

## Opinion of the European Economic and Social Committee on 'Civil society organisations and the EU Council presidency' (own-initiative opinion)

(2010/C 354/09)

Rapporteur: **Mr BARABÁS**

On 25 March 2009, the European Economic and Social Committee decided to draw up an own-initiative opinion, under Rule 29(2) of its Rules of Procedure, on

*Civil society organisations and the EU Council presidency.*

The sub-committee, which was responsible for preparing the Committee's work on this subject, adopted its opinion on 12 January 2010.

At its 461st plenary session, held on 17 and 18 March 2010 (meeting of 17 March 2010), the European Economic and Social Committee adopted the following opinion by 156 votes to 2, with 5 abstentions.

### 1. Introduction

1.1 The Lisbon Treaty, which entered into force on 1 December 2009, has brought significant changes to the institutional set-up of the European Union, including the new permanent post of European Council president. At the same time, the Lisbon Treaty created a legal basis for the 'trio' presidency<sup>(1)</sup>, in which three Member States assume the presidency of the EU Council over 18 months on the basis of a programme agreed on in advance.

1.2 From the perspective of civil society, Article 11 of the Lisbon Treaty is particularly relevant, since it is essentially concerned with strengthening participatory democracy, stepping up and structuring dialogue with citizens, carrying out in-depth consultation on the framing of EU policies and making provision for citizens' initiatives. All of this should help to strengthen civil dialogue.

1.3 This document has set itself the task of discussing the issues mentioned in the above paragraphs. To this end, it highlights the special role played by the EESC as the institutional representative of organised civil society at European level, sets out proposals to strengthen that role and, at the same time, expresses support for the provisions of the Lisbon Treaty intended to enable the EU to work more effectively, in greater transparency and with enhanced legitimacy.

### 2. Towards the new 'trio' presidency

2.1 The presidency-in-office, i.e. the presidency of the Council of the European Union, is not a recent innovation; an essential feature is that it rotates every half-year between

the Member States. During each presidency, the country holding the presidency acts as the EU's face and voice, defines strategies and plays an organisational and representative role.

2.2 Presidency tasks involve a great deal of responsibility and effort for the whole government. It may not use the presidency to represent its national interests.

2.3 Rules on the presidency were amended on 15 September 2006 by a Council Decision adopting the Council's rules of procedure (2006/683/EC), which laid the foundation for the 'trio' system. Essentially, this provides that for each period of eighteen months the three presidencies-in-office during that time work in close cooperation and consultation with the European Commission to prepare a draft programme for Council activities during the relevant period.

2.4 What is the advantage of this new presidency structure? The new system preserves scope for manoeuvre for the country holding the presidency, as under the six-month presidency; at the same time, the programme worked out jointly by the 'trio' helps Member States to work together more closely and ensure greater continuity and consistency in EU policies, and thus in the life of the Community.

2.5 The first such group of three presidencies working together ('trio'), which began on 1 January 2007, comprised Germany, Portugal and Slovenia and was followed by the French-Czech-Swedish group from 1 July 2008 to 31 December 2009. However, it is generally felt that for various reasons, and above all in the absence of the requisite legal basis, that the work of these 'trios' was dominated by national considerations and aspirations rather than those common to the three partners in the 'trio'.

<sup>(1)</sup> 'The Presidency of the Council ... shall be held by pre-established groups of three Member States for a period of 18 months.' (In OJ C 115 of 9 May 2008, page 341; Declaration on Article 16(9) of the Treaty on the European Union concerning the European Council Decision on the exercise of the Presidency of the Council, Article 1, point 1) is commonly referred to as the 'trio' presidency.

2.6 Following the entry into force of the Lisbon Treaty, from 1 January 2010 Spain, Belgium and Hungary will form a presidency 'trio'. This presidency will be based on the work programme adopted by the European Council meeting on 17 December 2009. It is a very ambitious programme covering many areas. To ensure effective presidencies, a key factor is the composition of the 'trio', which should include one large and/or founding Member State – i.e. a country with a certain amount of experience, together with a country which joined more recently and a new Member State.

2.7 Experience has shown that whereas countries with greater political weight also have more bargaining power, the smaller countries can often compensate for their apparent handicaps and possible inexperience thanks to well-chosen priorities, a good negotiating strategy and a significant willingness to compromise.

2.8 Following the entry into force of the Lisbon Treaty, the 'trio' practice amounts to a precedent with regard to the division of tasks between the European Council president elected for two-and-a-half years (renewable once) and the 'trio' working on a rotating basis, and not all aspects of this can clearly be foreseen at this stage. Close cooperation will be needed for the system to succeed. At the same time, given that the current system will continue to apply in many areas, one may rightly expect that national governments will quite naturally continue to make their own points of view heard and have an impact during their six-month presidency. This new situation also has important implications for civil society organisations.

### 3. Civil society organisations and current practices: a few typical characteristics

3.1 To start with, we should point out that the performance of rotating Council presidency tasks is basically a government responsibility. The decisive role in these tasks is played by civil servants (diplomats), experts and politicians. Documents regulating the performance of presidency tasks, including the Lisbon Treaty, do not mention the organised, institutionalised involvement of civil society.

3.2 However, there is a growing awareness by both the EU institutions and the countries holding Council presidencies that bringing society on board by involving civil society organisations and citizens can significantly contribute to effective work. This reflects an awareness of the value of participatory democracy and civil dialogue.

