

# Civil Society Participation in EU Decisions: How to move forward? (2018)

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## 1. Introduction

Civil society is marked by a wide range of non-state actors that engage in actions of public consequence; including, non-governmental organisations (NGOs), charities, interest groups, social movements, foundations, and cooperatives<sup>1</sup>. Civil society organisations (CSOs) represent a formal organisation of civil society, possessing four key characteristics:

- They are established voluntarily by citizens seeking to promote their concerns or values
- They are organised around the promotion of an issue, or of a particular section of society
- They are autonomous from the state
- They do not aim for profit maximisation

Organised civil society provides important democratic functions as a form of participatory democracy. For example civil dialogue<sup>2</sup> processes provide a middle-ground between citizens and public authorities to ensure that citizens' voices are heard. This also contributes to the smooth functioning of democracy by fostering trust and cooperation between citizens and authorities.

The importance of CSO engagement has become recognised within the European Union (EU) and demonstrated by the inclusion of Article 11<sup>3</sup> in The Lisbon Treaty. There is recognition that

<sup>1</sup> Some definitions of civil society, notably those adopted by European bodies such as the European Economic and Social Committee (EESC), include economic actors such as trade unions. However these actors are engaged in a different participation process of *social dialogue*, rather than civil dialogue, and are thus not considered within this report.

<sup>2</sup> The EESC defines civil dialogue as “a democratic and public-opinion forming process that can take various forms depending upon the actors involved”. SOC/423, 2.1

<sup>3</sup> Article 11(1). The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. (2). The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. (3). The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent. (4). Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 21 of the Treaty on the Functioning of the European Union.

the EU institutions need to provide mechanisms “by appropriate means” for “citizens and appropriate associations” to “make known and publicly exchange their views in all areas of the European Union” and that “the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.” Despite some progress being made in the implementation of Article 11, there is evidence that current EU mechanisms are insufficient and that the participation of civil society in EU decisions remains limited<sup>4</sup>. The phrasing of Article 11 is particularly vague regarding mechanisms of implementation; specifically the “appropriate means” of view exchange and how to “maintain... dialogue”.

Public consultation procedures and the European Citizens Initiative (ECI)<sup>5</sup> are examples of the mechanisms that have been employed by the EC, in order to allow for CSO participation; however they only partially address issues around dialogue and participation. Furthermore the implementation of these tools have raised a number of criticisms by civil society. As a result of those, and of discussions within the Better regulations Stakeholders Platform have prompted the EC in May 2017 to begin a revision process of the initiative<sup>6</sup>. On other issues, EU responses have been limited at best. Article 11 is also the legal basis for the EU Transparency Register that aims at ensuring that EU institutions are open as regards the groups or organisations representing specific interests with which they interact.

This study examines the experience of CSOs and their interaction with the EU at all institutional levels, including the European Commission (EC), the European Parliament (EP) and the Council of the European Union (the Council), as well as the possibility of CSOs to share their expertise and influence EU decisions on policies and legislation. It highlights strengths, gaps and potential ways to improve existing mechanisms for civil society participation in EU decision-making processes identified by our respondents, that may continue to strengthen the implementation of Article 11 across the EU institutions.

## 2. Methodology

Data has been collected via an electronic survey initiated by Civil Society Europe and semi-structured interviews with CSO and EU representatives. All data was collected between June 2016 and June 2017. 53 survey responses were collected. Survey questions included both closed and open questions, allowing for quantifiable impact ratings and opportunities for respondents to expand upon answers in depth. Respondents included European organisations and their members, as well as national and grassroots organisations. Note, the survey was designed in such a way that respondents could skip questions that they didn’t want to answer,

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<sup>4</sup> See EESC, SOC/423

<sup>5</sup> The implementations of Articles 11(3) and 11(4) respectively.

<sup>6</sup> See EC, Roadmap-Ares(2017)2537702.

consequently the number of responses to some questions vary. Response rate (RR) is indicated for each question. When asked to provide examples, a selection of responses have been provided in this report for demonstrative purposes.

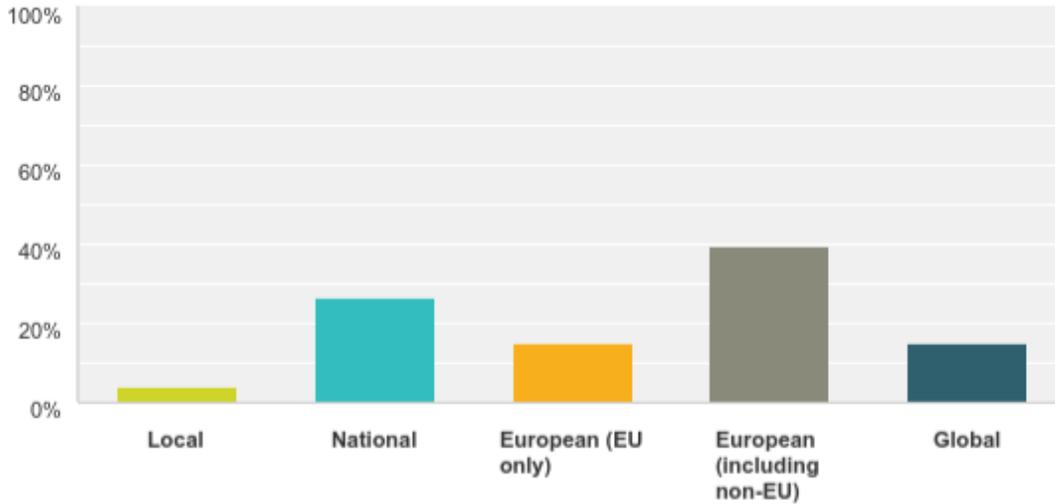
Semi-structured interviews were conducted through face-to-face and online meetings. Questions were purposefully open so as to allow the interviewed individuals to be free to answer in as much detail as they wanted. Interviews were conducted by Civil Society Europe or by Civil Society Europe members. Eight representatives of CSOs were contacted for an interview. In addition, interviews were conducted with four representatives of the EU, specifically of the EC, EP and EESC. The responses have contributed to the findings and recommendations.

### 3. Survey Demographic Data

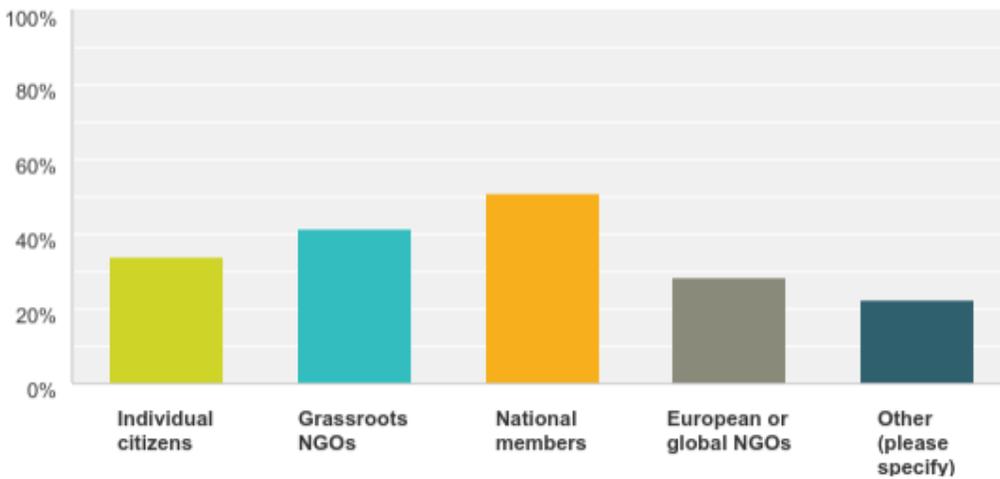
Respondents from CSOs to the survey reflected a mix of different organisation types. This included a cross-section of organisation reach, though the majority were at the European level (both EU-only and including non-EU). Respondents represent different types of membership organisations, as well as four non-membership organisations, some representing hundreds of NGOs and millions of individual citizens.

The majority of respondent organisations are based in Belgium, likely due to their European focus as Brussels is the institutional centre for the EU. When asked to describe the organisation work, the most common response was “Civil Society Strengthening or Support”, followed by “Civic Participation/Volunteerism” and “Human and fundamental Rights”. As indicated below however, there was a wide variety of specific work areas provided by respondent organisations. The majority of organisations are either involved primarily in providing advocacy, or involved equally in providing advocacy and services. Organisation budgets varied greatly, and there was a relatively even number of organisations from both low and high-end budgets.

*Geographical Reach*



*Member Types*



(\*Other includes four non-membership organisations)

*Organisation Base*

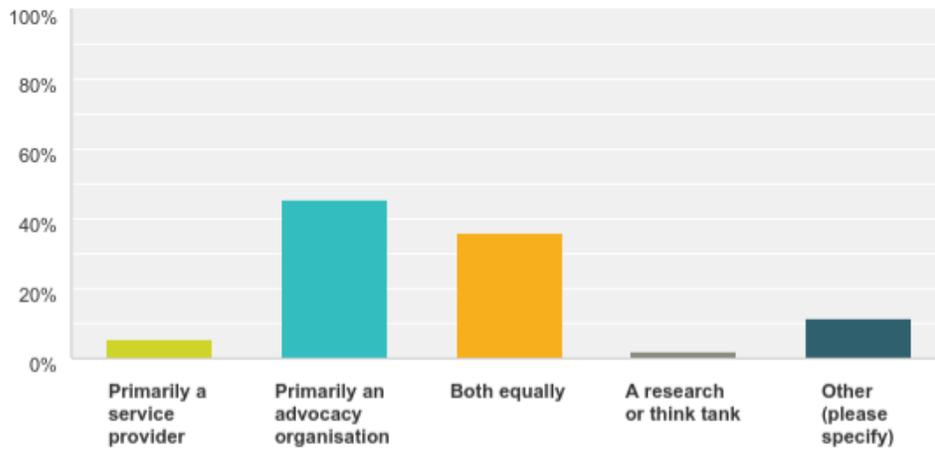
Belgium/EU	26
United Kingdom	4
Slovenia	3
Germany	2
France	2
Lithuania	2
Finland	2

Spain	1
Denmark	1
Ireland	1
Malta	1
Portugal	1
Romania	1
Sweden	1
Slovakia	1
Non-EU Member States	4

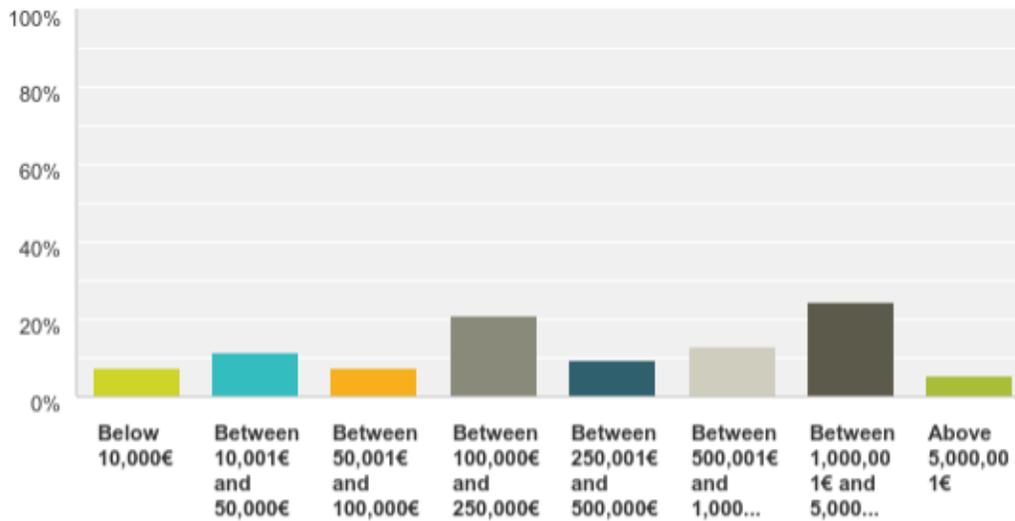
*Organisation Work Type (Describe 3 Areas)*

Civil Society Strengthening or Support	23
Civic Participation/Volunteerism	14
Human and Fundamental Rights	12
Policy & Research	11
Youth	10
Social Rights	10
Democracy / Governance / Transparency & Accountability	10
Education/Skills Development	8
Children	4
Persons with disabilities	4
Religion or belief	4
Minorities	3
Environment / Climate change	3
Health	3
Elderly people	3
Gender equality	2
International and Economic Development	2
Consumers	2
Media (incl. alternative and community)	2
LGBT	2
Sport	2
Legal support & information	1
Culture & Arts	1
Protection of Refugees and Migrants	1
Employment	1
Family life	1
Other	6

*Organisation Provider Type*



*Organisation Annual Budget*

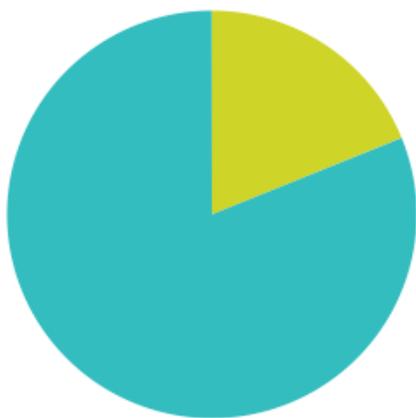


## 4. Survey Findings

### 4.1 Regarding the European Commission

#### 4.1.1 On Public Consultations

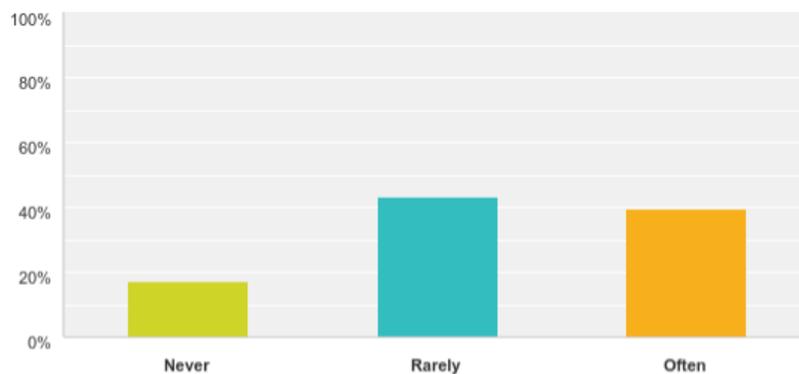
*Are you aware that the European Commission conducts public consultations on different topics at different stages of the policy process? (RR 100%)*



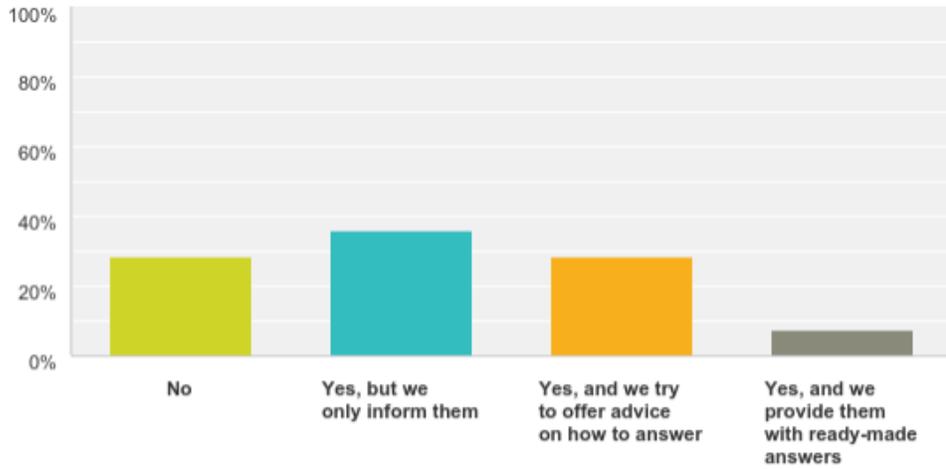
■ No ■ Yes

Yes: 81.1% No: 18.9%

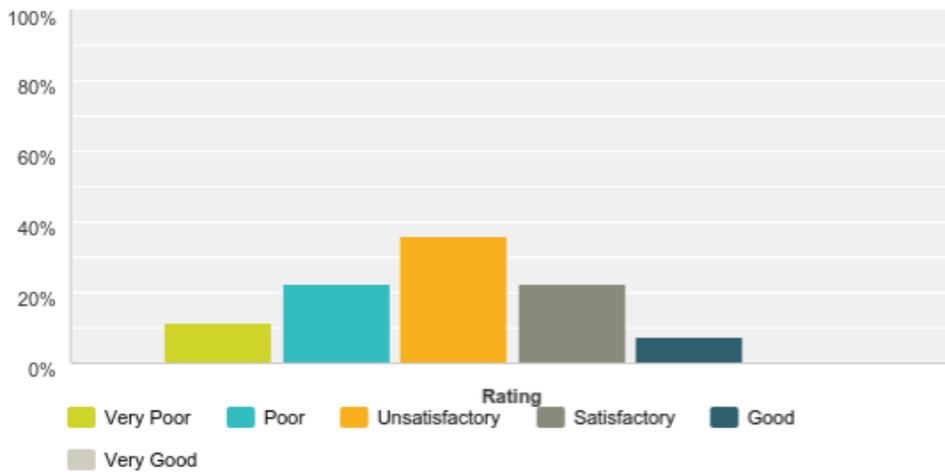
*Is your organisation answering these consultations? (RR=100%)*



