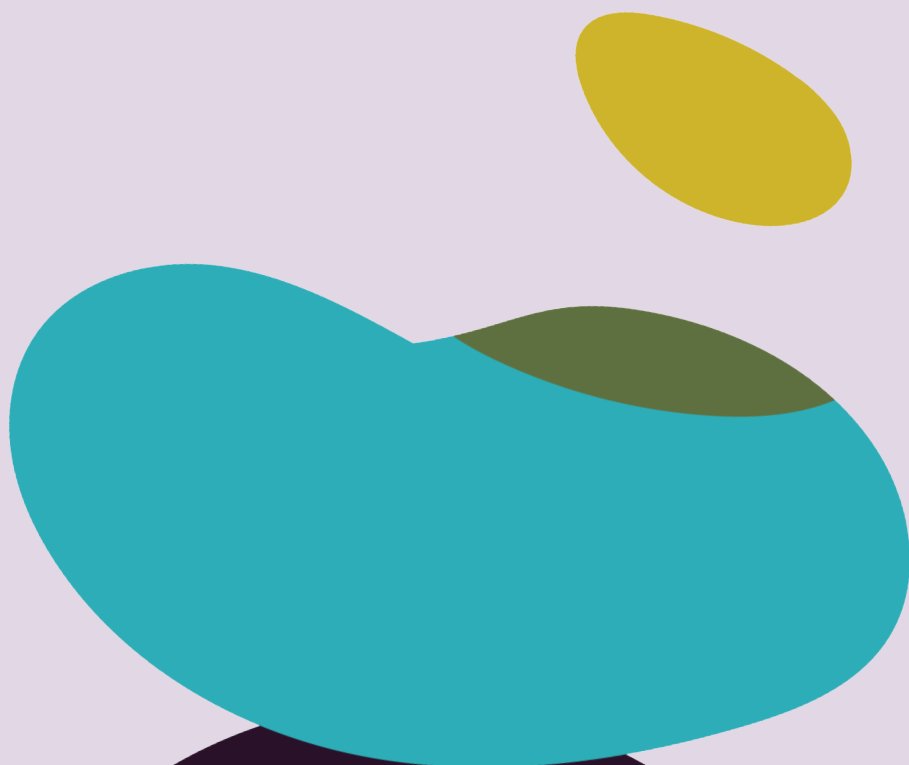


EU Civil Dialogue: the foundations of an institutional framework

Policy Paper



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1. Introduction

Organised civil society is key to facilitate the participation and voice the aspirations of all the diversity of individuals and societal groups in democratic decision making. Civil society participation is a crucial component of European democracy, both as a prerequisite for the legitimacy of EU policies, and as a tool to ensure policies and laws drawn up at European level respond to the reality and needs of people impacted by these policies. Therefore, dialogue between institutions and civil society is a key tool in building people's trust in democracy.

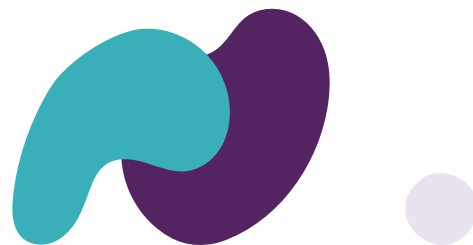
The creation of a structured institutional framework for civil dialogue has been a historical request of civil society organisations (CSOs), which led to the adoption of Art. 11.2 of the Treaty on European Union, stating that "institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society". Despite that, 15 years after the entry into force of the Treaty of Lisbon, a framework for such a dialogue is still missing.

This policy paper aims at outlining the main characteristics of a possible institutional framework for Civil Dialogue at the EU level. It is promoted by Civil Society Europe, the European coordination for civil society organisations which includes, as members, the most representative civil society organisations at European level in a broad variety of sectors.

2. The purpose and structure of civil dialogue

Civil dialogue is a permanent, structured, equal and meaningful interaction between institutions and organised civil society, aimed at proposing proper policies that are implemented and evaluated.

To be relevant, it must be inclusive, transparent and results-oriented, allowing for a substantive exchange of information, expertise, and experience, as well as providing room for feedback. It entails the co-creation of solutions and long-lasting partnerships between public authorities, and CSOs. Such dialogue is designed to take place at all stages of the political decision-making cycle, from setting the agenda to the framing of positions and priorities, to evaluation. Civil dialogue should ensure policy decisions take into account the needs of those affected by these decisions, in particular groups in vulnerable situations and the most marginalised, ensuring their participation in the policy-making process and the effectiveness of the adopted measures.



