

INFORMATION NOTE

from : Secretariat

to : Convention

Subject : Contact groups (Civil Society)

Members of the Convention will find attached reports from the meetings of the eight contact groups, covering different sectors of civil society, which took place between 10 and 18 June 2002.

SOCIAL SECTOR

Chairman: Klaus Hänsch

No of participants registered: 105 (74 organisations)

A meeting with representatives of non-governmental organisations working in the "social" sector took place in the morning of Thursday 13 June, under the chairmanship of Mr Klaus Hänsch, member of the Praesidium of the Convention. 74 organisations had registered to attend the meeting – about eighty individuals were present on the day, of whom 30 took the floor.

The participants were drawn from a wide range of interest groups, and this was reflected in the scope of subjects covered in the discussion. Mr Hänsch opened the discussion by underlining the importance of the various contact group meetings as an opportunity for organisations from civil society to provide input into the work of the Convention. There would be a further opportunity at the plenary session on 24 and 25 June, in preparation for which each contact group was invited to designate a number of representatives to speak on behalf of their sector. Mr Hänsch provided the group with information about the organisation of the plenary session.

This summary is not an exhaustive record of all the points raised in the discussion. There were however a number of issues which were mentioned by several participants, and a few themes which can be identified as being of general concern to the sector as a whole. These are as follows:

- A number of speakers called for the full incorporation of the Charter of Fundamental Rights into the Treaty, and some called for extending its scope to include issues such as the right to education.
- Many sought formal recognition in the Treaty of the role of civil society, including a right to be consulted.
- References were made to the increasing use of the open method of coordination, and a number of speakers called for this to be formally recognised in the Treaty.

- Several called for a greater balance between economic and social policy, with explicit recognition in the Treaty of a "social" economy, and the inclusion of objectives such as full employment, the eradication of poverty and social exclusion, and sustainable development.
- Some proposed that there should be a more coherent approach to the Lisbon process, with a synchronisation of economic and employment guidelines at the Spring European Council. There was also a request for greater involvement of the European Parliament in these processes.
- Several speakers called for more support for services of general interest, cooperatives and non-profit-making organisations.
- There was a call for greater recognition of, and support for, families, and more emphasis on improving the treatment of migrants.
- There were several calls for concrete measures to end discrimination on grounds of gender and sexual orientation, as well as discrimination against the handicapped.
- Several speakers involved in scientific research establishments underlined the importance of science as a motor for the European economy and called for greater support from the Union for basic scientific research.

The Chairman welcomed the various contributions, which constituted a substantive input to the work of the Convention. After commenting briefly on a number of specific points, he invited those present to designate speakers to represent the sector at the plenary session on 24 and 25 June.

It was agreed that the social platform would themselves designate three representatives to speak for five minutes each. In addition, issues of non-discrimination would be addressed by Mary McPhail of the European Women's Lobby, and Economic/Social issues would be addressed by Rita Kessler from the Association Internationale de la Mutualité.

ENVIRONMENT

Chairman: Giorgos Katiforis

Number of organisations registered: 14

Number of participants registered: 20

The meeting was chaired by Mr Giorgos KATIFOROS, member of the Praesidium of the Convention.

After an introduction by Mr Katiforis on the aims and method of the contact group, the floor was taken by Mr David Lawrence, Director of Directorate-General A: Sustainable Development and Policy support of the Commission's Environment DG, who gave an unofficial account of some of the projects and objectives of the Environment Directorate-General.

Statements were then made by representatives of the following organisations: Eurogroup for Animal Welfare, European Agricultural Convention, European Landowners Organisation, European Women's Lobby, European Environmental Bureau.

Main proposals put forward by the representatives of organisations:

Fundamental rights

1. Include environmental rights in the Charter of Fundamental Rights, amending it to be worded in terms of rights.
2. Add to fundamental rights the right of access to healthy food, the right to information, the right to a clean environment and clean water, the right to environmental services, the right to food free from GMOs.
3. Introduce the concept of animal welfare into the Treaty.