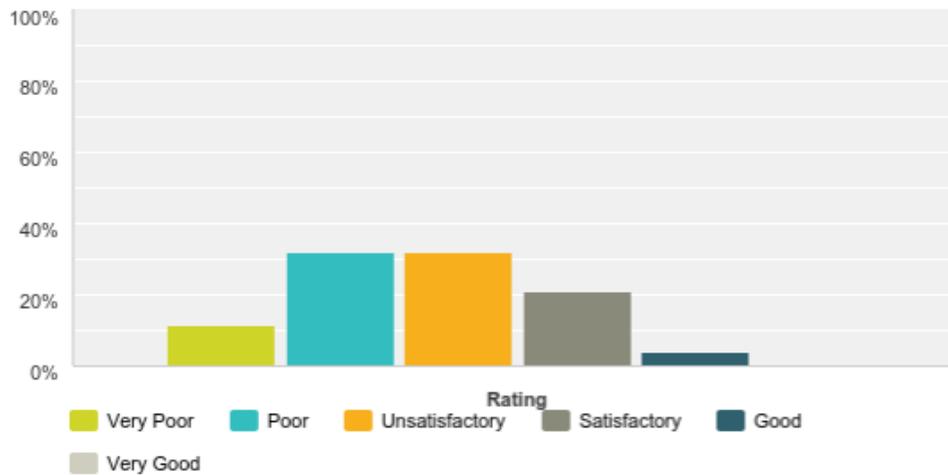
Do you encourage your members to answer these consultations? (RR=100%)



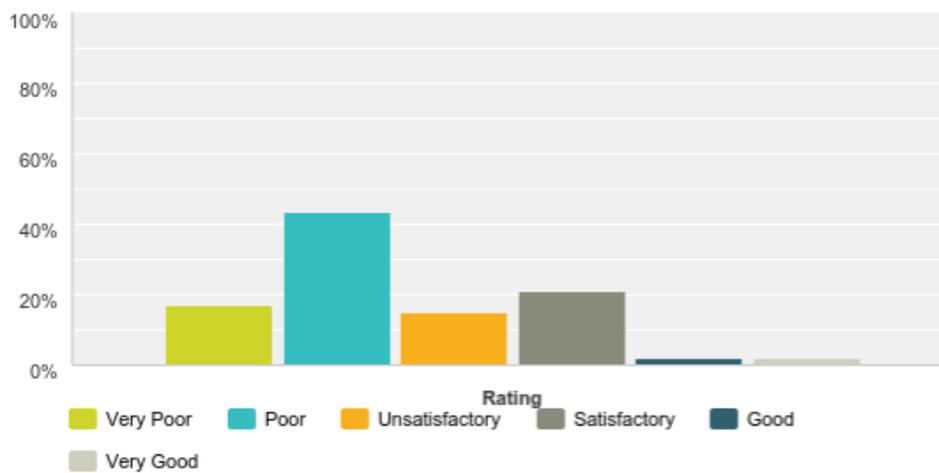
How do you consider the user-friendliness of this tool? (RR=100%)



How do you consider the transparency and responsiveness of the European Commission regarding public consultations? (RR=100%)



*Do you consider you are having an impact through these consultations? (RR=100%)*



*Could you please give an example? (RR=26.4%)*

- EU Citizenship consultation - only 2000 responses EU-wide (Respondent rated "Very Poor")
- No example of impact (Respondent rated "Poor")
- Rarely notified of the results (Respondent rated "Satisfactory")
- Pillar of social rights (Respondent rated "Satisfactory")
- Audio-media services directive revision (Respondent rated "Very Good")

*Do you have any further comments or recommendations regarding the EU public consultations? (RR=41.5%)*

The most common response was that the language used in public consultations is often too technical, irrelevant or long for ordinary citizens, in turn discouraging participation in the consultation process. Recommendations to combat this included simplifying and focussing consultation topics, providing a short summary at the start of the consultation in non technical language, and demonstrating the relevance of the public consultation by linking it to a wider, and better understood political issue on the EU agenda.

The next most common responses included that the consultation process is still under-publicised, with a lack of awareness of upcoming and ongoing consultations and of the existence of the process itself. A suggestion to address this was for the EC to identify proactively NGOs.

Respondents were concerned that consultations are often only published in English, greatly limiting the input from non-English speaking EU citizens. Respondents recommended publishing all public consultations in all EU languages.

Respondents raised concerns regarding the use of qualitative questions within consultations, and the potential of the EC “cherry-picking” specific responses to push a specific agenda, without acknowledging alternative responses. Similarly, some respondents suggested that the wording of certain consultation questions were politically biased. Another noted that certain quantitative questions need qualitative answers. A recommendation to address this was for the EC to undertake a methodological review of its question-making process, and “employ strong sociological rules in future consultations”.

A related issue raised was a lack of feedback on outcomes of consultations, specifically how responses were taken into account, and why other responses were discounted. Recommendations were made for the EC to publish all response feedback from consultations, to ensure that responses do not “disappear”.

Some respondents noted certain technical issues with the consultation process including issues with document formats. For instance: *“Using a digital tool is great but in most cases, there is no possibility to download the empty questionnaire in .docx format, making remote and distributed filling extremely complicated for long consultations”*. Another respondent noted that the consultation process is not accessible for people with disabilities, with a *“lack of accessible formats for documents and communications”*.

Finally, there was a suggestion for the EC to hold more public consultations.

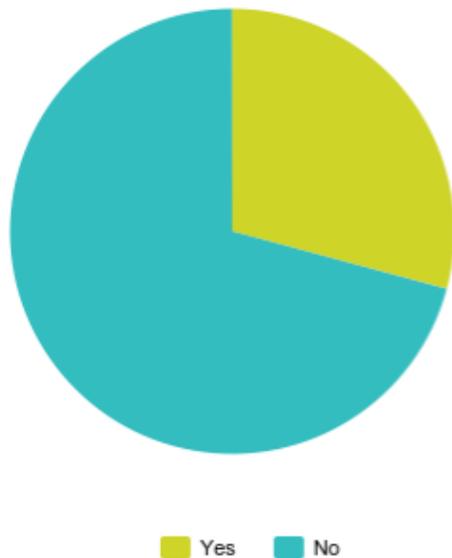
#### 4.1.2 On Structured Dialogue on Youth

*Are you aware of a structured dialogue on youth, on EU and national policies between EU and national decision-makers and young people? (RR=90.6%)*



Yes: 60.4%    No: 39.6%

*Have you or your members been involved? (RR=90.6%)*



Yes: 29.2%    No: 70.8%

*If yes, please specify how (RR=20.8%)*

- Sending representatives, and undertaking open consultations
- Indirectly through bigger platforms such as LLL
- Through the National Youth NGOs Council
- Through the European Education, Training and Youth Forum

*Do you have further comments? (RR=15.1%)*

There were very few specific comments. One particular comment reflected that there has been improvements in the inclusion of international youth NGOs in the structured dialogue, but there is still room for further improvement. A second comment agreed that NGOs try to be involved, but are often not consulted by the EU institutions during the process.

*Another respondent noted: "The Structured Dialogue is kept on a very national basis - and is therefore not a real European dialogue; We are expecting a stronger implementation of the article 165 -2 of the Lisbon Treaty related to the Young People participation in the Democratic life of the EU to ensure an effective transversal dialogue involving all relevant actors of the European Commission and European Parliament and a clear participation of European NGOs instead of only National representatives. Furthermore, no follow up of the recommendations are ensured by the Commission. It is completely left to the Member States to ensure an implementation of the recommendations and the Commission do not ensure a coordination/monitoring role. In these conditions, the Structured Dialogue appeared has being an empty consultation."*

A further respondent said that solutions are focussed on education and vocation and are completely dependent on EU funds.

#### 4.1.3 On Stakeholders Dialogue

*Are you involved in European Commission stakeholder dialogues? (RR=90.6%)*



■ Yes ■ No

Yes: 64.6% No: 35.4%

*If yes, please specify (RR=52.8%)*

Some respondents did not provide specific examples, or commented “too many to name”. Also there appears to be confusion over what is meant by “Stakeholders Dialogue”, as some respondents provided answers that are Expert Groups instead. It is probable that because Structured/Stakeholder Dialogue groups are registered on the EC Register of Expert Groups as “Expert Groups”, and follow the same rules of procedure<sup>7</sup>, this has led to confusion. Thus some examples provided that are registered Structured/Stakeholders Dialogue groups are as follows:

- E02677 Structured Dialogue with Civil Society Organisations
- E02247 EU Stakeholders for the platform against poverty
- E02758 European Multi-Stakeholders Platform on ICT Standardisation
- E01259 High Level Group on Disability
- E03335 REFIT Platform

Examples cited that are on the EC Register, but would more qualify as expert groups are:

- E01295 Working Group on Motor Vehicles
- E00845 EU platform for action on diet, physical activity and health

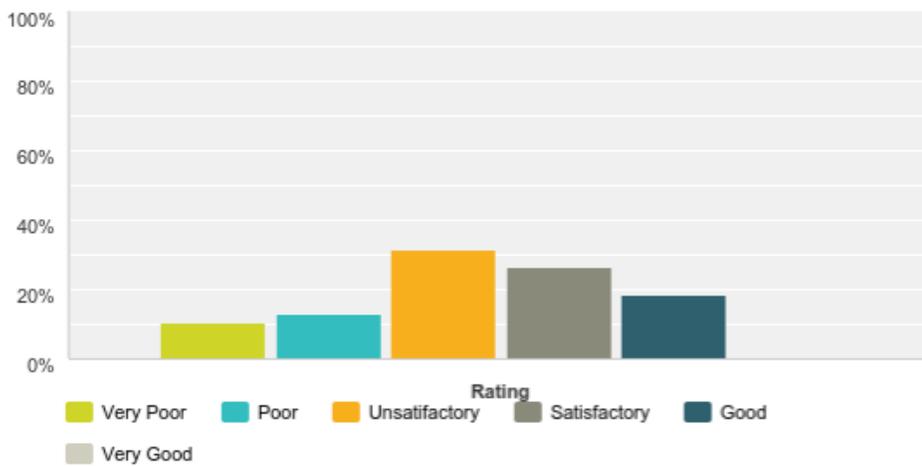
<sup>7</sup> See Commission Decisions C(2016)3301 and C(2016)3300.

- E03226 Structured Dialogue with European Structural and Investment Funds' partners group of experts

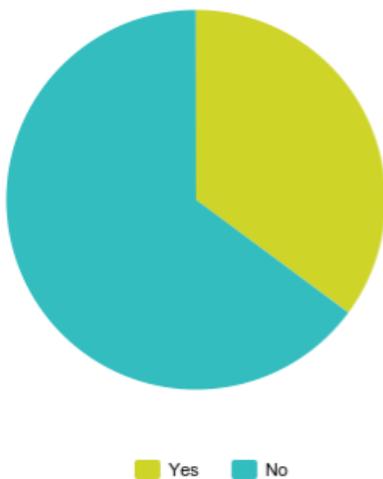
Some examples provided are not on the EC Register:

- [Europe for Citizens Programme Civil Dialogue Group](#)
- Stakeholders' meeting on the European Solidarity Corps

*Did you find the information on participation and results transparent? (RR=71.7%)*

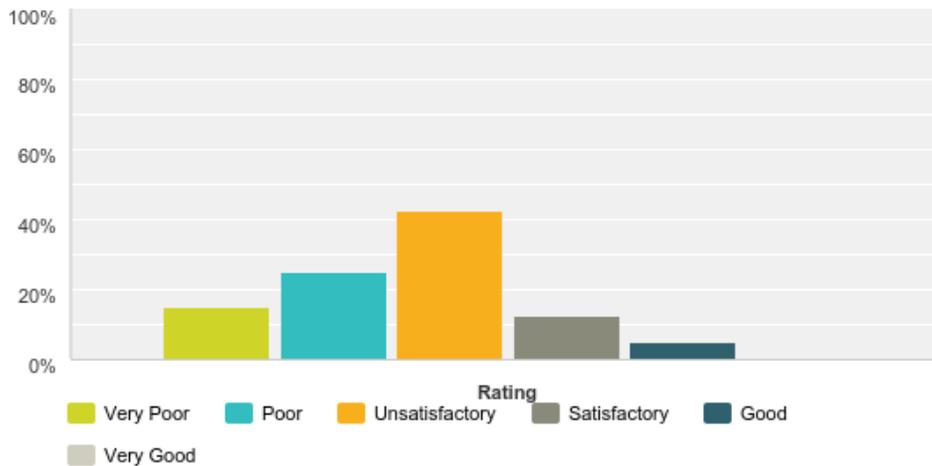


*Could you influence the agenda of meetings? (RR=69.8%)*



Yes: 35.1%    No: 64.9%

*Do you consider you are having an impact on the design of policies through stakeholder's dialogue? (RR=75.5%)*



*Do you have further comments or recommendations regarding stakeholder's dialogue mechanisms? (RR=28.3%)*

The most common responses suggest a lack of feedback on outcomes of stakeholder's dialogue, and that the objectives of this process are often unclear and the agenda is not transparent. Recommendations to alleviate these issues suggested publishing and distributing the agenda of the dialogue before the event-start, publishing minutes of the dialogue, and including all inputs in published reports, at the very least in preparatory documents, to ensure that inputs do not "disappear".

The next most common responses were related to a lack of publicity and awareness, especially in the context of national NGOs and of newer organisations, in turn restricting participation.

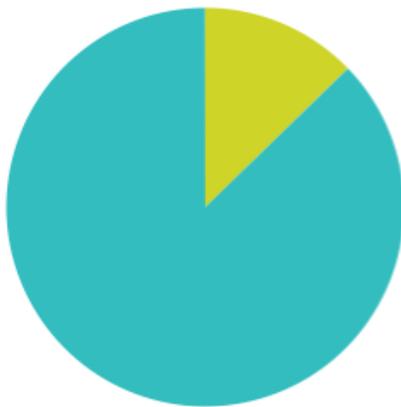
Other responses include that dialogues consist often mainly information sessions or with very little actual debate. A particular respondent suggested that some stakeholder's dialogue groups are methods to promote industry self-regulation, with minimal implementation of commitments which is problematic as CSOs lack the resources to monitor this implementation.

Similarly, some responses highlighted lack of NGO resources as a barrier to dialogue participation.

One particular respondent suggested the implementation of new procedures including an observatory to monitor civil dialogue, or a commissioner for civil dialogue.

#### 4.1.4 On the European Citizens' Initiative

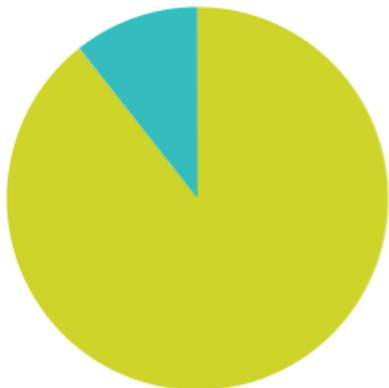
*Are you aware of the existence of the European Citizens' Initiative (ECI)? (RR=88.7%)*



■ No ■ Yes

Yes: 87.2% No: 12.8%

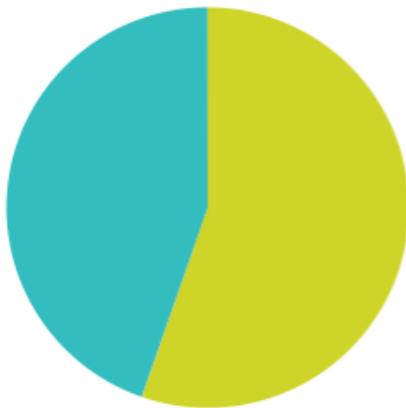
*Have you ever initiated or been a partner in an ECI? (RR=88.7%)*



■ No ■ Yes

Yes: 10.6% No: 89.4%

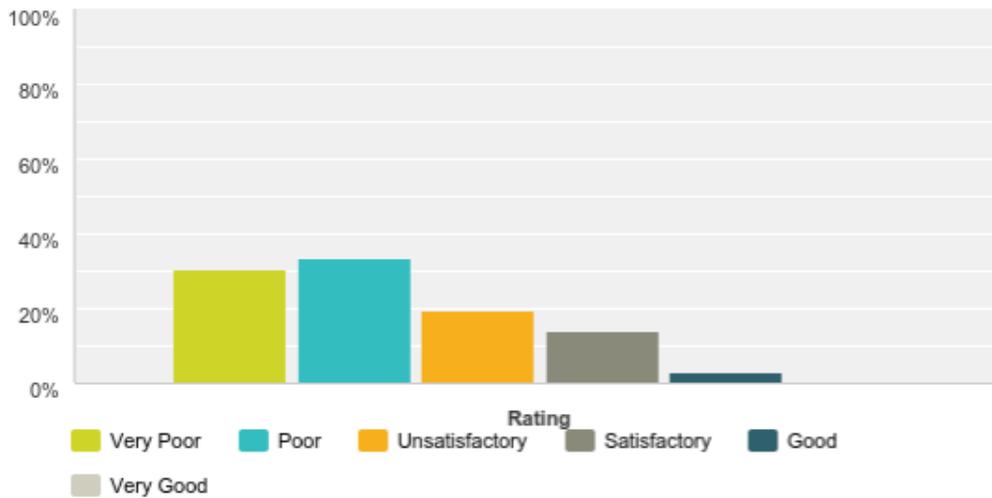
Have you ever promoted an ECI to your members? (RR=88.7%)



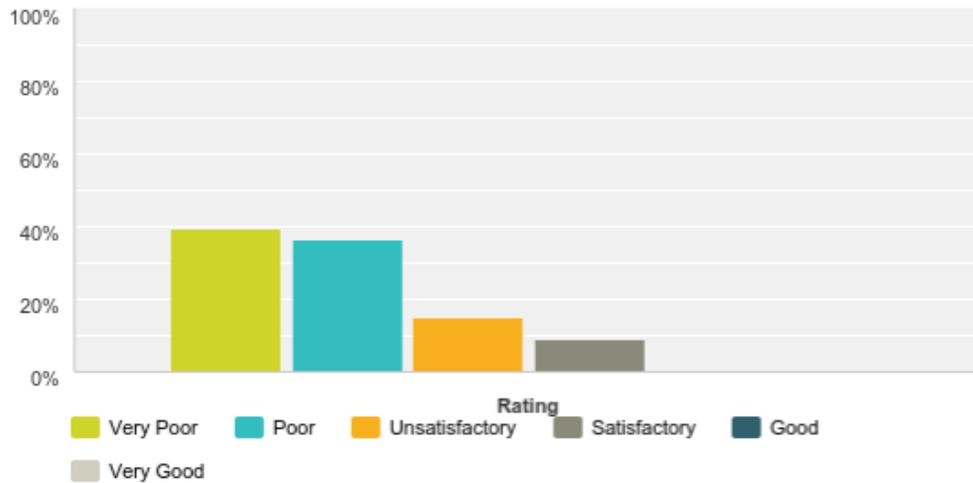
No Yes

Yes: 44.7% No: 55.3%

How do you consider the user-friendliness of the ECI? (RR=67.9%)



Could you evaluate the follow up of the European Commission to successful ECIs? (RR=62.3%)



*Do you have any further comments or recommendations regarding the ECI? (RR=28.3%)*

By far, the most common response was that the ECI has poor impact, and was deemed “useless” by more than one respondent.