Structured civil dialogue is distinct from other forms of participation. As recognised by the Council of Europe guidelines on civic participation in political decision-making, civil participation in decision-making can take different forms, including provision of information, consultation, dialogue and active involvement. The guideline draws a clear distinction between civil participation and other political activities in terms of direct engagement with political parties and from lobbying in relation to business interests. There are several types of structured dialogue:

- Vertical dialogue (sectoral civil dialogue between civil society organisations and their interlocutors within the legislative and executive authorities).
- Transversal dialogue (structured and regular dialogue between EU institutions and all of the civil society organisations).
- Horizontal dialogue (dialogue between civil society organisations themselves on the development of the European Union and its policies)

The civil dialogue framework should be led by civil society and should include both the 'vertical' dimension and the 'transversal' dimension. It should involve the following stages of the policymaking process:

- Agenda-setting: in vertical dialogue, in the drafting phases of the Commission's Work Programme, and in the transversal dialogue, in the drafting of the State of the European Union speech.
- Orientation of the policies and programmes before the opening of the open public consultations, with a clear follow-up.
- Co-creation of policies and joint initiatives (recommendations, strategies, documents, fora and projects).
- Feedback, evaluation and reform of implemented policies.

It should include provisions to protect civil society partners against any harmful or unlawful measure related to exercising their rights.

Transversal civil dialogue at the EU level should always involve European-level civil society organisations. Participants to civil dialogue structures should be representatives delegated by the participant civil society organisations. National and regional civil society organisations have historically self-organised into membership-based networks and platforms at European level to interact with EU institutions. The European Parliament first, and then the European Commission through the different funding programmes, have supported this transnational cooperation to ensure democratic participation and enhanced governance (see the European Commission White Paper on Governance) bridging the gap between citizens and EU institutions and balancing private interests.

Civil dialogue does not exclude the participation of CSOs in consultation and policy-making fora together with other important actors, such as think tanks, research institutes, and other stakeholder organisations.

No initiatives in the framework of Civil Dialogue shall undermine, encroach on or interfere with social dialogue or the role and prerogatives of social partners, as defined by the Treaties. Social dialogue should be reinforced and not undermined.

Furthermore, Civil Dialogue should complement and not substitute the current stakeholder engagement practices provided in the Better Regulation framework: guidelines for public consultation, rules for membership of expert groups, etc; rather, it should lead them to be better in transparency, feedback and follow-up of the requests.

In addition, adequate funding and resources should be allocated for the organisation of civil dialogue. This includes adequate staffing in the institutions involved, catering for accessibility of persons with disabilities (including personal assistance), the reimbursement of travel

expenses and/or loss of earnings when required, and investment in capacity building that may be required for participation in certain processes. The lack of support prevents excluded or marginalised groups from participating especially if they are in precarious economic conditions, face accessibility barriers or are volunteer run.

Civil Society Europe, as the coordination of civil society organisations at the EU level, should be involved in the creation of such provisions and in the assessment of their implementation.

3. Eligibility criteria

Participation in the institutional framework of civil dialogue should be subject to eligibility criteria. Such criteria should be cumulative, and should take into account the diversity of policy contexts, the representation of minority and underrepresented groups, and the variety of structures, mandates and purposes of civil society organisations. It is important that these criteria are transparent and clear and do not leave space for interpretation. Process for eligibility should be smooth and non bureaucratic¹.

1 See the [ToRs of the Global Gateway CSO platform](#) (page 4) and the [ToRs of the D4D Hub CSO advisory group](#) (annex 1 page 7)



Eligibility criteria should include:

- **Membership base:** European-level organisations have to be constituted of members (natural or legal persons). This means membership from a majority of Member States, and/or membership of European-level networks also with relevant national membership.

- **Non-profit purpose:** organisations have a non-profit purpose, i.e. they do not redistribute any profits to their members nor to their leadership structures, and have an asset lock.

- **Internal democracy:** organisations have to have internal structures of democratic election and accountability towards the members, including for the leadership positions as part of the governing bodies.

- **Rights-based approach:** organisations must respect the values enshrined in Art. 2 of the Treaty on European Union and in the

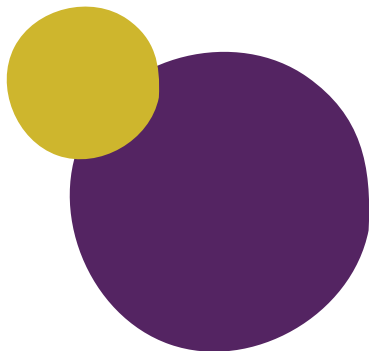
Charter of Fundamental Rights of the European Union. The organisation should operate inclusively, welcoming diverse participants and promoting non-discrimination in its programs and operations.

- **Representativeness:** organisations have to be representative of a cause of public interest, or represent or led by particular groups (such as excluded or marginalised groups).

- **Legitimacy:** Organisations are recognised by their mission statements/ rules and procedures as entitled to speak and act on behalf of their constituency.