The Union's tasks

1. Maintain objectives and principles essential for environment and sustainable development, in particular as laid down in Articles 2, 6, 174 and 228 of the EC Treaty.
2. Review objectives of the Agriculture Policy, by bringing Art. 33 into line with the requirements of sustainability, quality food production, health and environmental protection, appropriate and sensitive rural development.
3. Establish no fixed list of competencies.
4. Jointly develop agricultural and rural policies incorporating the concept of sustainable development and ensuring biodiversity and land and water management, moving away from the aim of production and towards the aim of rural development.
5. Promote local traditions and traditional trades, particularly in relation to food, and promote rural tourism.
6. Abolish the Euratom Treaty.

Instruments

1. Replace unanimity by qualified majority with codecision for environmental decisions by changing Art. 175(2) and Art. 99 of the EC Treaty, as for any other matters.
2. Open the door to the European Court of Justice for environmental cases.
3. Include a general provision in the Treaty for broad, open and timely public participation.
4. Extend transparency requirements to all EU institutions and bodies.
5. End secrecy in the Council, which should meet in public.
6. Give the Economic and Social Committee no additional role as representative of civil society.
7. Strengthen the existing institutions: improve the transparency and democratic working of the existing institutions. Extend codecision powers to the EP, as well as a (limited) right of initiative.

Subsidiarity and competence

Decentralise agricultural policy.

ACADEMIA

Chairman: Giuliano Amato

Number of organisations registered: 43

Number of participants registered: 65

1. Mr Giuliano Amato, Vice-Chairman of the European Convention, chaired the meeting of the contact group bringing together representatives of the academic world and "think tanks" in preparation for the meeting of the Convention on 24 and 25 June 2002 devoted to hearing from civil society. Around forty organisations had registered to take part in the meeting (see attached list), of whom about thirty were actually represented.
2. Mr Amato began by saying that this was a first meeting designed to put the various organisations in touch with one another. He encouraged them to collaborate and organise themselves during the Convention's proceedings and in particular to react promptly to the documents it produced. The Chairman pointed out that it was possible to identify five sub-groups within the contact group:
 - the academic world (universities, research centres, other ad hoc groups)
 - "think tanks"
 - movements promoting the European ideal, several of which were made up of young people or students
 - scientific research organisations
 - other NGOs from civil society representing various interests (European citizenship, women's movement, etc.), often participating in other sectoral contact groups as well.

3. The Chairman underlined the importance of the expertise provided by the academic world and also of the support of civil society in legitimising the final outcome of the Convention's work. It would therefore be necessary to consider, after the Convention meeting on 24 and 25 June, how to continue interacting with civil society in general and, possibly, with a contact group from academic circles and think tanks. The membership of the contact group might vary depending on the subjects raised. Experts could also be invited to take part in the working groups which had been set up, while the Convention Forum would continue to collect contributions.
4. The Chairman then invited participants to give an introduction to the organisation or network (for example AGORA or CEPS/EPIN) they represented and talk about their current and future activities which had a bearing on the Convention. They were also able to give their general views on the running of the Convention and the various topics it dealt with. The following points may be made at this stage:
 - Several participants raised the question of the final result of the Convention, in, particular the method to be used for drafting any basic Treaty and the structure of the Union which it would embody. The representatives of the European University Institute in Florence drew attention to their expertise in treaty reorganisation and said they were available to continue their work, taking into account the new context offered by the Convention. Other university centres or think tanks also declared their willingness to contribute to this undertaking, particularly with regard to questions of a more institutional nature or relating to European defence. The Chairman nevertheless pointed out that the Convention's financial resources were very limited.