The next most common responses noted a lack of user-friendliness of the tool, some pointing out how time consuming the tool is.

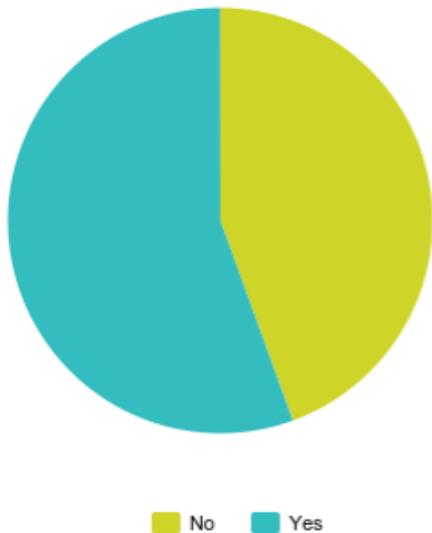
Others noted inflexible and complex ECI regulation as a barrier. A specific example cited was that an ECI requires at least one million signatures, which is incredibly large considering the EC only elicited two thousand responses for its EU-wide consultation on citizenship and claimed legitimacy from that consultation.

Other responses again noted a lack of publicity. Some raised concerns with the financial expense of the ECI process. And alternative responses noted how the ECI in its current setup is at risk of “political-hijacking” by populist movements, whilst other initiatives often fail to gain any traction at all.

However, on more than one occasion respondents noted the potential for reform of the ECI, with the REFIT platform being directly cited as a useful tool to accomplish this.

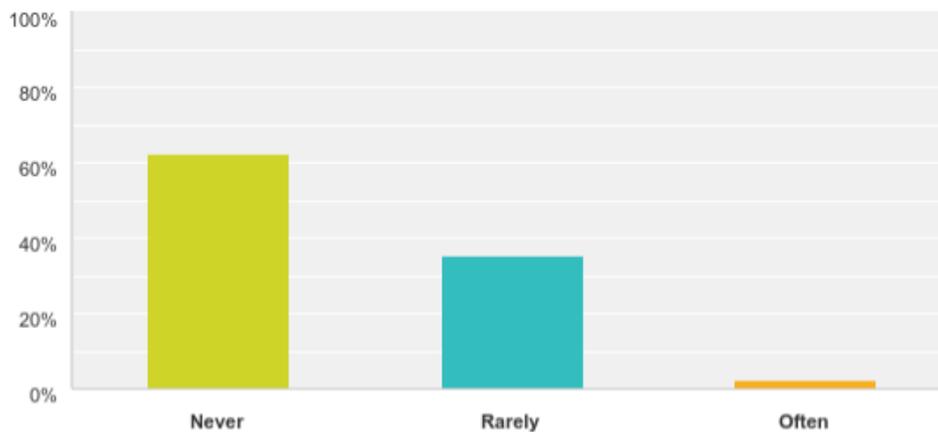
#### 4.1.5 On Citizens' Dialogue

Are you aware of the citizens' dialogue with the European Commission? (RR=84.9%)

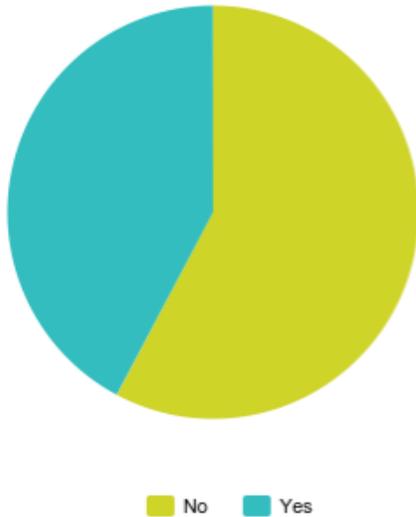


Yes: 55.6%    No: 44.4%

Have you ever participated in citizens' dialogue? (RR=84.9%)



Have you ever encouraged your members to take part in these dialogues? (RR=84.9%)



Yes: 42.2% No: 57.8%

Do you have any comments? (RR=22.6%)

The most common response relates to a lack of publicity and awareness of the events. One respondent noted that the events “seem to be random events/seminars and are not aimed or advertised for all citizens”.

This relates to the second most common response related to perceived exclusivity of some events.

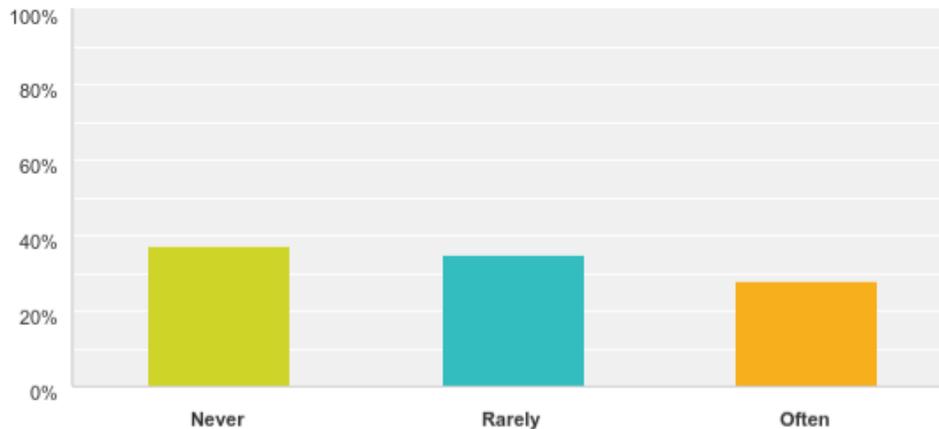
Others raised issues of poor impact and questionable results.

Alternative responses suggested that this particular tool allows the EC to avoid engaging with organised civil society, and instead prioritises individuals with questionable expertise or relevance. Some suggested that citizen’s dialogue events are merely public relations exercises designed to communicate the achievements of the EC, rather than engaging with civil society. One recommendation to address these concerns suggested that the events should be organised by CSOs and not the EC directly.

Finally, one respondent raised issues of expense and cost-effectiveness.

#### 4.1.6 On Meetings with High-Level European Commission Officials

*Have you had meetings with Commissioners, Director Generals or other high level officials in the last year? (RR=81.1%)*



(The below table provides examples of declared high-level meetings between 12 CSO organisations and EC representatives from January 2016 to July 2017.)

CSO	Number of Meetings 2016-2017 According to <i>EU Integrity Watch</i>	EC Portfolios	Senior EC Personnel
1	4	Digital Economy Humanitarian Aid Transport (2)	Commissioner Oettinger (Dig Econ) Commissioner Stylianides (Human Aid) Commissioner Bulc (Trans)  Cabinet Member Fajardo (Trans)
2	10	Better Regulation (2) Development Energy Union (2) Internal Market (4) Presidency	First VP Timmermans (Regulation) Commissioner Bienkowska (2) (Int Market) VP Sefcovic (Energy Uni) Chief Negotiator Barnier (Pres)

			<p>Cabinet Member Koenen (Regulation)</p> <p>Cabinet Member Kanellopoulou (Devel)</p> <p>Cabinet Member Linder (Energy Uni)</p> <p>Cabinet Member Bermig (2) (Int Market)</p>
3	1	Development	Cabinet Member Andrassy (Devel)
4	55	<p>Better Regulation</p> <p>Climate &amp; Energy (3)</p> <p>Competition</p> <p>Digital Economy (4)</p> <p>Digital Single Market (12)</p> <p>Energy Union (2)</p> <p>Environment</p> <p>Euro &amp; Financial Markets (3)</p> <p>Health (5)</p> <p>Internal Market (3)</p> <p>Jobs &amp; Growth (2)</p> <p>Justice (8)</p> <p>Presidency (4)</p> <p>Regional Policy</p> <p>Trade (3)</p> <p>Transport (2)</p>	<p>Commissioner Canete (Climate)</p> <p>Commissioner Oettinger (Dig Econ)</p> <p>Commissioner Andriukaitis (2) (Health)</p> <p>Commissioner Jourova (Just)</p> <p>Commissioner Malmstrom (3) (Trade)</p> <p>Commissioner Bulc (Trans)</p> <p>Director-General Laitenberger (Comp)</p> <p>Director-General Ristori (Energy Uni)</p> <p>Director-General Guersent (Euro)</p> <p>Director-General Evans (Int Market)</p> <p>Director-General Astola (3) (Just)</p> <p>VP Ansip (2) (Dig SM)</p> <p>VP Dombrovskis (Euro)</p> <p>VP Katainen (Jobs)</p> <p>Chief Negotiator Barnier (Pres)</p> <p>Head of the EPSC Mettler (Pres)</p> <p>Cabinet Member Nelen</p>

			(Regulation) Cabinet Member Bartolini (Climate) Cabinet Member Slingenberg (Climate) Cabinet Member Lehmann (2) (Dig Econ) Cabinet Member Schulte (Dig Econ) Cabinet Member Chapis-Kombos (2) (Dig SM) Cabinet Member Gren (4) (Dig SM) Cabinet Member Kloc (2) (Dig SM) Cabinet Member Lepassaar (Dig SM) Cabinet Member Strotmann (Dig SM) Cabinet Member Koska (Energy) Cabinet Member Ladefoged (Envir) Cabinet Member Melngaile (Euro) Cabinet Member Chaze (3) (Health) Cabinet Member Bermig (2) (Int Market) Cabinet Member Radziejewski (Jobs) Cabinet Member Hulicius (Just) Cabinet Member Nikolay (Just) Cabinet Member O'Connell (2) (Just) Cabinet Member Rouch (2) (Pres) Cabinet Member Fichter (Regional) Cabinet Member Tiganj (Trans)
5	4	Employment (3)	Cabinet Member Hermans

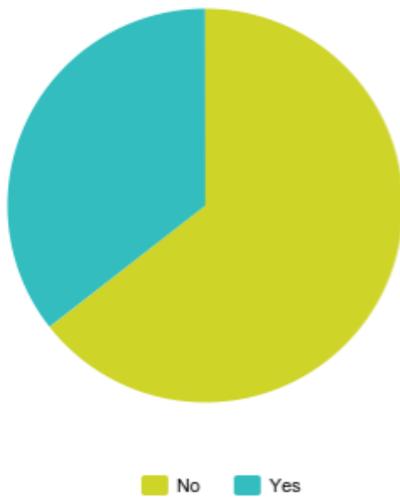
		Euro & Financial Markets	(Employ) Cabinet Member Kokkori (Employ) Cabinet Member Paserman (Employ) Cabinet Member Lucas (Euro)
6	7	Euro & Financial Markets (6) Jobs & Growth	Director-General Guersent (2) (Euro) VP Dombrovskis (Euro) VP VP Katainen (Jobs)  Cabinet Member Ceysens (Euro) Cabinet Member Melngaile (Euro)
7	1	Education	Cabinet Member Ballester (Edu)
8	0		
9	1	Employment	Cabinet Member Kokkori (Employ)
10	1	Presidency	Chief Negotiator Barnier (Pres)
11	0		
12	0		

- (EDF) CSO 1
- (Green10) CSO 2
- (FLD) CSO 3
- (BEUC) CSO 4
- (EAPN) CSO 5
- (Finance Watch) CSO 6
- (LLLP) CSO 7
- (CEV) CSO 8
- (Eurodiaconia) CSO 9
- (EACS) CSO 10
- (ENSIE) CSO 11

- SOLIDAR) CSO 12

#### 4.1.7 On Expert Groups

Are you involved in any expert groups established by the European Commission? (RR=84.9%)



Yes: 35.6% No: 64.4%

(The same designated CSOs as above have been checked across the EC Register of Expert Groups. See comment on Stakeholders’ Dialogue regarding the confusion over definitions, including how the EC Register of Expert Groups also includes Structured Dialogue, Working Groups, Advisory Groups etc as “Expert Groups” with the same standard rules of procedure established by the EC.)

CSO	Number of Expert Groups on EC Register	Examples of Groups (Up to 5)
1	16	E01259 High Level Group on Disability E03252 Advisory Body on the Accessibility of the EU Rail System for PRM E02310 Expert Group on the use of age and disability in insurance and banking services

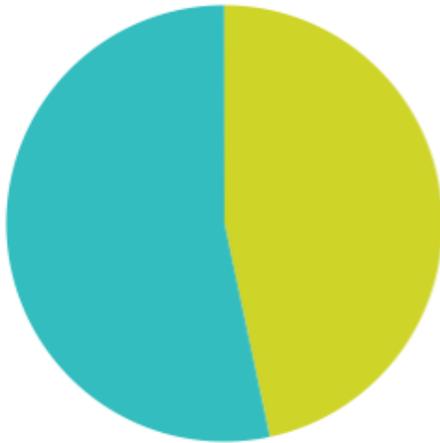
		E02758 European Multi-Stakeholders Platform on ICT Standardisation E01295 Working Group on Motor Vehicles
2	3	E02844 High Level Steering Board for the European Innovation Partnership E01926 Clearing and Settlement Code of Conduct Monitoring Group E00150 Policy Forum on Development
3	0	
4	69	E01033 Bureau Energy Star E03200 CDG Quality and promotion E03199 CDG Organic Farming E03197 CDG International aspects of agriculture E03196 CDG Horticulture olives and spirits
5	5	E03226 Structured Dialogue with European Structural and Investment Funds' partners group of experts E02677 Structured Dialogue with Civil Society Organisations E02247 EU Stakeholders for the platform against poverty E01111 European Observatory on Airport Capacity & Quality E01916 Group of Stakeholders for School Education
6	2	E03429 Corporate Bond Market Liquidity E03130 European Crowdfunding Stakeholder's Forum
7	3	E02107 European Qualifications Framework Advisory Group E03371 Working Group on Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education E03407 Working Group on Digital Skills and Competences
8	2	E02107 European Qualifications Framework Advisory Group E02547 Expert Group in the Youth Policy fields
9	1	E02247 EU Stakeholders for the platform against poverty

10	6	E03187 Commission Expert Group on automatic exchange of financial account information E02414 Your Europe Editorial Board Members E03040 Expert group on European Structural and Investment Funds E03041 Expert group on removing tax problems facing individuals who are active across borders within the EU E02873 Expert group in charge of the follow-up of the European Year of Citizens 2013
11	1	E03226 Structured Dialogue with European Structural and Investment Funds' partners group of experts
12	2	E03371 Working Group on Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education E03407 Working Group on Digital Skills and Competences

*Note on Calls for Applications on the EC Expert Group Register:*

As of 10/7/2017, there were only 8 calls open for new applications to Expert Groups, of which 4 are continuously open. The relatively low number of calls suggests limitations in access to the groups, and especially for new members.

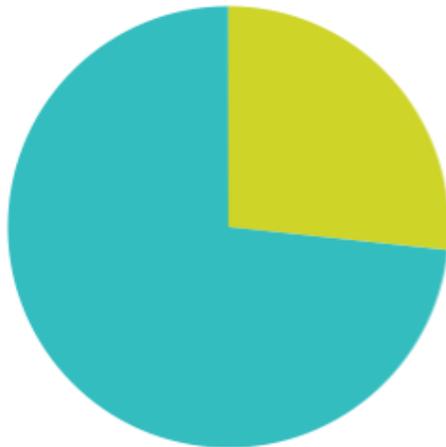
*Was the composition of the group balanced? (RR=28.3%)*



■ No ■ Yes

Yes: 53.3% No: 46.7%

*Did you have equal opportunities to contribute compared to other participants? (RR=28.3%)*



■ No ■ Yes

Yes: 73.3% No: 26.7%

*Do you have further comments or recommendations regarding the expert groups? (RR=13.2%)*

The most common responses related to a lack of information about the groups themselves, and how it is possible to join a group.

