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THE ROLE OF NON-GOVERNMENTAL ORGANISATIONS IN THE EUROPEAN INTEGRATION PROCESS

SUMMARY: The paper aims at analysing the formal and informal links between the Non-Governmental Organisations (NGOs) and the European Union. The role of NGOs in the process of European integration is particularly stressed. The work describes the relations with the NGOs developed by the Council, the Commission, the Parliament and the European Economic and Social Committee.

INTRODUCTION

The modern Non-Governmental Organisations (NGOs) have evolved out of the desire of the people and the governments after the II World War to create a peaceful, democratic and prosperous world. NGOs wanted and were expected to have an organised regulative influence in international state organisations¹. Main intergovernmental organisations have developed systems of interaction with representatives of the *global civil society*. This paper attempts to provide a synthetic view of how such interactions look like in the case of the European Union and its institutions.

NON-GOVERNMENTAL ORGANISATIONS – DEFINITION AND SCOPE

The main difficulty one encounters while trying to define a „non-governmental organisation” (NGO) is the overlapping of three different terminological systems: legal, scientific and colloquial one². Scientific studies have led to the development of the terms *civil society* and the *Third Sector* where NGOs were placed. *Civil society* may be seen as a totality of organisations which do not represent the

¹ I. Gorges, *Non-Governmental Organisations between society and state – authorities*, in: E. Frejtag-Mika (ed.), *Development, competitiveness and practice of economic policy*, Polskie Wydawnictwo Ekonomiczne, Warszawa 2006, p. 167.

² P. Frączak, *Trzeci sektor w III Rzeczypospolitej*, Fundusz Współpracy, Warszawa, 2002, p. 9.

state or the private life³ or in other words “organisations which are self-governing and constitutionally independent of the state or political parties; do not involve the distribution of profits to shareholders; and benefit to a significant degree from voluntarism.⁴” The European Economic and Social Committee defines civil society as “all organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens⁵”. *Third sector*, in turn, has been defined as a space between the private sphere, the state and the free market structures.

Having in mind the ambiguities mentioned above the following working definition is proposed for the purpose of this paper:

An NGO is an organisation based on the voluntary engagement of its members for the common good and on external funding (donations, subsidies, grants).

THE ROLE OF NGOS IN THE PROCESS OF EUROPEAN INTEGRATION

This part of the paper analyses the formal and informal relations between the NGOs and the EU organs: the European Council, the European Commission, the European Parliament, the EU-Councils and the Economic and Social Committee of the EU. These interactions are set against the background of other international organisations' links with NGOs.

NGOS AND INTERNATIONAL ORGANISATIONS

After the II World War a number of inter-governmental organisations was founded with the great purpose of achieving lasting peace, with the United Nations being the axis of the projected world order. Already in the course of establishment of those structures the states placed massive expectations on non-governmental organisations⁶. The organised interaction between the UN structure, the Council of Europe and the NGOs that was started and the very beginning continues until now. The potential political impact the NGOs have on and the funding they receive from both of these organisations have led to the creation of the umbrella organisations which strengthen the collaboration and mutual support.

Such well developed links between the NGOs and state authorities cannot be found in the European Union⁷. The supranational organs of the EU refuse to struc-

³ I. Gorges, *Non-Governmental Organisations...*, *op. cit.*, p. 150.

⁴ P. van Amersfoort, *European civil society*, “Asia Europe Journal”, Volume 3, Number 3, October 2005, p. 396.

⁵ *Civil Society Dialogue between the EU and Candidate Countries. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions*, COM(2005) 290, Brussels, 29.06.2005, p. 4.

⁶ I. Gorges, *Non-Governmental Organisations...*, *op. cit.*, p. 158.

⁷ *Ibid.* p. 159.

ture their relations with NGOs by the system of accreditation. They don't accept the argument that NGOs should have the institutionalised access to negotiations as formal partners of the states. They prefer to communicate with NGOs on different levels without any extensive regulations. They also believe that in most member states the NGOs have a more regulated access to their national administration therefore the EU organs may focus on less formal communication and foster network-building⁸.