3.3 However, this does not mean that a consensus exists at EU level on policies and practices with regard to involving civil society organisations in implementing the Council presidency programmes. At national level the situation varies considerably and largely depends on the extent to which civil society in the country holding the presidency is organised and active, and on its relations with its government. In this respect, the relationship is not typically one between equal partners.

3.4 It follows from the above comments that civil society organisations are not generally involved in drawing up the

priorities proposed by the country carrying out Council presidency tasks; this in turn inevitably means that civil society has little or no feeling of ownership with regard to these priorities.

3.5 Given that the 'trio' presidency is a relatively new development, it is hardly surprising that there are only isolated cases of civil society in the three countries getting together in advance to act jointly. The first encouraging signs of this are likely to appear during the Spanish-Belgian-Hungarian Council presidency, for example during the preparation and organisation of high-visibility civil society events (Malaga in 2010 and Budapest in 2011).

3.6 Over the past few years, the practice has been – as in the case of a major European Civic Forum held in September 2008 under the French presidency in La Rochelle – for the country holding the Council presidency to host a meeting for the representatives of civil society, with the support of the European Commission. At such meetings, the issues of direct concern to civil society organisations are discussed, and should ideally be incorporated into the priorities identified by the host country.

3.7 The EU thematic years (such as the European Year for Combating Poverty and Social Exclusion in 2010) offer good possibilities for involving civil society organisations in Council presidency programmes and activities.

### 4. The European Economic and Social Committee and Council presidencies: the current situation

Over the years, the EESC has developed various activities in connection with Council presidencies. These include the following:

- inviting high-level representatives from the country holding the Council presidency to EESC plenary sessions and meetings of other bodies (section and group meetings, etc.);
- identifying EESC priorities and developing specific activities with reference to the programmes of the six-month Council presidencies;
- adopting EESC positions on various subjects at the request and initiative of the country holding the Council presidency;
- participating in various Council presidency programmes; presenting EESC opinions on issues which are under discussion;
- visiting the country holding the Council presidency; participating in specialised programmes and strengthening links with various civil society organisations;
- participating in major European-level civil society events in the country holding the Council presidency;

- holding conferences, presentations, cultural events, exhibitions, etc. at the EESC's headquarters, providing publicity for the country holding the presidency and its civil society;
- receiving group visits at the EESC (by representatives of civil society organisations) from the country holding the Council presidency;
- focusing the EESC's communication policy on the country holding the Council presidency and its civil society.

#### 5. The next step: the Lisbon Treaty, the Council presidency and organised civil society – Recommendations

5.1 Our starting point is the Lisbon Treaty and its entry into force on 1 December 2009, thus creating the requisite conditions for the European Union to provide forward-looking responses to the diverse challenges which it faces.

5.2 Our objective is to develop participatory democracy, step up dialogue with citizens and strengthen civil dialogue, thus also helping to strengthen the democratic legitimacy of the European institutions.

5.3 Article 11 of the Lisbon Treaty provides a good basis for doing this; the new possibilities offered by this article are fully consistent with the EESC's earlier recommendations, for example in its opinion on 'The Commission and non-governmental organisations: building a stronger partnership' (adopted on 13 July 2000)<sup>(2)</sup> and 'The representativeness of European civil society organisations in civil dialogue' (adopted on 14 February 2006)<sup>(3)</sup>. All of this means that it is not only possible but indeed necessary for the EESC as the institutional representative of organised civil society at European level to play a proactive role in ensuring that the possibilities provided for in the Lisbon Treaty, and in particular Article 11 thereof, are implemented as fully as possible, as the Committee has stated in its opinion on *The implementation of the Lisbon Treaty: participatory democracy and the citizens' initiative (Article 11)* which it also adopted on 17 March 2010<sup>(4)</sup>.

5.4 In this connection, Council presidencies are well-equipped to achieve the following:

- strengthening commitment to the European ideal and helping to ensure that active European citizenship is a greater part of our daily lives;
- ensuring that civil society organisations and European citizens are directly involved in and shape the political processes at various levels which determine the future of the European Union;
- strengthening civil dialogue;
- guaranteeing that the EESC continues, constantly renews and enriches its activities relating to Council presidencies; with regard to the latter point and in addition to the list under point 4, the EESC should:
  - a) encourage civil society initiatives and joint action, including the holding of high-visibility civil society events in the country holding the presidency;
  - b) act to ensure that major civil society initiatives resulting from dialogue between civil society and governments – as equal partners – are integrated into presidency programmes, thus strengthening acceptance by society and support for the programmes;
  - c) through the EESC Liaison Group with European civil society organisations and networks, regularly put forward for discussion issues linked to the current Council presidency and of relevance to civil society;
  - d) encourage Economic and Social Councils (or similar institutions) in the country holding the Council presidency to become actively involved in related activities and programmes;
  - e) ensure that EESC members from the country holding the Council presidency receive all the support they need in performing presidency-related tasks effectively;
  - f) help enable civil society organisations to effectively support the work of the country holding the Council presidency by disseminating best practices.

Brussels, 17 March 2010.

*The President*  
of the European Economic and Social Committee  
Mario SEPI

<sup>(2)</sup> OJ C 268 of 19 September 2000.

<sup>(3)</sup> OJ C 88 of 11 April 2006.

<sup>(4)</sup> See page 59 of the current Official Journal.