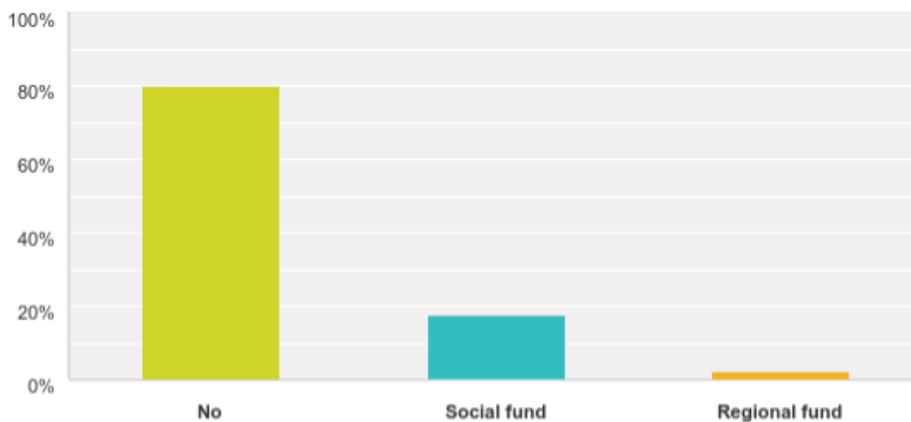
Similarly, a lack of transparency in terms of published agendas of meetings, minutes and other documents of said meetings was cited as a cause for concern.

There were mixed responses regarding the composition of the groups. Some claimed that groups were unbalanced, whilst others said that they were.

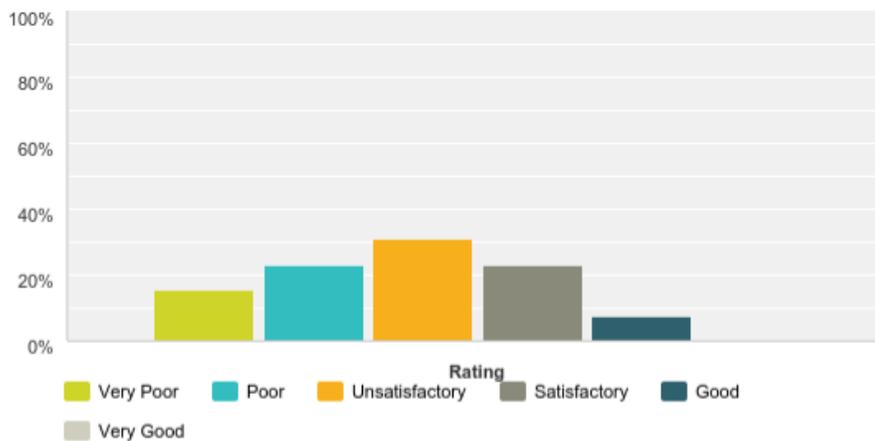
In addition there were mixed responses regarding their usefulness, and potential political bias.

#### 4.1.8 On ESIF Monitoring Committees

*Are you or have you been part of a structural funds monitoring committee? (RR=84.9%)*



*Did you find your participation effective? (RR=24.5%)*



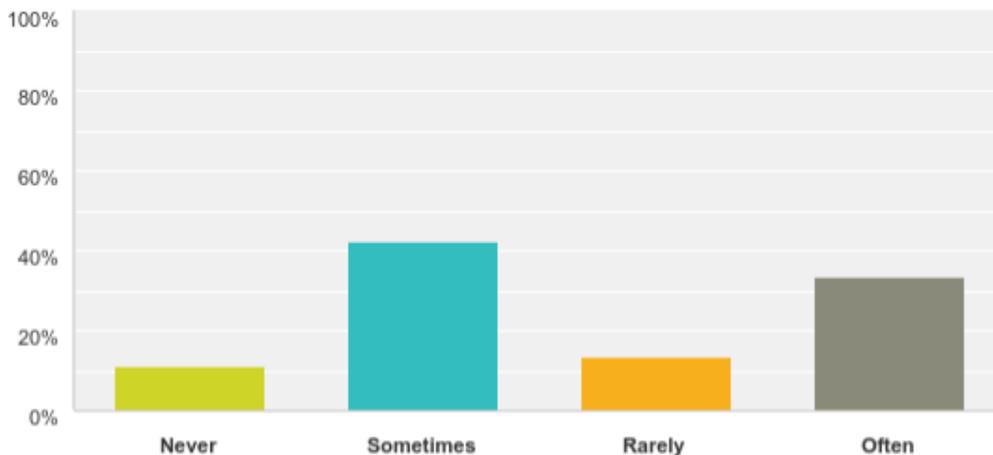
*Do you have comments or recommendations regarding participation in monitoring committees?  
(RR=11.3%)*

There were mixed responses regarding the impact of monitoring committees. Some respondents claimed them to be useful, especially in the context of gaining first-hand information, whilst others suggested they have little influence on approving criteria and that NGO representatives continue to have little proactive roles.

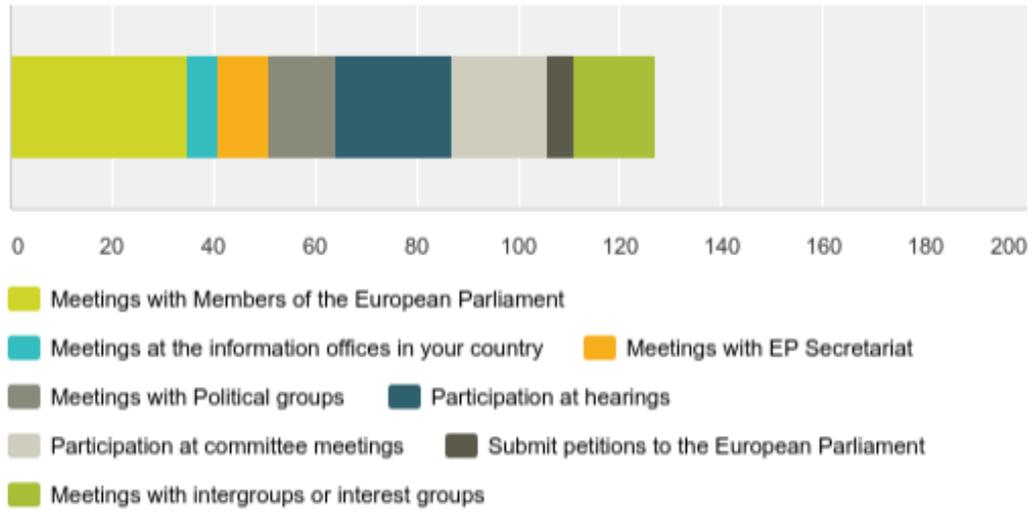
Some respondents raised an issue of lack of awareness and information about the committees. One respondent suggested that participation in the committee needs to be more time and cost-effective, and recommended that any participant in a committee should commit a certain amount of time and resources.

#### 4.2 Regarding the European Parliament

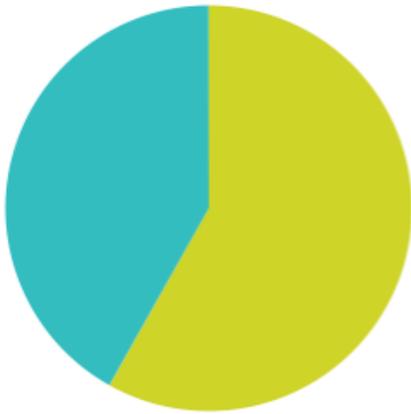
*Do you interact with the European Parliament? (RR=84.9%)*



*If you have contacts with the European Parliament, select one or more of the following options  
(RR=75.5%)*



Does your organisation have high-level interaction with the EP? (meetings with the President, Vice-Presidents, leaders of Political Groups, Presidents of Committees, invited to speak at Committee hearings, co-organisation of meetings) (RR=81.1%)



■ No ■ Yes

Yes: 41.9% No: 58.1%

If yes, can you give concrete examples in the last two years? (RR=28.3%)

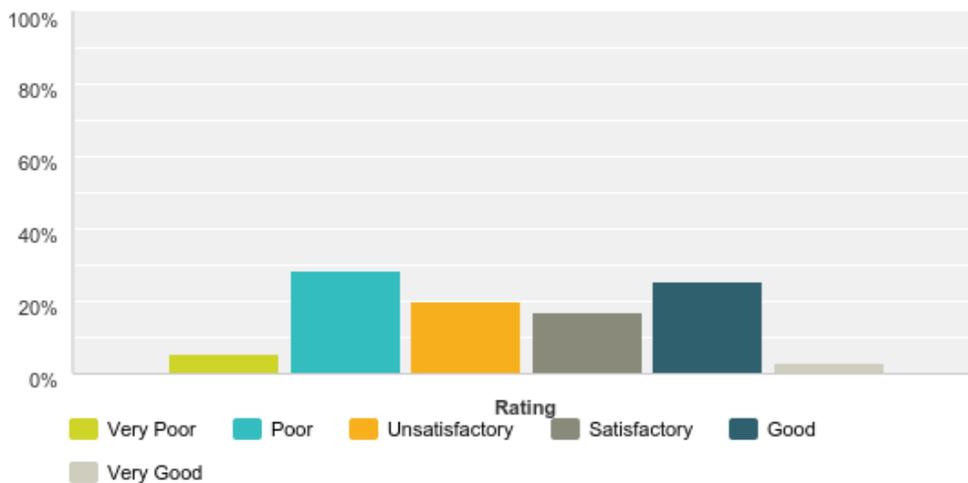
Cited interactions included a wide variety of sectors such as human rights, environment, social economy, youth, education, volunteering, inclusion of minorities, citizenship and regulation.

Respondents have participated in Parliamentary Intergroups, such as the Intergroup on Social Economy, the Youth Intergroup and the Intergroup on Freedom of Religion or Belief and Religious Tolerance.

Some respondents have regular meetings with Committee Chairs, such as IMCO, ENVI, ITRE and ECON, and others have participated in Committee Hearings, such as on TTIP, Erasmus+, Securitisation, EU Citizenship and e-Democracy. Other respondents have hosted breakfast meetings with the EP.

Respondents have contacts with Political Groups Presidents, and have participated in meetings with (former) President Schulz and Vice-President Lunacek. Also, some respondents indicated that they have regular contacts with MEPs, but they did not name them.

*Do you consider you are having an impact through your involvement with the European Parliament? (RR=66.0%)*



*Any further comments regarding your interaction with the European Parliament? (RR=18.9%)*

The majority of feedback regarding the EP was positive. Respondents highlighted examples of useful collaborations, including the adoption of e-participation in the EU. The relative ease of access and greater transparency/openness of the EP are seen as strengths. One respondent

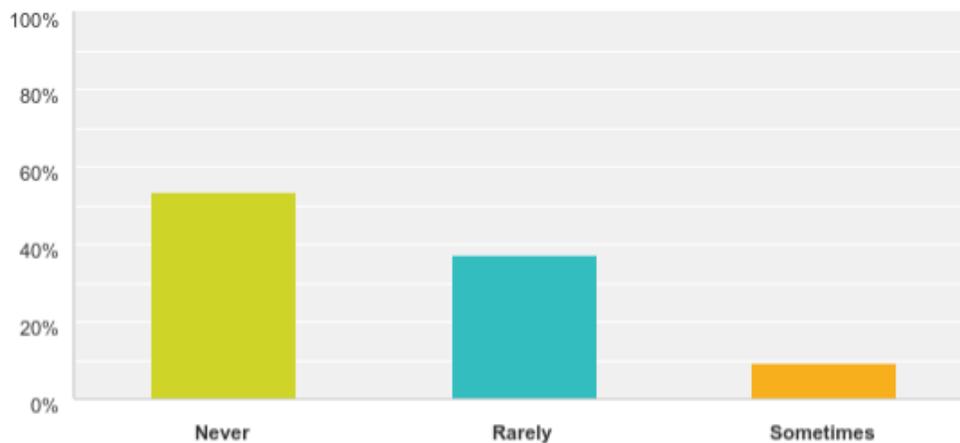
suggested that interaction with the EP is a great platform to increase visibility of certain issues. Another commented that the EP’s information service was good.

However, the most frequent concern raised was regarding the “questionable” impact of interactions with the EP suggesting that there is less “follow-through”.

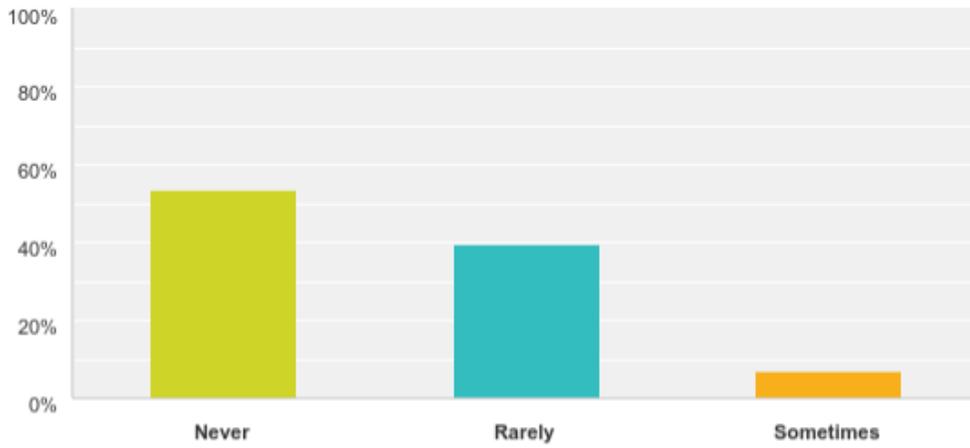
Other comments suggested that “more work” and “interaction” were needed. One respondent raised the issue of financial expenses in order to meet with Parliamentary representatives. One respondent proposed: *“There should be a national “Parliamentary Day” where MEPs, Commissioners, national parliament and civil society could talk about European Semester, Europe 2020 etc. That kind of “real debate with real decision makers” is missing.”*

### 4.3 Regarding the Council of the European Union

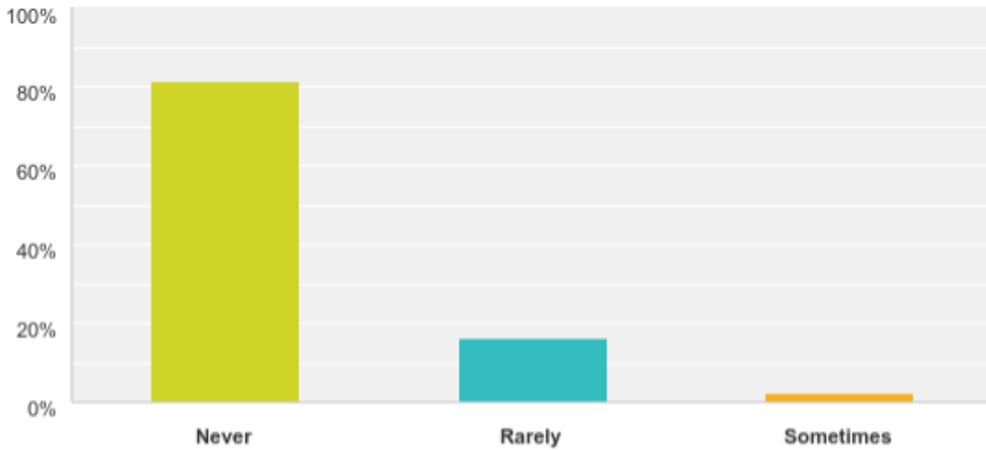
*Do you have contact with the Council of the European Union and its presidency? (RR=81.1%)*



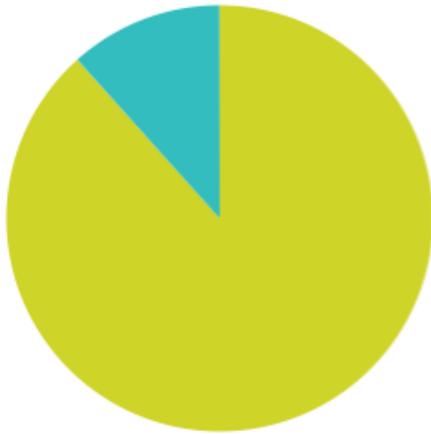
*Do you ever meet with national permanent representations of the Council? (RR=81.1%)*



*Do you ever meet with the Council Secretariat? (RR=81.1%)*



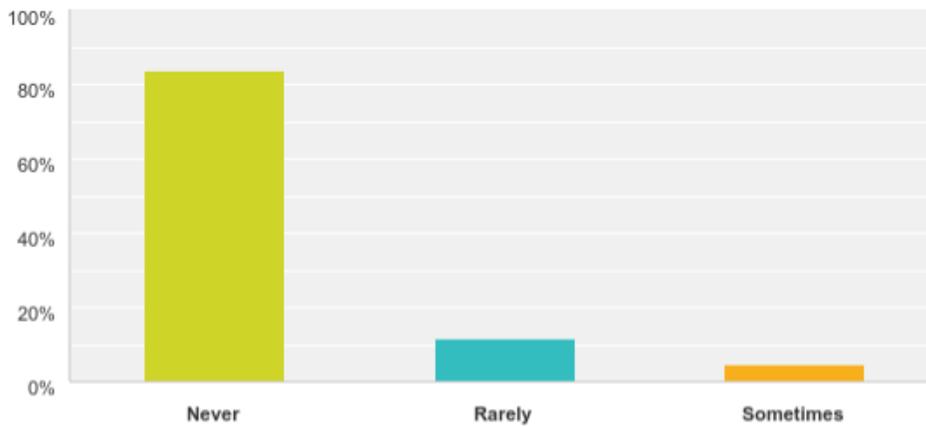
*Have you ever met with the European Council President or cabinet? (RR=81.1%)*