- **Transparency:** organisations must be transparent in their operations and funding through defined internal processes and or by-laws. Furthermore, any potential conflicts of interest of the organisation or its representatives should be declared.

- **Independence:** organisations have to operate independently from external political or corporate influence. Their boards or leadership should not include public executive officials or individuals closely associated with public executive interests.



Applications to participate in the civil dialogue structures should be gathered via an open call, and the evaluation of the adherence to the criteria of the candidate organisations shall be conducted by an accreditation body composed

of and transparently elected by the organisations already participating in the civil dialogue institutional framework. In doing so, they will be taking into account the advice of experts and of the organisations operating in that specific policy context. Their evaluation will be then approved by the organisations already participating in the framework. When the civil dialogue structure is to be constituted, transitory provisions in line with the above will be established. Revision processes in case of inactivity of accredited organisations as well as for any breach of the eligibility criteria should be put in place.

4. Ensuring participation of excluded groups

Civil dialogue must systematically include organisations composed of persons from underrepresented, discriminated and excluded groups from diverse backgrounds and representing and voicing their concerns, through an intersectional approach. As a follow up of consultations with civil society to identify and overcome barriers to participation, provisions on accessibility, inclusion and safety for online and offline consultations will be developed and implemented.

5. Involvement of national and local organisations in the EU-level civil dialogue framework

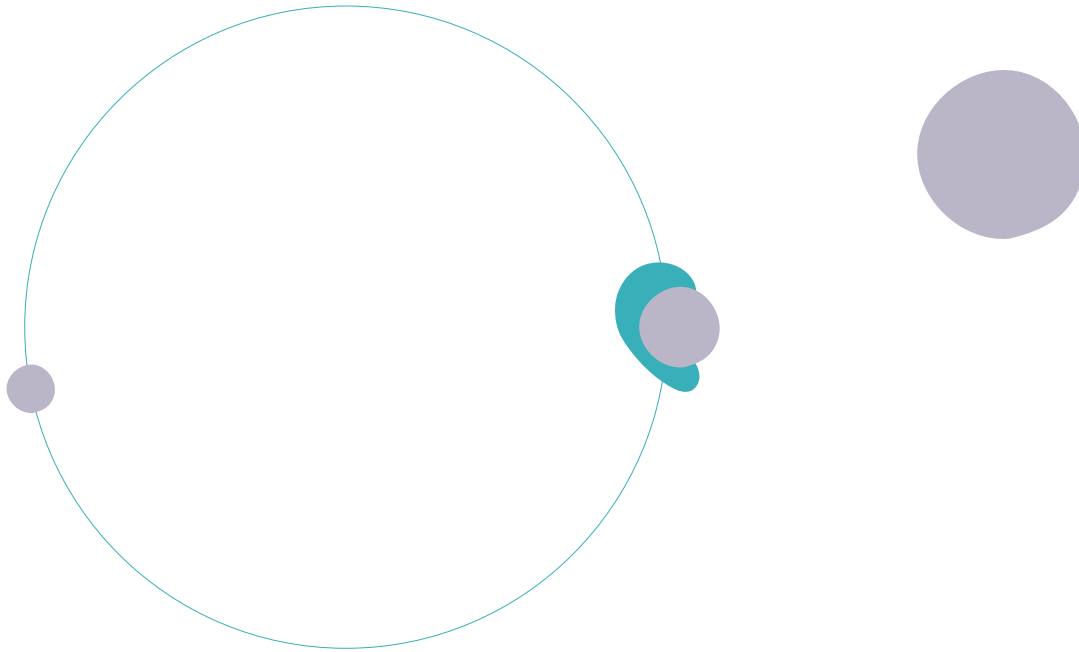
European organisations are the first level of representation of the diverse interests of their membership. However, the involvement of national and local organisations could be beneficial to gather specific input on some policy debates, including but not limited to the analyses of national cases (e.g. for the Rule of Law cycle or the European Semester). In such cases, participant organisations in civil

dialogue should be able to extend an invitation to civil dialogue meetings to national and, where relevant, local organisations, to allow them to contribute with their expertise. National and local organisations should respect the principles of the eligibility criteria, adapted to the diversity of national and local contexts.

6. Involvement of grassroots movements

Grassroots movements gather citizens who have a common set of goals or values, are normally decentralised, and where individual members have the possibility to make proposals that can be adopted by the whole movement². The involvement of grassroots movements could be beneficial to gather specific input on some policy debates. In such cases, participant organisations in civil dialogue should be able to extend an invitation to civil dialogue meetings to relevant grassroots movements to allow them to contribute with their expertise.

