil society organisations and current and future members of the EESC from that country. Moreover the process for the nomination of the seven members within the Council on Public Interest was untransparent. While previously NGOs members of the Council chose among themselves their representatives, this year an informal survey on candidates was sent which did not even reach all the NGO members. In addition the results of the preferences expressed were never published. The co-Presidents of the Council

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<https://crosol.hr/en/election-of-members-of-the-european-economic-and-social-committee-in-croatia-civil-society-representatives-without-voices-from-civil-society/>

submitted a list of seven candidates to the vote as a whole, but even though no agreement was reached, they nevertheless sent it to the Minister. The final candidates are problematic as 3 are members of the Public Interest Council itself (and presented themselves), 2 candidates come from the same organisation (WRZOS), one is an active member of the ruling Law and Justice party and one is also an activist in the Ordo Iuris party and from the coalition of Non Governmental Initiatives, a small network organisation close to the Polish government. We are concerned that the candidates from Poland do not ensure the necessary representativity of the civil society sector as well as the independence from their government to fulfill their role².

These are just some blatant examples of the lack of transparency and accountability of nominations of civil society representatives to the EESC that we have witnessed in several countries and which will be the subject of a detailed report that we are preparing. These incidents put further into question the role of the EESC as the “voice of organised civil society in Europe”, and they exemplify a worrying lack of respect for the rule of law at national and EU level.

We call on you not to accept the nominations from the Czech Republic, Croatia, and Poland but to demand explanations from the authorities in those countries and hear also the different parties involved in the nomination process, particularly civil society organisations, in order to fully assess the accountability and democratic integrity of the nomination procedures. It is legitimate to ask whether the candidates emerging from such flawed nomination processes can really be considered as ‘representative of civil society’ (TFEU Art. 300(2)) if civil society’s express wishes have been flagrantly ignored by the respective governments. We understand that there is no formal constraint on Member States submitting revised or updated lists of candidates and in these cases they should be encouraged to consider doing so.

We also invite you to propose to the Council to adopt nomination rules that each country has to respect that would guarantee the autonomy of all interest groups (employers, workers, and civil society organisations). We also believe that a definition of civil society organisations would be useful to prevent confusion with employers and workers representatives and ensure a truly tripartite representation.

We are at your disposal for a meeting or any further information that you may require, and we look forward to hearing from you what action you will take to uphold the transparency and accountability of the EESC nominations process.

² <https://publicystyka.ngo.pl/bitwa-o-ekes-przegral-dialog>

Yours sincerely,

Civil Society Europe