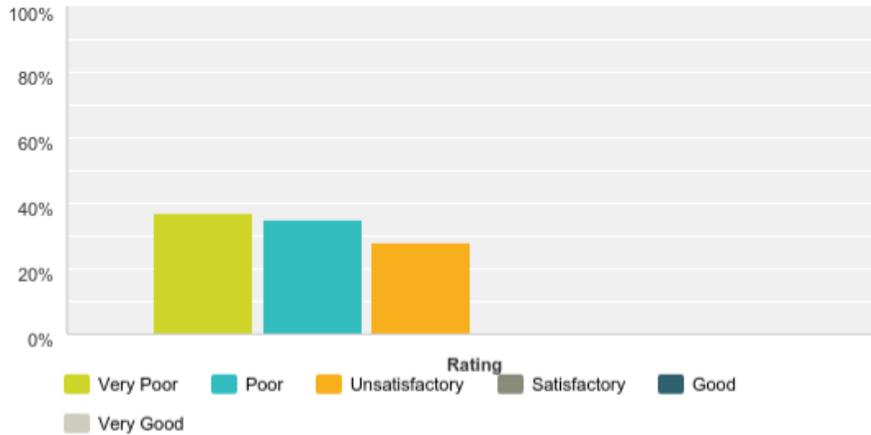
No Yes

Yes: 11.6% No: 88.4%

*Have you ever participated in informal Council meetings? (RR=81.1%)*



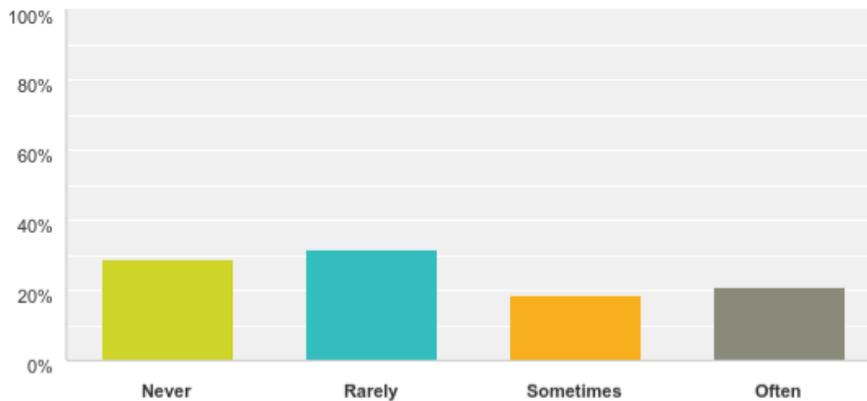
*Could you evaluate the transparency of the Council? (RR=81.1%)*



*If any, can you give concrete examples of your contacts with the Council (Permanent Representations, Secretariat, Presidencies) or European Council? (RR=20.8%)*

- Participation in seminars and bilateral meetings
- Regular meetings with rotating presidency and occasionally permanent representatives
- Meetings with permanent representatives on specific topics
- One contact with the Council Presidency regarding a specific piece of legislation

*Do you have meetings with your national Ministries on EU policies and legislation? (RR=71.7%)*



*Does your government organise public consultations on draft EU policies and legislation? (RR=52.8%)*



■ No ■ Yes

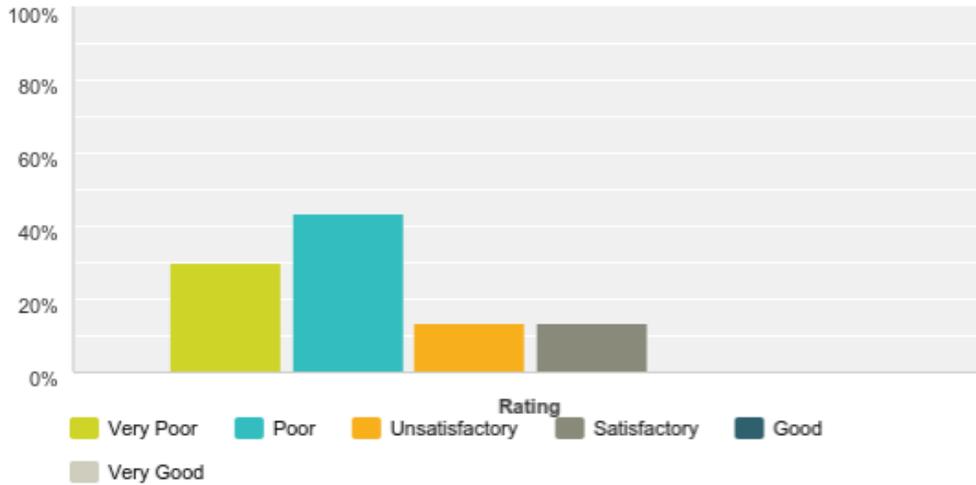
Yes: 32.1% No: 67.9%

*If yes, could you please give some examples? (RR=17.0%)*

Some respondents provided examples from Italy, such as on Social Economy in 2014, Slovenia, the “More Europe-More Slovenia” consultation, and another provided the example of Denmark but did not specify.

Some respondents who did not provide specific examples, but said “yes” on the above question were based for instance in Belgium and Germany. However, many other respondents said “no” from the same countries. This indicates that there is a significant lack of awareness of what is happening at the National Level in terms of public consultations on EU proposals. This is supported by the most common response to this question of “don’t know” or “I assume it does”.

*Do you consider you are having an impact through your involvement with the European Council and the Council of the European Union? (RR=56.6%)*



*Do you have other comments regarding your involvement with the European Council and the Council of the European Union? (RR=11.3%)*

The most frequent comments relate to issues of transparency. These include a lack of information of how CSOs can interact with the Council, a lack of feedback on work undertaken, the issue of undocumented trilogues, and restrictions on access to certain documents. One respondent recommended the complete abolition of trilogues.

Other comments raise issues with the political structures of the Council insofar as the structures impedes interaction with smaller grassroots NGOs, and that the lack of social actor status of NGOs (unlike trade unions for example) impedes interaction.

One respondent suggested that the Council articulates clear strategic political orientations in order to counter populist movements within the EU.

## 5. Interview Findings

### 5.1 CSO Interview Findings

All CSO representatives interviewed have a level of access to the EC. These include participation in expert groups, high-level meetings and structured dialogue processes. Three CSOs remarked

that they have access to Vice-President Timmermans, but have never had contact with President Juncker.

Specific contacts with DGs related mainly to the goals of the respective CSO organisation, however the following DGs were mentioned by multiple respondents: DG EMPLOY, DG EAC, DG NEAR and DG JUST. Inconsistencies in the approach of DGs has been critiqued. For instance, two different CSOs made a similar comparison between DG NEAR and DG JUST:

- *“With DG JUST, which was a bit less interactive than other DGs, for example consultation meetings with DG NEAR... their consultation meetings are more interactive so have these types of discussions in the mornings, workshops in the afternoons, or there’s this feedback coming from small group discussions and I think that it’s a bit more productive.”*
- *“DG NEAR has a more consistent practice of consultation... With DG JUST the results of our advocacy have been disappointing. Instead of a strategy, we have a list of actions committing only the European Commission which lacks consistency and ambition.”*

Three interviewees were critical of the overall direction of the EC, specifically the prioritisation of economic growth over social issues:

- *“The EU places economic growth before the social agenda. A significant example is the platform on poverty... became a platform on inclusive growth... There is also a clear contradiction in the portfolio of the Vice President who has the task to both work on fundamental rights and better regulation, the latter is understood as diminishing company’s obligations.”*
- *“It’s not always easy to come to the same terms with the EC, of course the views are very different... Before it was only focussed on economic growth and education for employment... Now it has started to change and is better, but it is really difficult to change these mindsets.”*
- *“The Commission and EU Leaders are working to maintain the status quo rather than introducing changes.”*

A specific comment was made regarding the perception of CSOs by the EC:

- *“There is a need for greater balance between CSOs influence and corporate interests and in this sense the Transparency Register is a first useful step. Yet there is an underlying problem to the success of this and other mechanisms: the EC officers often do not see the difference between the industry or NGOs. It is important that NGOs have increased*

*means and at the same time industry has decreased access to EU institutions. The Commission applies an open door policy which is not realistic given the imbalance between CSOs and corporate industry.”*

Comments regarding the EP were overall more positive. Respondents have participated in Parliamentary intergroups, have multiple contacts with MEPs and unlike the EC President, some organisations have had meetings with the EP President.

- *“The European Parliament, individual MEPs, and the youth intergroup are really good allies in seeing this vision and kind of forcing the EC to be even more ambitious in what it does.”*
- *“Parliament I would say is the easiest [to interact with].”*
- *“Within the Parliament we have contacts and responses from all Political Groups.”*

Comments regarding the Council generally indicated a restricted level of access, compared to the EC or EP. Some respondents noted that access was dependent upon the current Presidency and the agenda of that Presidency.

- *“The contacts being the Commission, the Parliament, [and] limited contact to the European Council.”*
- *“Frequency [of meetings] depends on relations with the current EU Presidency.”*
- *“Each Presidency has a specific point of view. They want this to be debated.”*

CSOs expressed desire for greater involvement with the Council at both the EU level, and the National level:

- *“Civil society organisations must be more involved with the Council its working parties, and the presidencies. They must liaise with member states before issues get on the EU agenda.”*
- *“Now for us the big challenge is the national engagement. This is so hard ... It’s a bit more difficult, more sensitive.”*
- *“We need to strengthen CSO involvement at EU level... NGOs lose trust in the state. They are hugely under-recognised at EU and Member State levels.”*

As a final general remark, most CSOs indicated that the success of their engagement with EU institutions depends upon the success of specific personal contacts with individuals across the institutions:

- *“[Success at the EU level is through] respectful relations between individual people involved, working in collaboration with NGOs.”*
- *“[Success from] very long standing working relations among the different organisations.”*
- *“I think contacts are very important: to whom you talk and at what time and it makes a big difference how you position yourself, because then you’ll have an impact for all your actions in the future.”*

Related to this, one respondent emphasised how internal personnel changes within the institutions can become a major inhibitor to CSO engagement. The larger comment has been provided for context:

- *“It’s also down to the people who are in charge because during this period you have, as part of the internal policy, ...in the European Commission but also in the Parliament, ... this internal mobility. So you have first a period, ...they are becoming a bit more familiar and then they are changed to another unit. They change to another DG, they change jobs, they leave. So this recycling of people ...it slows down. This is part of their internal policy. Eventually you are happy with a certain person that is getting familiar with it and then the new person... They have to learn again, they have to be sensitised to the urgency and it’s like with elections, at national level... You have politicians who finally are sensitised and really understand the urgency and then eventually they leave, or cannot be elected any more, so they have to be replaced and here we go again. It’s so difficult to get their political engagement at all levels that it’s very frustrating. That’s part of the policy process that many times you have to start all over again, sometimes using the same methods depending on who the person is, or eventually using new methods. But it’s a very slow process.”*

## 5.2 EU Institution Interview Findings

The respondents drew attention to the discussed mechanisms within the report as ways for CSOs to be involved in decision-making. A particular comment was related to the recent introduction of the Transparency Register as a success in this regard:

- *“Development and improvement of the Transparency Register has led to greater access to information on consultation for civil society.”*

However, different respondents expressed hesitance regarding the appropriate EU responsibility for CSO engagement:

- *“MEPs are not formally engaged in the selection of organisations participating in the structured dialogue, which is ruled by a procedure defined by the Commission. We do engage with them, though, and, as far as their selection is concerned, I have to say that it does not require any ‘decision’ from our side, since good advocacy, lobbying, or campaigning action done by CSOs speaks for itself.”*
- *“Governments select their own members and CCMI delegates to the EESC. Representatives from relevant CSOs provide specific knowledge to the field of the EESC that is very valuable to the activities of the EESC.”*
- *“There is a specific chapter on civil society enabling environment. However participation of civil society is not part of the acquis as such... It is difficult to push for politically.”*

Another respondent was clearer regarding this:

- *“The participation of civil society has definitely increased overtime. Certain representatives of civil society expect, beyond information, and consultations and dialogue, to be part of decisions which are the sole responsibility of EU institutions. This is badly perceived by the European Commission and this affects the possibility of a constructive dialogue.”*

Different suggestions were made for improvements of CSO engagement, though the majority were directed at CSOs themselves to be more pragmatic and to specialise further:

- *“Article 11, 2 is vague and no implementing act is foreseen. Civil society should suggest concrete measures for the implementation, but should also be more pragmatic... It is important to look first at what exists and try to improve their functioning rather than creating new structures that may prove cumbersome and ineffective in the end.”*
- *“Civil society organisations... are often not specialised enough on the different policy topics. They struggle to convince governments of their added value.”*
- *“An expertise from NGOs to a certain extent is also appreciated.”*

## 6. Feedback from National Permanent Representatives

Due to the confusion indicated by the survey findings, all 28 permanent representatives of the EU member states were contacted regarding what is currently happening at the national level in determining national positions in relation to EU policies and legislation, and whether there are public consultations and other mechanisms that are in place to enable dialogue with civil society.

As of April 2018, 11 member states have responded to our enquiry.

### 6.1 Belgium

Belgium responded that the definition of the Belgian position on EU policies and legislation is coordinated by the Directorate-General European Affairs and Coordination at the Belgian Ministry of Foreign Affairs, which invites competent ministerial representatives and experts from various authorities and administrations to express their positions. This can imply participation of specialized governmental institutions or advisory bodies, IEFH, or, regarding justice and internal affairs, the participation of the federal police, prison administration etc. In principle, no public consultations are foreseen in this process. Professional interest organizations can express their views indirectly via competent experts. Some external stakeholders are indirectly consulted at the beginning of each new rotating presidency. Also, before and after each Council, the annotated agenda and the report are provided for information to the House of Representatives.

However, Belgium did organise public consultations during the preparation of the Belgian EU Presidency 2010. A Task Force Europe 2010 was created, for which a priority was the

consultation of citizens and civil society on the program of the Belgian EU Presidency 2010. This took place in three stages:

- A discussion forum was created in Autumn 2008 to receive and treat opinion of citizens and civil society. During the six weeks of its operation, the forum had only limited success, with 529 comments on 22 questions.
- A written consultation of the official advisory bodies was organized, with their advice contributing to the operational part of the program of the Belgian EU Presidency 2010.
- Seven seminars were organised between March and July 2009 with representatives of official advisory bodies, social partners, NGOs to deepen certain specific European themes.

## 6.2 Bulgaria

Based on the Law on Access to Public Information, the Bulgarian government manages a Portal for Public Consultation. The portal aims to encourage cooperation between citizens, businesses and non-governmental organizations and experts in government institutions in formulating policies and drafting laws. The portal provides access to information on planned changes in Bulgarian policies and legislation. Ministries have their own user accounts to access the portal. They can publish strategic documents and draft regulations in the Public Consultation section. This allows interested parties to obtain background information on planned changes and to participate in the improvement of proposed policies and legislation. The institutions are responsible for publishing the results of their public consultations and related discussions, as soon as possible after the consultation period closes.

With regard to public consultations on draft EU policies - Art. 16b (2014) of the Decree № 85/2007 by the Council of Ministers provides for the creation of a web-based Consultation center for Public consultation on draft EU policies and legislation (<http://www.euaffairs.government.bg/en/index.php> ). According to the Bulgarian authorities, the results of the public consultations are reflected in the framework positions which are drafted for each piece of draft EU legislation. Implementation of this measure lacks consistency: while there is a direct link to all EC consultations open via the website “your voice in Europe”, on the consultation centre for on important issues for Bulgaria on the European legislative agenda, last consultations date from 2016.

An example of such a public consultation on draft EU legislation, was initiated on the platform is the Proposal for a ‘*Regulation of the European Parliament and of the Council*’ amending

Regulation (EU) N° 1303/2013 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (<http://eur-lex.europa.eu/collection/n-law/n-case-law.html> ). The consultations started on 05.07.2016 and ended on 27.07.2016.

In addition, Bulgaria has in place an inter-ministerial coordination mechanism on EU affairs, established by Decree № 85/2007 from 2007 by the Council of Ministers. The mechanism regulates:

- The participation of the Republic of Bulgaria in the decision-making process of the European Union – in this regard, the central element is the drafting of a framework position on each piece of draft EU legislation, by each competent ministry.
- The implementation of the EU membership obligations of Bulgaria – the transposition of EU legislation within the Bulgarian legal system and its implementation

All framework positions for the participation of the Republic of Bulgaria to the decision-making process of the EU adopted by the Council for European Affairs are available to the public under the provisions of the Law on Access to Public Information.

Furthermore, Decree № 85/2007 provides the opportunity for representatives of the civil society to participate in the decision-making process as follows:

- Art. 6a (5) – Participation (if considered necessary) to the weekly meetings of the Council for European Affairs - (<http://www.euaffairs.government.bg/en/page.php?c=17> )
- Art. 7 (6) and Art. 8 (1) – Taking part (if considered necessary) in working groups under the Council for European Affairs (<http://www.euaffairs.government.bg/en/page.php?c=16> ).

For example, the Council for European Affairs held a meeting on 20.03.2017 with representatives of the National Council for Tripartite Cooperation (NCTC) to discuss the priorities of the forthcoming Bulgarian presidency of the Council of EU in 2018 and the future of the EU. The National Council for Tripartite Cooperation (NCTC) is chaired by the Deputy-prime Minister for economic and demographic policy and includes members from the Bulgarian industrial association, Confederation of Independent Trade Unions of Bulgaria, Confederation of Labour, Confederation of Employers and Industrialist in Bulgaria and other relevant trade unions and stakeholders.

## 6.3 Czech Republic

The Czech Republic responded by stressing that they strive for an inclusive process of defining the priorities and positions of the Czech Republic towards the EU policies. This includes intense inter ministerial and parliamentary discussion, regular consultation of social and economic partners as well as debate with civil society and the public. The Statute of the Committee for the EU affairs provides for consultation of relevant CSOs at the ministerial working level, and position documents should make reference to such consultations. Selected draft EU policies and legislation are consulted with social and economic partners within the EU dedicated Working team of the Council of Economic and Social Agreement.