² For a more comprehensive description of democratic social movement, see [EnTrust Integrated report on the Role of Democratic Social Movements](#), p. 200-201



Grassroots movements should respect the principles of the eligibility criteria, adapted to the reality of less established/emerging grassroots organisations/movements.

7. Civil society dialogue in EU external action

The EU has committed to implementing the OECD DAC Recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance³, which outlines in its second pillar how to support and engage with civil society. Linked to this commitment, several frameworks, tools and platforms exist for the EU to engage civil society in dialogue regarding its external action⁴. This dialogue should follow the

same principles already outlined in this paper: transparency and information-sharing, feedback loops, diversity and inclusion, safety, co-creation of agendas, etc. Civil dialogue at the EU level, when it comes to the EU's external policies, should always seek to include civil society from the EU's partner regions and countries concerned, with criteria for engagement that recognise their diversity. Particular attention should be paid to accessibility and inclusion during online and in-person consultation (e.g. budget allocated for travel, interpretation, and other measures), as well as safety for CSOs operating in restricted contexts.

8. Organisation within each EU institution

Civil Dialogue will have to be organised within the three main EU institutions according to their own structures and aims. Other EU institutions, consultative bodies, independent bodies, and agencies should also apply measures to implement civil dialogue. It is recommended that needs assessment is conducted in consultation with civil society organisations in all cases.

³ [OECD DAC Recommendation](#) on Enabling Civil Society in Development Co-operation and Humanitarian Assistance, July 2021

⁴ These include for example, the [2012 Communication](#) "The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations", the GAP III structured dialogue, the Global Gateway CSO advisory platform, the CSO roadmaps of EU delegations, among others.

Below are some of the measures that each institution could take. These are indicative and non-exhaustive.

European Parliament: In addition to setting up Vice Presidents tasked with the organisation of a structured dialogue with civil society, focal points for civil dialogue in the secretariat of each Parliament committee could be set up, including annual dialogues with representative organisations in every Parliamentary Committee, an annual dialogue with civil society organisations on key issues discussed in Parliament, supporting interaction between rapporteurs and civil society.

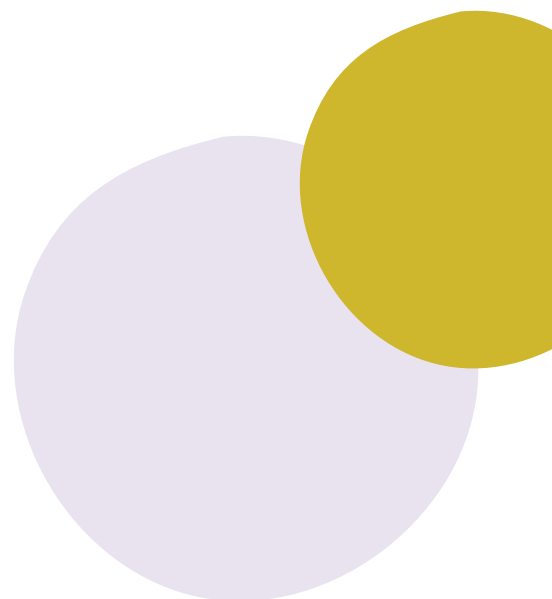
European Commission: setting up guidelines for civil dialogue within the different directorate generals, an interservice group on civil dialogue with members from different DGs, trainings for staff on civil dialogue, and organisation of a Civil Society Platform which will gather civil society organisations and the Commission's decision-makers to address transversal issues with umbrella CSOs such as an annual discussion on the preparation of the EC's work programme, upcoming key policy development and responses to crisis, funding instruments, etc.

Council: Civil Society Summit, where civil society has the opportunity to meet directly with the Presidents of the Council and of the European Commission. Organisation of discussions on issues, policies and actions relating to civil society with Council working parties and configurations. Ensuring the structured involvement of Civil Society in the organisation of Informal Council meetings during rotating Presidencies.

Other bodies

The Civil Dialogue framework and the European Economic and Social Committee (EESC), as a consultative body composed of social partners and civil society organisations, should be an important ally of the civil society organisations involved in the civil dialogue framework. Current practices of EU level civil society involvement in the work of the EESC should be continued and reinforced, notably the "Liaison Group with European Civil Society Organisations", the organisation of hearings with civil society organisations, contribution to the drafting of EESC Opinions, the intervention at the plenary of invited civil society organisations, the youth test, and the annual Civil Society Week. In addition, the EESC should establish a European Observatory of Civil Society to measure and monitor civil dialogue and levels of citizen engagement with the EU institutions and the decision-making and policy-making processes, to be reported in an annual civil dialogue scoreboard and in a biennial Civil Dialogue Report⁵.

⁵ See the EESC opinion [Strengthening civil dialogue and participatory democracy in the EU: a path forward](#)





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