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

Consultation is a keyword describing Union's favourite mode of relations with the civil society. For that purpose, already in 1957⁹, the European Economic and Social Committee (EESC) was created by the Treaty of Rome. It has the advisory status. Its role in the Union's decision making process is to issue opinions of three types:

- *opinions in response to a referral* from the Commission, the Council or the Parliament;
- *own initiative opinions*, which enable EESC to express its views on any matter it considers appropriate;
- *exploratory opinions* in which EESC – at the request of the Commission – reflects and makes suggestions on a subject¹⁰;

According to today's regulations the EESC consist of 350 representatives of the various economic and social components of organised civil society, and in particular representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations, consumers and the general interest." 21 of them are from Poland¹¹. Consulting the Committee may enable the EU decision making bodies to gain a better idea of the following two issues:

- the impact the EU's decisions are likely to have on those most directly concerned;
- changes that may be necessary to enlist wider support of a particular project or process¹².

The European Economic and Social Committee is seen by the Union as a tool of spreading their „idea of Europe”:

- *internally* – the members of EESC are endowed by the Union with a long-term task of transmitting that idea to all 25 societies of the member states. The

⁸ Ibid. p. 165-167.

⁹ *Treaty establishing the European Economic Community (1957)*, Chapter 3, Articles 193-198, <http://eur-lex.europa.eu/en/treaties/index.htm>, viewed on 03.01.2008.

¹⁰ *The EESC: a bridge between Europe and organised civil society*, European Economic and Social Committee, 2003, p. 9.

¹¹ *Treaty Establishing the European Community (consolidated version)*, Official Journal of the European Union C 321 E/1 of 29 December 2006, Chapter 3, Articles 257-262.

¹² *The EESC: a bridge between Europe and organised civil society...*, op. cit., p. 7.

EESC task is to enable civil society organisations in the Union to make a greater contribution to the European project, and give a tangible expression to a Europe that is close to its citizens;

- *externally* – as a result of their cross-border activities, the organisations represented in EESC have a considerable potential of impacting the extra-EU environment i.e. the societies, governments and organisations existing in non-member countries. EESC aims at strengthening the role of civil society organisations in the non-EU countries. It carries out dialogues with them and promotes creating structures similar to the one of EESC.

In numerous conferences organised by the European Economic and Social Committee the notion of structuring the formal relations between the EU and NGOs was omnipresent but no solution was implemented and no visible impact has been achieved. NGOs are still calling for structures to communicate directly with the Union's organs. As for now, only international NGOs enjoy access to the EU institutions. The European Economic and Social Committee is institutionally in charge of being an intermediary between the EU policy-making and civil society. But all EU institutions have set up their own mechanisms to engage European civil society organisations.

EUROPEAN COUNCIL

The Council of the European Union represents the national governments of the member states. Council members are of the opinion that NGOs should have an impact on their national governments, which can be achieved by a national interest group getting in touch with their government representatives¹³. However, as most decisions of the Council are drafted by working groups long before the meeting take place, the NGOs attempt to influence these working groups. It should be noted that NGOs' access to the meetings of the Council's committees is limited. What NGOs can do is to influence the contents of memos preparing the meetings where new policies are to be initiated. This happens every six months when the presidency of the Council changes. Any impact on the language of the memo may be considered a success since the Council constitutes the highest level of EU decision-making process¹⁴.

¹³ K. Diekman, *Die Vertretung spezifischer deutscher Interessen in der Europäischen Union, Träger, Strategien, Erfolge*, in: Weidenfeld W., *Deutsche Europapolitik. Optionen wirksamer Interessenvertretung*, Europa Union Verlag, Bonn, 1998, p. 224.

¹⁴ T. Wörner, *Einflussmöglichkeiten von NGOs auf die Umweltpolitik der Europäische Union*, Tecum Verlag, Marburg, 2004, p. 67.

EUROPEAN COMMISSION

European Commission, the “government” of the EU with a “minister” (i.e. a commissioner) from each member state does not register or accredit NGOs¹⁵. Formal relations of the Commission with NGOs are limited to the lists of organisations which may be consulted if necessary. NGOs feature also in some formal restrictions included in the code of conduct issues by the Commission. For example NGOs are not allowed to use a particular document for commercial purposes, or that money may not be given as a present to political or bureaucratic actors¹⁶. Commission’s approach to the relations with NGOs aims at establishing networks of societal actors at a national level. This simplifies and facilitates the contacts between the Commission and NGOs in a particular country as well as reduces the risk of disapproval from the member states’ governments¹⁷.