In order to have a broader strategic consultation of stakeholders, a permanent venue for debate on European issues was launched by the Office of the Government in November 2014 called the National Convention on the EU. This aims to initiate debate on Czech priorities within the EU, build consensus between different partners and representatives, and to form concrete recommendations to the Government in respect of Czech EU policy. These debates take the form of regularly convened thematically specified roundtables, expert discussions and conferences, in addition to public events such as seminars and discussions. Since 2014, 29 roundtables and 4 seminars/expert discussions were organised, with the participation of around 300 organisations.

Examples of policies that the the National Convention has addressed include:

- The defence policy of the EU (19 May 2017)
- The EU pillar of social rights (24 February 2017)
- EU-Turkey relations (10 February 2017)
- In addition, energy policy, migration, the Digital Single Market, and TTIP

## 6.4 Denmark

Denmark confirmed that consultations on EU policies and legislation are taking place within the Danish EU decision procedure.

According to this procedure, first the EU issue is submitted to a special Committee consisting of civil servants from ministries and Directorates and, depending on the issue, relevant stakeholders, i.e. business, civil society including interest organisations, academia, social

partners, NGOs. Each Ministry has such special committee which are about 30 in total. They are organised according to the topic (e.g. special committee for health questions) and their composition can vary according to subject and purpose. A meeting in a Special Committee is called when a proposal has been put to a working group in the Council of the European Union. The Special Committee identifies the content and possible impact of the proposal and presents the preliminary Danish position.

The EU proposal is then submitted to an EU Committee which is composed by civil servants and presided by the Ministry of Foreign Affairs, and then passed on to the Government's Foreign Affairs Committee at Ministers level where the Government final position is defined and to the Parliament's European Affairs Committee prior to the EU Council Meeting.

We were provided with an example of the Commission's consultation on "Fintech: A more competitive and Innovative European Financial Sector" which ended in June 2017. In the response provided to the Commission, there is no description of the consultation process, nor a list of organisations consulted. We can assume from the text that consumer organisations have been consulted.

## 6.5 Hungary

In Hungary, generally the Inter-Ministerial Committee on European Coordination has the task of defining the basic elements of the Hungarian position concerning all new EU drafts. Before submitting a draft to this Committee, the competent ministry is responsible for conducting, where necessary, consultations with relevant stakeholders, social and economic interest groups, the results of which are to be reflected in the draft negotiating position.

The responsible ministries follow different practices regarding consultation, as well as to the methods thereof. They may be publically available online, or targeted towards interest groups through letters, meetings, workshops or conferences. In some cases the draft EU acts are issued in non-public documents with classification, or other distribution markings, which prevents the ministries from conducting consultations with non-governmental stakeholders. Also, in some cases relevant ministries actively direct stakeholders towards public consultations conducted directly by the European Commission.

Hungary provided examples of consultations related to the internal market:

- Draft EU regulation on addressing geo-blocking and other forms of discrimination based on customer's' nationality, place of residence, or place of establishment within the internal market and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Published 13 June 2016)
- Draft EU regulation (and in connection, a draft EU directive) on introducing a European services e-card and related administrative facilities (Published 25 January 2017)
- Draft EU regulation on setting out the conditions and procedure by which the Commission may request undertakings and associations of undertakings to provide information in relation to the internal market and related areas (Published 25 May 2017)

## 6.6 Ireland

The Irish Government Cabinet Handbook (Chapter 3 and Appendix 3) states that seeking approval for legislation involving changes to the regulatory framework including the transposition of EU Directives and Regulations must be accompanied by a Regulatory Impact Analysis (RIA). Where a RIA falls to be conducted, the steps of the RIA model as outlined in Appendix III of the handbook must be followed. There are two levels of RIA, a Screening RIA and a Full RIA (the significance and impacts of the proposal determines which should be applied in a particular case).

The level of consultations required is significantly greater with a Full RIA. For example, under a Screening RIA, the consultation procedure is defined as:

*'Summary of the views of any key stakeholders consulted - which must include any relevant consumer interests and other Government Departments.'*

Whereas for a Full RIA:

*'A formal consultation process to be held with a reasonable time-frame for responses. Views expressed during this process to be summarised and addressed in the RIA document.'*

A link was provided to the Irish Government Cabinet Handbook, and can be found here:

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_Archive/Publications\\_2007/CABINET\\_HANDBOOK2007.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2007/CABINET_HANDBOOK2007.pdf)

Ireland provided an example of the Department of Communications, Climate Action and Environment who opened a public consultation on The Clean Energy for All Europeans Package on 22 February 2017 which closed on 8 May 2017. A link to this consultation can be found here:

<http://www.dccae.gov.ie/en-ie/energy/consultations/Pages/Consultation-on-Clean-Energy-Package.aspx>

## 6.7 Latvia

Latvia confirmed that they do conduct public consultations on draft EU policies and legislation before defining an opinion on the EU position in question. These are in accordance with a Cabinet of Ministers Regulation (Number 96, February 3 2009) that outline the procedure for preparing, coordinating, approving and updating the Latvian position on EU policies and proposals. Governmental institutions are responsible for contacting relevant social partners and NGOs that fall within the competence of each institution, and are responsible for informing those partners about follow-ups and results.

Examples provided included:

- Coordination meetings between the Ministry of Foreign Affairs and partners between 10-11 November 2016 regarding EU Multinational Financial Framework after 2020
- Letter to partners on 7 April 2017 in order to be consulted about their interests in the Brexit process
- Additionally, meetings occur with partners prior to each European Council meeting

## 6.8 Lithuania

Lithuania responded by providing the regulations that structure their public consultation processes. For instance, Article 7 of the Law on Legislative Framework provides that the public be consulted in due time on key issues (effectiveness) and to the extent necessary (proportionality). Methods of consultation and of recording results are chosen by the initiating entities. However, there are no specific rules on draft EU policies and legislation.

In practice, representatives from CSOs, social partners, business and experts may participate in consultation on public policy issues. Consultations for specific topics are advertised in advance

on the Government website, concrete proposals are recorded and analysed, and the summary information is published on the website at the end of consultation.

Lithuania provided the example of the Ministry of Energy launching a consultation on 1 December 2015 on “*Proposal for a regulation of the European Parliament and of the Council setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU*”. This ended on 30 June 2016.

Lithuania also noted that they have implemented a project ‘*Open Government Initiatives*’, in partnership with the public institution ‘*Invest in Lithuania*’. The aims of this project include forming a common practice of public consultation, increasing effectiveness of public participation, informing society about government activities, and enhancing public involvement in decision-making. So far, sixty-nine consultations have been held in the framework of this project.

## 6.9 Luxembourg

Luxembourg responded that the Government has not yet organised any public consultations on draft EU policies and legislation before defining its position on the matter. However, the national parliament regularly organises public debates on EU-policy related issues. Examples of these debates given were regarding the future of the EU on the basis of the Commission’s white paper, and the impact of Brexit on Luxembourg.

## 6.10 Poland

In Poland, there are no uniform rules applicable on the national level obliging Government ministries to conduct consultations on draft EU policies and legislation. However, the ‘*Act of 8 October 2010 on cooperation of the Council of Ministers with the Parliament on membership matters of the Republic of Poland in the European Union*’ obliges the Government to prepare its’ positions for drafts of EU legislative acts, and at the request of the Polish Parliament for non-legislative acts. The law does not impose the Government to conduct consultations, but in principle it is assumed that *social partners* should have the opportunity to express their opinions on new EU initiatives.

Public consultations on draft EU policies and legislation are deemed to constitute the best practice in the Polish Governmental administration. In some cases, the competent authorities monitoring the preparatory work of the Commission consult *social partners* prior to the publication of a draft legislation. If public consultations take place, information about these and their results are included in the Government's positions transmitted to the Parliament.

Information about the possibility to review the documents and submit comments is usually published on the websites of relevant Ministries, and all received opinions are gathered and analysed. Some Ministries consult on all EU drafts, whilst others focus on specific drafts of importance. Most of the Ministries publish the results of consultations on their websites.

Poland provided the following examples:

- The Ministry of Digital Affairs carried out public consultations on 28 projects in 2016, and 5 projects in 2017 related to draft EU policies and legislation.
- Since 2012, the Ministry of Culture and National Heritage consults publicly on all draft EU legislation. For example, it consulted on the Commission proposal to modernise copyright on 14 September 2016. More than 60 industry organisations, media representatives and 4 individuals sent their opinion, and the results were published on the website of the Ministry in October 2016.
- The Ministry for Economic Development has called for public consultations immediately after the publication of a proposal for a Directive of the European Parliament and of the Council on the European Accessibility Act.
- The Ministry of Health consulted industry and civil society representatives regarding the proposal for a regulation of the European Parliament and of the Council on veterinary medicinal products.
- The Ministry of Energy carried out public consultations on 4 regulations and 3 directives from September 2016-September 2017

## 6.11 Sweden

Sweden responded that since autumn 2016, the Swedish Government has launched several initiatives to improve the engagement of citizens at the national level to be involved with EU policies.

Sweden utilises thematic consultation forums, *sakråd*, to engage with civil society and other stakeholders. When these forums cover EU level issues, they are called EU thematic

consultation forums, *EU-sakråd*. Thematic consultation forums supplement other existing consultation procedures and help provide more structured feedback and increased transparency. All invitations for these consultation forums as well as official reports from the meeting are published on the Government website.

The most recent example is the EU thematic consultation forum that took place on November 8 2017 to discuss the reflection paper on harnessing globalisation, linked to the Commission's White Paper on the future of Europe. The Minister for EU Affairs and Trade, Ann Linde, hosted this meeting with 21 delegates representing think tanks, civil society, trade unions, governmental agencies and others.

Another example is the February 16 2017 EU thematic consultation forum to discuss the Commission's proposal for services package. Around 30 organisations participated, and invited to complement with written comments.

## 7. Feedback from the Secretariat General of the European Commission Regarding the Definitions of Mechanisms

We contacted the Secretariat General of the EC for comments on the confusions of defining the differing mechanisms of civil dialogue, and especially the conflation of various mechanisms as falling under the title of 'Expert Groups'. They responded as follows:

*"The Register of Commission expert groups and other similar entities (<http://ec.europa.eu/transparency/regexpert/index.cfm>) hosts advisory bodies (not mechanisms), as defined in article 2(1) and 2(2) of Commission's decision C(2016) 3301, and which provide the Commission and its departments with advice and expertise in relation to a number of tasks.*

*The name of these advisory bodies – for instance, High-Level Groups, Committees, Platforms, etc. – is not key to determining their nature and functioning. What matters is the role and tasks that these bodies perform, as well as their composition, as laid down by the above-mentioned Commission decision.*

*Institutionally speaking, all advisory bodies published on the Register of expert groups are ‘Commission expert groups’ (95% of the total number of bodies published) or ‘other similar entities’ (5%), irrespective of their formal name.”*

When examining the horizontal guidelines<sup>8</sup> in force, it appears that the register includes expert groups assisting the Commission in relation to: the preparation of legislative proposals and policy initiatives; the preparation of delegated acts; the implementation of EU legislation, programmes and policies, and in some cases implementing acts, but it is not just a “civil dialogue’ register as it includes equally bodies composed exclusively of Member States (type D) members. NGOs are included in type C members which also include companies, social partners, consultancies, law firms. Type B members are individual experts which may also be employed or affiliated to organisations promoting either private or public interests.

As a result, the guidelines do not include any provisions to ensure balance between different groups represented or guidelines for the Commission to choose representatives. The decision for each group must only refer to the type of members or combination of members chosen. In practice some of the decisions to establish such groups try to ensure such balance, but this is far from being the general rule. For instance some groups only include business representatives or associations representing industry interests<sup>9</sup>, although the Commission would need also expert advice in these areas by for instance consumer, environmental or public health organisations.

In the register it is possible to search for expert groups that include type B members (organisations) and to select NGOs, however this is not possible for all DGs. For instance we could not use this tool for DG JUST. Also not all expert groups with individual experts (type B) indicate their professional or voluntary affiliation. It is therefore not easy to see whether they are linked with societal or business interests. Furthermore a number of professional or industry federation organisations that may have a not for profit status are registered as NGOs in the database as it is often the case in the Transparency Register, although the Expert Group register offers the possibility to indicate that experts are from professional organisations, business, etc. It is also not clear whether Member States are always represented by civil servants as no names or reference to Ministry departments are provided. This means that by the search option it is not possible to identify the number of CSOs active in expert groups in comparison with other participants.

<sup>8</sup> Brussels, 30.5.2016 C(2016) 3301 final & C(2016) 3300 final

<sup>9</sup> See Technical expert group for food contact materials (E03354) <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3354> & <http://www.chemtrust.org/secretive-commission/>

We also note that some DGs are leading mostly expert groups exclusively composed of Member States, although most of the topics would benefit from NGO expertise, while these issues are mostly not covered by other consultation mechanisms.

745 expert groups are currently included in the register, but as of 19 April only 9 calls for members were open of which only 3 were not “continuously open calls”. It is not clear whether these calls are always published. CSE has been contacted to suggest membership of an expert group, when the call had not been published. There is also a risk that the same organisations have a privileged access to nominations, while there might be organisations or experts that would have more expertise or representativity.

## 8. Survey of different Directorate Generals

CSE sent letters to all the Directorate Generals of the European Commission beginning of August 2017. 18 had responded in writing by the end of 2017. One additional DG organised instead a meeting at unit level (DG Trade). Most Director generals responded in person with the exception of DG Home, DG NEAR, and DG JUST where a head of unit responded. DG EMPLOY, the EEAS, DG HR, DG COMM, DG ENER, DG ENV, DG CNECT, DG EAC and DG ESTAT have not responded.

All were asked to indicate who was responsible at what level of relations with civil society within their DG and to describe what mechanisms were in place for engagement with civil society representatives, beyond specific meetings and to provide concrete examples. We were therefore not so much interested in written consultation organised, although many sent information in their letters.

The Following DGs have indicated they have dedicated units that coordinate relations with Civil Society: DG AGRI, DG MARE, DG TRADE, DG FISMA, DG SANTE, DG NEAR. Others have indicated contact persons for civil society in units dealing with inter institutional relations and Communication. All others have communicated a contact person for follow up on our queries.

A number of DGs have set up mechanisms to ensure dialogue with civil society organisations on relevant topics, for others this happens exclusively within expert groups. Other DGs see this interaction mainly happening through specific events.

Several indicate that they “engage with Civil Society to “gather input, but also to ensure transparency and accountability in its policy making, in line with the overall Commission objectives of better regulation and transparency in European policy making”. Only a few indicate a commitment to dialogue with civil society that stems from framework policy documents. Only DG DEVCO and DG HOME have referred to Article 11 of the Treaties, but the latter as a legal basis for a funding programme.

It emerges clearly that some DGs are proactive in establishing a dialogue with civil society , while others have yet to establish a concrete strategy for this. Some DGs appeared in their responses more concerned about ensuring specific dialogue with NGOs and striking a balance with other stakeholders such as industry. It also appears that there is no coordinated approach by the Secretariat General to ensure guidelines on interaction with civil society and feedback from DGs indicates that at this stage there is no appetite for developing a common basic approach, which makes the implementation of article 11 very sketchy.

Below is a summary of the responses provided by the different DGs:

### **Directorate General Migration and Home Affairs**

DG Home explained that interaction with Civil Society happens through the Civil Dialogue Group which has been established within the framework of the Europe for Citizens Programme. The basis for the Group is Article 11,2 of the Treaty and Article 10 of the Council Regulation establishing the Europe for Citizens which provides that the EC should have a regular dialogue with programme beneficiaries and relevant partners and experts. This is not registered as an expert Group.

Organisations participating which include both NGOs, think tanks and organisations of local and regional bodies have nevertheless complained that the dialogue is not well planned, that agendas are not discussed in advance and that the meetings have become too focused on the programme implementation rather than on important issues such as the preparation of the EU annual citizenship report. This is probably also due to the lack of coordination with DG JUST that has competence on citizenship issues.

DG HOME is the lead organiser of 62 expert groups mostly composed of member States. Only 3 include NGOs: Civil Society Forum on Drugs, Expert Group Economic Migration (1), and the Standing Committee on Precursors (1)

### **Directorate General for Agriculture and Rural Development**

DG AGRI has a long history of dialogue with civil society which started with advisory groups on the Common Agricultural policy and evolved into Civil Society Groups in 2014. These are filled through calls for application. There are currently 13 CDGs in the field of agriculture and rural development and they deal with the horizontal aspects of the CAP: animal products, milk, arable crops, horticulture, olives and spirits, wine, direct payments and greening, environment and climate change, forestry and cork, international aspects of agriculture, organic farming, quality and promotion and rural development. These groups, which are all registered as expert groups, liaise with the relevant units in DG AGRI, but the organisation and coordination is ensured by the Unit I.4 "Adoption Procedures, committees, expert groups and civil dialogue groups.

### **Directorate General Budget**

DG Budget is interacting with civil society through an annual conference on the budget, and more topical events (Financial rules, MFF) and citizens dialogue in the member States. CSE has had a number of direct interactions with DG Budget to facilitate contacts with its members on the MFF and financial regulations. Very few NGOs report contacts with DG Budget. No stakeholders meetings are organised and annual conferences are very large with the last on MFF with over 1000 participants.

### **Directorate General on Mobility and Transport**

DG MOVE Direct dialogue with civil society are organised through expert groups. In addition to these workshops may be organised such as for instance to discuss initiatives at the International Maritime Organisations. DG MOVE indicated that it has regular dialogues with a number of CSOs in the field of passengers' rights: BEUC, EDF, European Transport Safety Council, European Association of Road Traffic Victims and European Cyclists Federations.

### **Directorate General Justice and Consumers**

DG JUST manages around 70 experts groups. Many of them only include type D members (Member States), some further only individual experts groups. Around 10 expert groups include civil society. It is to be noted that several expert groups that only include Member States would benefit from civil society expertise. This is the case for instance in areas such as electoral law, drugs, privacy protection of individuals, etc.

In its response DG JUST indicates that workshops and networking Fora are organised in addition with Civil Society. Example provided are an annual informal meeting with the representatives of victims ' support organisations, meetings organised in the framework of the Digital Single Market Strategy for Europe, meetings to prepare the privacy Shield annual review, concerning trade agreements impact on data protection, consultation meetings on its policy on the rights of the child, regular meetings as part of the EU Framework for National Roma Integration Strategies up to 2020, as well as the European Platform for Roma Inclusion, meetings on the Commission Coordinator on combating anti-muslim hatred and of the Coordinator on Combating Antisemitism. Finally DG JUST indicates regular discussions on free movement and right to vote with ECIT (European Citizens Rights Involvement and Trust) and ECAS (European Citizen's Action Service)

### **Directorate General Competition**

DG Competition expressed availability to meet and provide information about their work to civil society organisations. In autumn 2017 DG COMP published a booklet targeting civil society organisations about their work and offering follow up meeting with civil society and their members.

Different examples were also provided of processes for public consultation processes with public hearings on different policy initiatives such as the Directive to empower National Competition Authorities to be more effective enforcers in 2016-2017 or the evaluation of procedural aspects of EU merger control (2017). Public consultations are also held as regards to sector enquiries (e.g. e-commerce sector enquiry and capacity mechanisms for electricity supply in the area of state aid control).

DG competition also publishes full information on notified merger procedures and decisions to start merger investigations allowing civil society to comment, including on remedies offered by merger parties. Information on state aids investigations are also published for comments, although responses are subject to confidentiality.

Consumer surveys are organised for certain merger and an-trust investigations. For instance as regards the commitments submitted by Gazprom as regards the gas markets in Central and Eastern Europe.

There is no unit that coordinates DG COMP engagement with civil society representatives. The units responsible for coordinating the specific instruments (antitrust, merger, and state aid)

coordinate the policy consultation, although sectoral units for specific cases also liaise with civil society.

DG COMP provided a contact for cooperation within the Communication's policy and interinstitutional unit.

### **Directorate General for European civil protection and humanitarian aid operations (ECHO)**

NGOs specialised in humanitarian aid are among the implementers of humanitarian aid next to UN agencies or the International Committee of the Red Cross through framework partnership agreements.

DG ECHO describes dialogue with NGOs as constant and covers strategic priorities, challenges and opportunities and ways to reinforce cooperation. As an example geographical units discuss with NGOs Humanitarian Implementation Plans of financing decisions, but there is also a constant dialogue. Furthermore, there are regular structural dialogue meetings with VOICE, the network of NGOs who are also ECHO partners. A specific unit (D1) coordinates the structured dialogue with VOICE. DG ECHO is also invited regularly to VOICE general Assemblies. In addition, an annual Partners Conference is organised by DG ECHO.

Another area of dialogue is the EU aid Volunteer Initiative which brings together volunteers and organisations to provide practical support to humanitarian aid projects and "contribute to strengthening the local capacity and resilience of disaster - affected communities". Communication and outreach on this initiative is organised together with NGO partners. The EU Aid Volunteers Platform is also a space for dialogue and a first evaluation was carried out last year.

Last year DG ECHO also carried out an evaluation of its humanitarian aid during the 5 previous years in consultation with CSOs.

As regards civil protection activities, DG ECHO organises every two years a European Civil Protection Forum, which gathers on strategic discussions the whole civil protection community.

### **Directorate General for internal market, industry, entrepreneurship and SMEs (DG GROW)**

In addition to participation in consultations according to the Better Regulation Agenda, DG GROW organises a complaint procedure SOLVIT in case of "wrong application of rights under EU

law” and to submit cases of unfair rules and decisions and discriminatory red tape or business or citizens. CSOs can submit complaints on behalf of a citizen.

DG GROW also organises involvement with stakeholders through expert groups (4 include CSE members), and via events and conferences. CSOs participated in the preparation of the first European Industry Day in February 2017. A Single Market Forum is also organised regularly to examine the state of the Single Market, the transposition and implementation of directives and to exchange best practices, and discuss strategies for the future.

### **Directorate General Climate Action**

DG CLIMA acknowledges the important role that civil society plays in delivering climate action on the ground and in the implementation of the Paris Agreement.

In addition to consultations organised in compliance with the Better regulation package, a regular dialogue is maintained with representatives of civil society throughout the negotiation process within the [UNFCCC](#) (United Nations Framework Convention on Climate Change) sessions and in Brussels.

DG CLIMA leads 6 expert groups. 4 of them are composed of member States only and 2 of them are open to civil society. Environmental organisations are part of these expert groups.

DG CLIMA also regularly consults with the European Economic and Social Committee, which it considers “the representative of European Civil Society and other stakeholders”.

Coordination of engagement with civil society is under the responsibility of the Directorate for International Affairs and Mainstreaming unit A1.

### **Directorate General Economic and Financial Affairs (DG ECFIN)**

DG ECFIN informed that their Unit on Interinstitutional Relations and Communications is responsible for “communicating to key stakeholders and the public on the Commission’s policies in the field of economic and financial affairs”. The unit organises the “[Brussels Economic Forum](#)” which gathers annually key decision makers, business and civil society, and “stakeholders’ seminars’ covering issues such as the economic governance, the investment plan for Europe, structural reforms, EU economic outlook or the deepening of the Economic and Monetary Union. In addition to these more formal meetings, specific meetings are organised

with civil society during the preparation of key policy papers. In 2017 this happened particularly with the Reflection Paper on the deepening of the Economic and Monetary Union.

### **Directorate General for International Cooperation and Development**

DG DEVCO referred to article 11 in its response, as well as to the European Instrument for Democracy and Human Rights and the Development Cooperation Instrument as a basis for such dialogue. In DG DEVCO there is a specific unit 'Civil Society Organisations, Foundations' that deals with relations with civil society, supported also by the unit "Gender Equality, Human rights" and Democratic Governance".

Relations with civil society also happen through thematic and geographical units and EU delegations in partner countries.

Among the mechanisms for interaction with civil society, DG DEVCO mentioned 2016 Civil Society Forum and the 2017 Partnership Forum., which also enabled contacts with human rights defenders.

Regular strategic dialogue happens through Policy Forum in Development which meets annually, but is supported by a twice a year regional and multi stakeholders meetings and a Task Team meeting<sup>10</sup>.

### **Directorate General for Health and food safety**

DG SANTE states that it is committed to ensure "good dialogue and appropriate consultation of the EU stakeholders that are having interest in health and/or food safety area".In the field of food policy, dialogue takes place through the [Advisory Group on the Food Chain and Animal and Plant Health](#). The Advisory Group is consulted on the Commission work programme in this area and related measures. The unit responsible is 'Science, stakeholders, enforcement'.

In the field of health, the [EU Health Policy Platform](#) ensures dialogue with both the Commission and member States. The dialogue happens through a 1) web platform with 1000 users, which includes 45 expert and stakeholder group networks and 4 thematic networks producing statements, 2) One annual high level meeting and thematic networks meetings on Commission health priorities. 3) a EU health award recognising NGO promoting initiatives to keep high standards of public health in the EU.

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<sup>10</sup> <https://europa.eu/capacity4dev/policy-forum-development/>

Civil society organisations participating note that this new “on line” approach which was initially designed to widen civil society participation, including from grassroots organisations at national level has not been very effective. The large majority of organisations involved has not changed also due to the fact that there is no sufficient support and leadership to run effectively this exchange.

Furthermore several CSOs have been asked to lead on specific topics demanding a lot of engagements but with no real results. There has not been follow up by the European Commission on the statements adopted. Comments indicate that this new approach “keeps people busy and allows them to avoid making any change”.

In addition, previously existing expert groups involving CSOs have been disbanded. There are also concerns related to the fact that the EU “subcontracts” part of its policy work to other organisations such as the OECD which develops an annual State of Health report. Yet no processes are foreseen for the involvement of CSOs. On a positive note, the process developed by the European Medicine Agency to involve Civil society has been considered much more positive.

### **Directorate General for Research and Innovation**

Horizon 2020 includes a cross cutting issue “Responsible Research and Innovation” (RRI) that deals specifically with dialogue with civil society. This includes proactive work to engage with citizens and civil society on vision and agenda setting through different activities: eg VOICES project (on urban waste), CUMULACT project (gathering visions from citizens in 30 European countries), Citizens’ Observatories projects: in order to develop novel technologies and applications in the area of Earth Observation.

Horizon 2020 foresees involvement of civil society in expert groups advising the European Commission during the implementation of Horizon 2020. There are 47 expert groups and 8 include NGOs or individual experts connected to NGOs.

An [Open Science Policy Platform](#) which includes research and innovation stakeholders among which civil society (The European Citizen Science Association). Yet mainstream NGOs have limited access to dialogue on research policies.

The sector in Horizon 2020 in charge of mainstreaming RRI is in charge of the coordination of citizens science activities under the Open science policy<sup>11</sup>.

### **Directorate General Regional and Urban policy**

DG REGIO has a specific unit in charge of “political and inter institutional coordination” that ensures relations with civil society and works closely with all other units and with the members of the Commissioner's Cretu cabinet.

In terms of mechanisms for the consultation of CSOs, DG REGIO leads the [Structured Dialogue with European Structural and Investment Funds' partners group of experts](#) for the period 2014-2020. The aim of the group is to debate on implementation of the partnership principle and topical issues. It meets twice a year and is composed of 60 umbrella organisations at EU level of which 38 are NGOs.

Among the (other) 10 experts groups led by DG REGIO only 2 others are also open to civil society and include NGOs as organisations or experts.

DG REGIO also organises the [European Week for Regions and Cities](#) which allows local stakeholders and civil society representatives to exchange knowledge and experience.

### **Directorate General Taxation and Customs Union**

DG TAXUD coordinates the consultation of external stakeholders through the horizontal coordination and impact assessment and evaluation units, while respective policy units are responsible for direct engagement with civil society.

CSOs also participate in 3 expert groups of the 77 led by DG TAXUD (mostly only gathering member States).

DG TAXUD also conducts a pilot project to increase civil society's capacity to become involved in EU campaign for fair taxation. It aims to raise awareness of issues related to corporate taxation, tax evasion and avoidance, and tax fairness. It also encourages CSOs in the EU to work together as a network. 10 trainings and networking seminars for CSOs have been organised as well as a high level conference on fair taxation in June 2017. In 2018 fair taxation events targeting civil society, policy makers and the general public have been organised in 5 member States.

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<sup>11</sup> See [https://ec.europa.eu/research/evaluations/index\\_en.cfm?pg=h2020evaluation](https://ec.europa.eu/research/evaluations/index_en.cfm?pg=h2020evaluation)

## **Directorate General for Financial Stability, Financial Services and Capital Markets Union**

DG FISMA was created in 2014 and replaces in part DG Internal Market and services.

DG FISMA has provided the most complete and to the point response to the letter sent by CSE. DG FISMA indicates that it has a unit that is responsible for relations with private stakeholders and interest representatives.

DG FISMA has regular meetings with civil society representatives that it records in a specific database. However these only represent 10% of the meetings with stakeholders and for this reason DG FISMA has set up a strategy to increase NGO participation. For instance they are proactive in inviting NGOs to sit on conference panels, in disseminating consultations via social networks, and providing different formats. This has led to an increased number of responses from CSOs (the Retail Financial Service Green Paper attracted responses by 50% of all participants from CSOs and individual users).

DG FISMA organises 7 public events a year. Among the speakers 20% are from civil society, 30% from industry, and 50% from public authorities. However in terms of the attendance only 12% are from NGOs, while 57,5% come from industry.

FISMA leads 15 expert groups of which 3 are open to civil society, and 1 is exclusively composed of users with no industry representatives: the Financial Services User Group.

DG FISMA considers that participation by NGOs is still inadequate and that few CSOs respond to calls for expert groups. This is also due to the technicality of the issues discussed, so there is a need to develop expertise within CSOs. DG FISMA provides grants to Finance Watch and Better Finance that have enabled it to develop expertise among CSOs and to ensure better representation of consumer and other societal interests. DG FISMA also engages with ALTER EU and hopes to further its engagements with other CSOs actors.

## **Directorate for Maritime Affairs and Fisheries**

DG MARE underlined in its response that the “broad involvement of all stakeholders is a key element of the Common Fisheries Policy (CFP), the successful development and implementation of which requires the knowledge and experience of all stakeholders”.

The dialogue is structured through Regional (Baltic Sea, North Sea, North Western Waters, Pelagic Stocks, Mediterranean Sea, Long Distance Fleet, outermost regions, Black Sea) and EU Wide Advisory Councils (markets, aquaculture). Since their establishment in 2002, the

participation of civil society has been reinforced with currently 40% of the seats in the General Assembly and Executive Committee of each Advisory Council (mandatory allotment). Advisory Councils develop recommendations and suggestions to the Member States and the European Commission on the management of fisheries and aquaculture, identify problems to socioeconomic aspects and conservation, and contribute to data collection with researchers. Advisory Councils are also consulted on a number of measures.

The Unit “CFP and Structural Support, Policy Development and Coordination” coordinates the work of Advisory Councils.

DG MARE also leads 13 experts groups. 3 of them are open to CSOs, and two include NGOs.

### **Directorate General on Trade**

DG Trade did not respond to the letter, but offered to organise a meeting instead. A meeting with the Unit A3 - Information, communication and civil society was organised on 15 September 2015.

During the meeting, mechanisms for dialogue with civil society was discussed. Also DG Trade has a database to record meetings with stakeholders.

[EU trade meetings with Civil society](#) are presented on a specific website. Basically DG Trade organises regular, structured meetings to inform participants of the ongoing developments in EU trade policy, and listen to and exchange views with them. These meetings are attended regularly by the European Commissioner for Trade and/or by DG Trade officials. In 2017 23 civil dialogues were organised. Topics related mostly to individual trade agreements negotiations or to horizontal issues.

Dialogues are open to all interested organisations provided they register and are listed in the EU Transparency register. Currently (April 2018) there are 492 organisations registered, 144 are registered as NGOs but these seem also to include professional or employers organisations. Agendas, minutes and participants are included. More or less there are around 100 participants per meeting.

The topics are chosen together with the Civil Society Dialogue Contact Group, which includes one representative from each of the broad categories of organisations involved in the civil society dialogue. Among the 13 members, 5 are NGOs and 1 represents trade Unions.

In terms of the participation of civil society, DG TRADE noted that it could be increased, but that not so many organisations were involved in the issues. Apart from the Civil dialogue contact group, participation is left open and there is no selection of participants according to the interest or constituency they represent. Also it was felt that the mixture of participants allowed all stakeholders to learn from respective concerns.

The issue of expertise was raised as many organisations would benefit from further technical insight to be able to have a greater impact on the content of the negotiations.

DG Trade leads 10 expert groups but only one is open to stakeholders and civil society: the Group of Experts on EU Trade Agreements includes several NGOs as members. Information is also available on the civil society web section.

## **9. Stakeholders Dialogue in the European Parliament**

While responses to the survey are generally positive in terms of access by civil society organisations to the European Parliament. There are also a number of issues to be improved as regards this institution.

If the new Interinstitutional agreement on a Transparency Register would include obligations for MEPs to report about their meetings with interest groups, it will be easier to compare access by industry and civil society organisations to MEPs, yet this seems not the option chosen by the European Parliament. There also concerns

Trilogue negotiations are a key issue in terms of transparency and access to information for civil society. The European Ombudsman has issued recommendations on this topic addressed to the European Commission, European Parliament and Council of the EU<sup>12</sup>. Furthermore a recent judgement of the European Court of Justice has condemned the European Parliament for not giving access to the intermediate stages of negotiations on EU legislation and in particular to the full content of the multicolumn table with the position of the different institutions of the trilogue negotiations<sup>13</sup>. This lack of access is particularly problematic as “the work of the trilogues constitutes a decisive stage in the legislative process”.

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<sup>12</sup> <https://www.ombudsman.europa.eu/press/release.faces/en/69214/html.bookmark>

<sup>13</sup> <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-03/cp180035en.pdf>

There also seem not to be clear procedures for the selection of experts at public hearings, apart from the obligation to be part of the Transparency register.

In August 2017, CSE has also written a letter to the European Parliament President, in copy to the Conference of Presidents and the Chair of the Constitutional Affairs Committee, and EP Vice Presidents concerned, asking to clarify the role of Vice Presidents in terms of relations with Civil Society, as well as the implementation of the rules of procedures as regards structured consultation with Civil Society. It appears from the European Parliament website and responses from the Vice Presidents' offices that Mr Valcarcel with the support of Ms Guillaume is in charge of "Information Policy, Press and Citizens Relations", and the remit of their work seems mainly related to information to citizens. However the EP rules of procedures adopted in 2016 stipulate in Chapter 3 at paragraph 15 of rule 26 that "the bureau shall nominate a Vice President who shall be entrusted with the implementation of structured consultation with European civil society on major topics". In addition at rule 27 on the duties of the Conference of Presidents, paragraph 5 states "the Conference of Presidents shall be responsible for organising structured consultation with European civil society on major topics. That consultation may include holding public debates on subjects of general European interest .... The Vice President responsible for the implementation of such consultation shall report back regularly to the Conference of Presidents on his or her activities in this regard".