However, the most frequent contacts between the Commission and NGOs are informal and occur with NGOs’ expertise in some areas where it is needed¹⁸. Commission organises regular round-tables to associate NGOs on a topic of a particular policy formulation. Every year, several meetings involving environmental NGOs; consumer protection groups and advocacy groups focusing on agriculture, employment and social affairs or corporate social responsibility¹⁹.

In January 2000 the European Commission issued a Discussion Paper entitled “The Commission and NGOs: Building a Stronger Partnership” which aimed at giving an overview of the existing relationships between the Commission and NGOs and at suggesting possible ways to develop these relationships. Five main considerations were identified as a basis of the Commission’s desire to enhance the cooperation with NGOs:

- fostering participatory democracy;
- representing the views of specific groups of citizens to the European Institutions;
- contributing to policy making;
- contributing to project management;
- contributing to European integration²⁰;

In December 2002 a Communication on “General Principles and Minimum Standards for the Consultation of Interested Parties by the Commission²¹” was adopted. It set up a framework for the consultation of civil society in policy-making. This Communication proposes criteria for the selection of NGOs which

¹⁵ Ibid. p. 63.

¹⁶ Ibid. p. 63.

¹⁷ R. Eising, *Interessenvertretung in der Europäischen Union*, Berlin, 2001, p. 291.

¹⁸ I. Gorges, *Non-Governmental Organisations...*, *op. cit.*, p. 160.

¹⁹ P. van Amersfoort, *European civil society...*, *op. cit.*, p. 400.

²⁰ *The Commission and NGOs: Building a Stronger Partnership*, European Commission, http://ec.europa.eu/civil_society/ngo/docs/communication_en.pdf, viewed on 03.01.2008, p. 4-5.

²¹ *General principles and minimum standards for consultation of interested parties by the Commission*, Communication of the Commission, COM(2002) 704, Brussels 11.12.2002.

should be included in the consultation process. Such criteria include the structure and membership of these organisations (requirement of a transnational presence in more than one EU member state and a large membership base), the transparency of the organisation, the expertise, their track-record, the ability to contribute substantial policy inputs in a specific field and their capacity to work as a catalyst for exchange of information between the Commission and European citizens²².

EUROPEAN PARLIAMENT

The European Parliament, the only EU organ chosen in general elections, doesn't have extensive formal rules of the relations with NGOs either. Past attempts to introduce more detailed regulations shaping these elections failed due to the lack of will of other EU organs²³. Today's regulations of the Parliament are directed not specifically at NGOs but at every person or a group which wants to be recognised by the European Parliament as a lobbyist. Such persons are obliged to register and to abide by the rules laid down by Annex IX²⁴ to the Rules of Procedure of the European Parliament, in particular to comply with the Article 3 of that annex (Code of conduct). The Code of Conduct requires among others that the lobbyists "refrain from any action designed to obtain information dishonestly", that they don't "claim any formal relationship with Parliament in any dealings with third parties" and they don't "circulate for a profit to third parties copies of documents obtained from Parliament". Such formal Parliament's regulations were preceded by similar (sometimes more exhaustive) voluntary codes elaborated by umbrella organisations of trade associations, corporate representatives, consultants, lawyers and NGOs²⁵.

OTHER LINKS

The Union's reluctance to set up formal institutional links with NGOs is in a way "compensated" by a truly vast number of working groups, fora and networks chaired, sponsored or supported by the European Institutions²⁶. As an example of how the European Commission approaches the issue of cooperation with NGOs one may quote the EU Multi-Stakeholder Forum on Corporate Responsibility (CSR

²² P. van Amersfoort, *European civil society...*, *op. cit.*, p. 399.

²³ R. Bucholzer, *Legislative Lobbying in der Europäischen Union*, Haupt Verlag, St. Gallen, 1998, p. 6.

²⁴ *Rules of Procedure of the European Parliament, ANNEX IX: Provisions governing the application of Rule 9(4) – Lobbying in Parliament*, www.europarl.europa.eu/sides/getLastRules.do?language=EN&reference=ANN-09, viewed on 11.12.2007.