The EP President has responded to the letter after several reminders also from colleagues on the 1st of December 2017. In his response he notes that "Vice President Valcarcel is primarily responsible for relations with the citizens... and he is chiefly tasked with engaging and liaising with civil society organisations, together and in close cooperation with Vice President Guillaume...". Yet the information on EP website remains unclear and also an internal clarification has not happened as a follow up of the letter. In addition we are not aware of proactive initiatives to "engage and liaise with CSOs".

The President also mentions the fact that he is promoting "a series of citizen and stakeholder conferences, in the European Parliament seats of work and in the member States on topical policy issues which will be crucial for the future of the European Union". This is welcome although a structured consultation would require involving from the onset civil society organisations in the definition of topics and in the organisation of the events.

On a positive note, positive examples of structured dialogue are the organisation of the European Youth Event as well as the follow up with recommendations from young people presented at the various EP Committees and the European Parliament of Persons with

Disabilities. However such structured dialogue should be also extended further to encompass the wider civil society.

## 8. Draft Recommendations

### 8.1 EUROPEAN COMMISSION

#### **General recommendations**

Civil dialogue is not only enshrined in the Treaties, but it is also a key component of democracy. The lack of adequate participation mechanisms, is a key concern for civil society organisations and citizens at large and undermines the trust in the EU.

The European Commission should review its own civil dialogue mechanisms and assess areas for improvement. An overall strategy should be agreed as a follow up by the European Commission to implement article 11 that encompasses its different aspects: consultation, access to information and civil dialogue with civil society. Guidelines and training should be developed and provided to each DG for follow up. Civil Society should be involved in this process. Complementary measures in terms of communication, capacity building of CSOs should be developed.

Each DG should have at least a unit that coordinates this dialogue and heads of unit responsible should meet regularly. These general meetings should involve CSOs dealing with transversal issues. Dialogue with civil society should be under the responsibility of the President or Vice Presidents.

Funding mechanisms currently under review, should also promote CSOs participation, and be flexible as to allow also for small organisations to access funding. Support to EU networks, gathering national and local organisations, and promoting participation of civil society at EU level should be maintained and enhanced.

Finally the European Commission should propose an interinstitutional agreement on civil dialogue based on article 11 .

## Proposals to enhance Public Consultations

- Every public consultation should be offered in two different ways: one for individual citizens, and one for CSOs. This implies a different set of questions for each consultation. There is an increasing tendency of a number of DGs to direct consultations to citizens only, and disregard input from CSOs. Furthermore, often individual citizens do not have the sufficient background and technical information to respond to complex issues such as the future EU budget even if questions are offered in multiple choice style.
- Public consultations regarding EU programmes where core and action funding is provided should be offered in two different ways: one for action grants/funding and one for core funding with questions clearly targeted to the related kind of funding.
- Every consultation should offer the possibility to upload a pdf file to provide additional information or topics not covered by the consultation. The document should be limited to a certain number of pages.
- More options for open answers should be given, as multiple choice questions offer limited opportunities to contribute with expertise or introduce the necessary nuances. Oversimplifying questions often makes the consultation meaningless.
- Since information on public consultations through the transparency register and on the EU consultation website is sometimes incomplete, EC DGs should set up an email list where CSOs/citizens could register and will be informed about every single consultation in the responsibility of the DG.
- Results of consultations should be automatically sent to the same list.
- Results of public consultations should be published on the consultation website in the same way as the consultation itself. Therefore, a third search option “results”, besides “open” and “closed”, should be introduced.
- EC should be encouraged to consult with stakeholders before launching a consultation in order to improve the quality and clarity of the questions.
- Consultation should be part of a process of civil dialogue and never an exercise in itself.

## Recommendations for high level meetings

- Ensure broad **inclusion** of different sectors in high level meetings, which means greater willingness to engage with civil society organisations and not only business associations
- Ensure **transparency** of meetings also at lower level in the Commission
  
- For CSOs: target high-level meetings as a **multi-stakeholder** coalition to be stronger and attract more attention rather than acting alone
- Each DG should monitor interactions with different stakeholders and take proactive actions to ensure more participation of CSOs when these are underrepresented

## Recommendations for European Commission Expert Groups

- Regular open calls should be available for all expert groups open to organisations and individual experts
- Efforts should be made to renew membership of expert groups
- There should be a re-evaluation of the need and composition of expert groups
- A distinction should be made for structured dialogue groups in the register as compared to technical expert groups
- Affiliation of the individuals and organisations should be clearer as to ensure more transparency and also promote more balance in participation
- Guidelines should be provided to the different DGs to ensure balanced representation
- Technical assistance and funding should be developed for CSOs in certain areas as to ensure further participation

## Recommendations for Stakeholders dialogue

### Information

- Provision of sufficient information and explanation on different mechanisms for stakeholders' dialogue in order to increase the general understanding of the tools and procedures among the stakeholders; Many stakeholders have no experience of involvement in decision – making processes and moreover in dialogues with EU institutions.
- Communicate and educate the stakeholders about EU directives, programmes, priorities through a unique and transparent EU broadcast entering the local media; Many stakeholders at the local level are not aware of the discussion at EU level thus needing access to up to date information.

### Participation

- Promoting the proactive/ responsive actions and tools of stakeholders dialogue at the local level (Involvement, collaboration, partnership, delegated power and stakeholders' control). Most forms of the stakeholders dialogue conducted by the European Commission are rather non-participative and resume to information or simply consultation. It is crucial that the feedback provided by different stakeholders is taken forward to the next stage.
- Ensuring a balance among the stakeholders participating in the dialogue by instituting a transparent and fair system of participation; Public or private institutions with a strong background in lobby and policy advocacy are most likely to be present and monopolize the dialogue in their interest. In order to make all voices heard a equal representation of all interested stakeholders has to be ensured.

- Opening the EU institutions and bringing their representatives (EU Commissioners, MEPs, etc.) closer to the stakeholders in places facing increased Euroscepticism or acute challenges such as massive migration. EC should take clear actions in bringing civil servants across Europe and engaging with different stakeholders.
- Empowering Mayors and local and regional authorities' representatives all over the EU to be the link between the stakeholders and EU; Dialogue should happen first of all at the local level as European Union concerns every single citizen.

### **Agenda setting**

- Ensure that CSOs are able to participate in the setting of the agenda for the meetings and are not there just to receive information on processes.

### **Follow up**

- Adopt an open and transparent form of communication, which allows for feedback, criticism and follow up on the discussions and decisions taken; Often the feedback provided by stakeholders is omitted or partially included. The conclusions and decisions taken are justified by limited resources and time. EC should develop consultative processes allowing dedicating enough time to information, consultation and processing of the recommendations from stakeholders.

## **8.1.1 Recommendations for the Citizens' Dialogues at national level**

### **Objectives**

- Ensuring that the purposes of these opportunities for dialogue between citizens and European commissioners and other representatives of the European Commission are not skewed towards having information sessions about the EU's benefits and achievements and the citizens' rights. The term 'dialogue' suggests a discussion of different points of view with the objective of reaching an agreement or a compromise in order to increase an institution's legitimacy. However, it should be clear from the Commission's view, dialoguing with European citizens should not be about informing them or done with the instrumental intention of fostering popular support. The purpose of Citizens' dialogue is not to redress the lack of knowledge amongst European citizens but for Commissioners to listen to citizens but this should be at least a collection of citizens' views (Pukallus, 2016). In Citizens' Dialogue, citizens should not be the ones sitting and listening.
- In some post-event feedbacks, there was criticism with regards to certain formats (panels) of meetings, which did not allow enough time for questions. A dialogue should allow for a real discussion, letting citizens answer to Commissioners or EU

representatives and simply not adopt a Q&A format: ‘A citizens’ consultation process should ensure the questions asked are heard and really responded to.’

### Topics

- In the past, the Commission kept the topics of the dialogue and consultation mechanisms focused on the Single Market rights rather than other topics that could be considered as fundamentally important for European citizens. Participation in the democratic life of the EU should not be reduced to enhancing citizens’ rights (Single Market rights). The Citizens’ Dialogue should have a chance to have their topics connected to the EU policy agenda in order to have a real impact.

### Outreach

- If the Commission wants to reach out to all parts of the population, it should think about mechanisms to increase the diversity among the group of citizens attending the real-life meetings. Indeed, the way the information about a Citizens’ Dialogue taking place in European cities is reaching some parts of the population and not others can be problematic.
- Online dialogues can also create barriers for some parts of the population (access to Internet, computer-savvy population, informed, cultural capital).
- They tend to be expensive and preaching to the converted or be organised at times when only students and retired persons are available
- Partnership with local civil society organisations is critical. Organisations should also be involved from different civil society sectors, and not just those that promote EU issues
- A dialogue with a Commissioner should be planned and organised in different steps and pre-sessions or workshops can also be useful.

## 8.1.2 Recommendations on ESIF Monitoring Committees

### Introduction

The partnership principle covers the whole programming process, from the preparatory stage through to the implementation and assessment of results. This approach should lead to better programme outcomes and help ensure that money from the European Structural and Investment Funds (ESIF) is spent efficiently.

In the 2014-20 programming period, the partnership principle has been strengthened even

further, including not only Member States, but also stakeholders such as trade unions, employers, **non-governmental organisations (NGOs)**, and other bodies that promote, for example, social inclusion, gender equality, and non-discrimination. **The Commission has drawn up a European Code of Conduct on Partnership** which has to be respected by the Member States when preparing and implementing their operational programmes. In addition, **each Member State has adopted a Partnership Agreement with the European Commission** which sets out how the national authorities plan to use and distribute funding from the ESIF in the 2014-20 programming period.

Partnership implies close cooperation between public authorities, economic and social partners and bodies representing civil society at national, regional and local levels throughout the whole programme cycle consisting of **preparation, implementation, monitoring and evaluation**.

There are a number of shortcomings in the implementation of the Partnership Principle which is part of the ESIF regulation. The European Commission is currently undergoing a European Code of Conduct on Partnership (ECCP) Review

### Recommendations

- Member States should invest in CSOs capacity building including at local and regional level to support their involvement in the monitoring committees. The lack of human and necessary technical knowledge prevents CSOs from actively participating or participating at all and therefore meaningfully contribute to the use and monitoring of the EU Funds. This possibility is included in the scope of support of the ESF as foreseen by EU regulation 1304/2013 article 3, scope of support and has been used in some countries (eg Greece, where the national confederation of disabled people has obtained funding to produce toolkits and train their regional members to participate in the monitoring committees). However most of them use this possibility only for capacity building of public administration.
- The European Commission should raise further awareness about funding for capacity building and technical assistance, as it does for public administrations
- Peer learning among organisations should be encouraged both at European and national level
- The European Commission should promote the implementation of article 5 of the Common Provision Regulation on the partnership principle within the Monitoring Committees and ask explicitly member States authorities or managing bodies to report on CSOs participation and on the various phases of the use of funds. This should cover all project monitored and not just social inclusion projects

- Participation in the Monitoring Committees should be meaningful, and allow for proper monitoring as in several cases only general information is provided to participants

Resources:

[http://ec.europa.eu/regional\\_policy/en/policy/communication/structured-dialogue-with-partners/](http://ec.europa.eu/regional_policy/en/policy/communication/structured-dialogue-with-partners/)

### 8.1.3 Structured Dialogue with Youth

#### **What is the Youth structured dialogue?**

The structured dialogue is an EU process that aims at ensuring the right of young people to participate and shape the policies that directly affect them. Together with policy-makers, young people across the European Union can jointly discuss, formulate and put forward proposals to feed in the development of youth policy at national and European level.

The structured dialogue is implemented in work cycles of 18 months, each focusing on one overall thematic priority. Each 18-month cycle is divided into three 6-month rounds of consultations and discussions with young people and youth organisations, which take place in all EU Member States. These consultations serve as a common basis for joint discussions at the EU Youth Conferences, organised successively by each Presidency every six months. At the EU Youth Conference, youth delegates and *representatives of the Ministries responsible for Youth from all EU Member States discuss and agree on Joint Recommendations relevant to the given priority.*

The Joint Recommendations are then sent for discussion to the Council of the European Union, which decides whether to include them in the political Conclusions adopted under each Presidency. In addition, at the end of the 18-month cycle, the Council adopts a Resolution based on the overview of Joint Recommendations<sup>14</sup>.

During the past 5 cycles, Structured Dialogue has shown large improvements as a tool for civil dialogue. However, further developments are needed to ensure its proper functioning. More specifically:

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<sup>14</sup> Evaluation of the Political Outcomes and Policy Initiatives Following the Second Cycle of Structured Dialogue

### **Social inclusion and outreach**

There is a need for more involvement of a wider group of young people, rather than the youth already active in the youth field. INGYOS and NYCs should cooperate on local and national level to increase the outreach of Structured Dialogue. The EU should support the participation of all young people, including non-organised youth and youth with fewer opportunities and promote the exchange of best practices between National Working Groups in this matter.

### **Focus**

The topics that are discussed during the cycles are too broad and try to tackle the whole youth field. Because of that, the impact and the outcome were dispersed and hard to measure. It would be more efficient to focus on one topic during a coherent 18-month cycle.

### **Impact**

There is a need for closer monitoring of the implementation of the decisions and discussions which took place during the conferences. In most cases, there is no political follow-up of the proposals put forward by the youth involved in the Structured Dialogue, either because proposals are too compromised or not adopted at all into the Council Conclusions, or because no action is taken afterwards. This leads to disappointment among the young people taking part in the process and may lead to disengagement with the tool in the long term.

### **Monitoring Results**

As soon as one Structured Dialogue cycle finishes, the next one starts. It is challenging to monitor the results of a previous cycle of structured dialogue once discussions on the next thematic priority have started. In order to avoid stakeholders to prioritise the new topic over the previously promised commitments, a separate stage is needed that focuses on the follow-up and implementation of the joint recommendations. One suggestion to implement this structure is as follows:

Semester 1: Setting recommendations,  
Semester 2: Setting the toolbox,  
Semester 3: Monitoring the implementation.

The difference with the current structure is that the guiding questions would be arranged online mainly once the topic of the cycle is announced, instead of dedicating the first semester to it. This would leave space for one semester dedicated to monitoring the implementation.

### **Cross sectoral cooperation:**

There is a need for better follow-up of recommendations that go beyond the competences of the youth field. So far, the political follow-up of Structured Dialogue proposals beyond the youth field has been negligible. This is connected to overall the need to mainstream the youth perspective in other fields of policy.

### **Involving youth on serious matters**

Although the youth is consulted on a wide range of topics during the Structured Dialogue, there are also 'core decisions' affecting youth that are not discussed during the Structured Dialogue. This is already in a process of improvement, as the current Structured Dialogue cycle will provide input for the upcoming EU Youth Strategy. However, on other major topics concerning youth, such as the European Solidarity Corps, the youth was bypassed.

### **Member States commitment**

As the EU has no legislative power in the youth field and may not interfere in the exercise of the competences reserved for the Member States, there is a need for general improvement of cooperation between the EU and its member states in the field of youth. Due to the non-binding character of the EU resolutions in the youth field, better alignment of Member States priorities with the EU level is crucial for Structured Dialogue to have an impact on policies of Member States.

### **Stakeholders involvement in the process**

As the name says, Structured Dialogue is meant as a discussion between two parties: youth and decision makers. However, the stakeholders involved are not equally taking part in the process, partly due to lack of motivation among decision-makers and the perception of the credibility of young people's input. During the EUYC in particular, governmental delegations seem to attend just the last part of the conference, because there is a DG meeting right after it. Stakeholders should be involved from the start of the conference, while joining halfway rather breaks the dynamics of the process. Besides national decision makers, there is also a need for more involvement of European decision-makers (MEPs and Commissioners), so that both National Working Groups and the European Working Group have a counterpart to discuss with. One solution is to let stakeholders appoint specific representatives for the cycle that would be

responsible to attend all the conferences, and who would present a public document with their attendance and commitment at the end of the cycle.

## 8.2 EUROPEAN PARLIAMENT

The European Parliament should implement fully its rules of procedures in order to develop a structured dialogue with civil society with clear tasks and mandate to the Vice President(s) and with regular reports to the conference of Presidents.

Such dialogue should be organised both at EU level and at national level, seeking synergies with national Parliaments and/or the European Commission.

Civil Society should be closely associated to a thorough strategy that should include:

- the agreement of topics for future structured debates on transversal issues
- Common guidelines for the organisations of committee hearings and involvement of civil society representatives
- Guidelines for rapporteurs for consulting civil society
- The EP should ensure that data is collected on meetings with external stakeholders of relevant MEPs and officers, including Committee Chairs, Coordinators, rapporteurs and shadows to assess the effectiveness of the dialogue and balance among societal and business interests, and there should be an obligation to publish such data agreed in the new IIA on Transparency Register currently in negotiation
- Access to information: open access should be granted for trilogue documents
- Transparency register data to be used proactively to contact or invite experts from civil society

## 8.3 COUNCIL OF THE EU

The Council should also start an internal discussion on how it reaches out and interacts with civil society, and start discussions with Civil society organisations to assess this.

- Access to information should be enhanced by ensure publicity and reports for all its meetings, including legislative preparatory phases and full transparency on the position of the different Member States
- Trilogue documents should be also released and negotiations be made transparent

- Working groups should be open to experts from civil society
- Member States should ensure that their citizens are adequately consulted on their position on EU legislation and policy and consultation of civil society should be organised by the relevant Ministries and by the national parliaments
- Information on member States positions on key legislative files should be clearly available on the national government websites and communicated to the national media.

## 8.4 EUROPEAN COUNCIL

Before key European Councils, leaders of institutions should meet with civil society representatives at EU level

At national level, governments should also ensure information and consultation on the heads of government and State positions before meetings of European Councils.