²⁵ *Code of Conduct*, Society of European Affairs Professionals (SEAP), www.seap.eu.org/linkdocs/code_conduct.pdf, viewed 10.12.2007.

²⁶ see: CIRCA – a collaborative workspace with partners of the European Institutions, <http://circa.europa.eu/>, viewed on 14.12.2007.

EMS Forum) which worked from October 2002 to June 2004 and aimed at promoting innovation, transparency and convergence of Corporate Social Responsibility practices. The Forum was chaired by European Commission and consisted of EU-level representative organisations of employers, trade unions and civil society as well as other business organisations. The participation was even broader for other EU institutions, as well as other organisations active in the field were granted observer status²⁷. Nevertheless, the final outcome of the Forum's work was not "hard" EU legislation but a "soft" report to the Commission with findings and conclusions. This is a typical form of interaction between the European Commission and NGOs.

CONCLUSIONS

The Treaty on European Union (as amended by the Treaty of Lisbon signed on 13 December 2007) in Article 8B²⁸ and the draft Treaty establishing a Constitution for Europe in Article 47²⁹ state that the EU 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", "shall maintain an open, transparent and regular dialogue with representative associations and civil society" and "shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent". These clauses present a general direction in which the EU ought to be going in the next years and suggests that the influence of NGOs on the shape and policies of the Union will be increasing.

NGOs have been playing a positive and supportive role in the European integration on different stages of the process. In the internal sphere, they have contributed to the greater transparency and credibility of the Union's decision making process, making it more comprehensible and acceptable for EU citizens. Externally, they have been strong supporters of the Union's enlargement. The experience of previous enlargements is that citizens in both EU member states and in candidate countries were not sufficiently informed and unprepared. The lesson is that any future enlargement of the EU has to be accompanied by intensive dialogue between the societies of the candidate countries and in the EU states. This would help to bridge the information gap, achieve better mutual knowledge and bring people of diverse cultures, political and economic systems closer together³⁰.

Nevertheless, what remains to be examined are various social organisations or movements that for some reason, openly or secretly, oppose (or opposed) the Euro-

²⁷ *EU Multi-Stakeholder Forum on Corporate Responsibility (CSR EMS Forum)*, European Commission, Directorate General for Employment and Social Affairs, Brussels, 2003, p. 6.

²⁸ *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, Official Journal of the European Union C 306 of 17 December 2007.

²⁹ *Draft Treaty establishing a Constitution for Europe*, www.consilium.europa.eu/igc/pdf/en/04/cg00/cg00087-re02.en04.pdf, viewed on 11.12.2007.

³⁰ *Civil Society Dialogue between the EU and Candidate Countries*. *op. cit.*, p. 2.

pean integration. They constitute a minority but their existence and activities may supply important facts for the study of a given society. Another research path to follow is the examination of the effectiveness of NGOs in achieving their goals. One still lacks sound evidence to prove that NGOs use their resources better than governments or otherwise.

One should hope that internal institutional interests do not overshadow the core goal of the Union's contacts with the civil society i.e. fostering robust, dynamic, participatory and democratic societies in and outside the EU. Building up support for policy initiatives in the social sphere and counteracting the legitimacy crisis of the EU bureaucracy should not remain Brussels' only concern³¹. Genuine dialogue with civil society does not aim at neutralizing protest but rather at listening and adapting to society's needs.

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³¹ S. Smismans, *European Civil Society: Shaped by Discourses and Institutional Interests*, "European Law Journal", Volume 9 Issue 4, September 2003, p. 473.

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ROLA ORGANIZACJI POZARZĄDOWYCH W PROCESIE INTEGRACJI EUROPEJSKIEJ

Streszczenie

Opracowanie ma na celu przeprowadzenie analizy formalnych i nieformalnych powiązań pomiędzy organizacjami pozarządowymi a Unią Europejską. Szczególnie uwidoczniła została rola tych organizacji w procesie integracji europejskiej. Praca opisuje relacje organizacji pozarządowych wykształcone przez Radę, Komisję, Parlament oraz Europejski Komitet Społeczno-Ekonomiczny.