- The participants also raised the matter of how to involve citizens more in the constitutional process now under way. Several supported the idea of holding a Europe-wide referendum to approve the outcome of the Convention or the IGC, or even of distributing a questionnaire in advance to all Europeans on what they expected from the European Union (based on an experiment already conducted in Hungary by ECOSTAT). Several youth groups mentioned their initiatives (for example, AEGEE, "Génération européenne"), in particular the drafting of a manifesto (international students of Political Sciences, Paris), and their desire to increase opportunities for mobility and language training. Another idea put forward was to make provision in the Treaties for systematic participation by civil society in the European decision-making process.
- Several institutional questions were raised, in particular relating to the executive function (relations between the Commission and the Council), the consistency of external action, and the problems of European public finances. Some suggested identifying the Council's legislative function and universalising the codecision procedure.
- The European organisations involved in scientific research drew attention to the important role of research and innovation in European society and its interaction with the industrial world. The intergovernmental research organisations (EIROForum) stressed the importance of a common European vision in this context. The GALILEO programme was a good example of closer collaboration between research organisations (in this case the European Space Agency) and the European Community. The latter could be represented more often, for example by the Commission, in these various organisations. In the case of the ESA, this would no doubt mean that the Treaties would have to include an indication of the Union's competence with regard to space policy. Finally, emphasis was placed on the need for mobility, not only of researchers, but also of staff of European institutions and intergovernmental research organisations.

- Women's organisations (for example, European Women's Lobby, Women citizens of Europe network) stressed the need to raise the profile of the principle of gender equality, particularly by including it in the preamble to the Treaties, or even by adding another Title. There was also a proposal to incorporate in the Charter of Fundamental Rights a general provision on non-discrimination between the sexes which citizens would be able to invoke directly, as in the case of the principle of non-discrimination on the basis of nationality.

5. Following that exchange of views, Mr Amato invited participants to appoint those in the contact group who would take the floor during the Convention meeting on 24 and 25 June. He suggested that participants should confer within the various sub-groups identified above and told them that, like the seven other groups representing civil society, they would have a total of 25 to 30 minutes. Mr Amato also proposed that one organisation from the candidate countries be represented.

The result is that eight people will take the floor, each for around three minutes:

Academic world:

- Mr Jean-Victor Louis (AGORA and European University Institute, Florence)
- Ms Florence Deloche-Gaudez (Political Sciences, Paris)

Think tank :

- Ms Kirsty Hughes (Centre for European Policy Studies / European Policy Institutes Network – CEPS/EPIN)
- Mr Stanley Crossick (European Policy Centre – EPC)

European /Youth movements:

- Ms Pascale Joannin (Robert Schuman Foundation)

Scientific Research:

- Mr Antonio Rodota (European Intergovernmental Research Organisations EIROForum)

Academic women's movements:

- Ms Teresa Freixes (Women Citizens of Europe Network)

Candidate countries

- Mr Karoly Lorant (Institute for Economic Analysis and Informatics, Hungary – ECOSTAT)

CITIZENS AND INSTITUTIONS

Chairman: Jean-Luc Dehaene

Number of organisations registered: 66

Number of participants registered: 94

1. The meeting was chaired by Mr Jean-Luc Dehaene, vice-Chairman of the Convention; 94 participants were registered, representing 66 organisations.
Most of the contributions focussed on institutional questions, or those relating to citizenship and participatory democracy.
2. As regards the institutions, the organisations which took the floor called in particular for:
 - a Constitution for Europe, which would be clear and readable for citizens
 - the Community method to be maintained and a simple and clear decision-making process to be introduced
 - the Council not to be the government of the Union, since it was the institution least capable of taking decisions and was not democratically answerable to any elected European assembly
 - for the government of the Union to be in the hands of the Commission, which alone was capable of representing the common interests of citizens
 - the President of the Commission to be elected by the European Parliament
 - the Union's competence in the area of economic and social policy to be reinforced
 - for the Union to take on the role of co-regulator of the globalisation process
 - the European Constitution to be approved by a European referendum or national referendums (one organisation was opposed).

3. On the question of citizenship and participatory democracy, the organisations in particular asked for the following to be incorporated in the Treaty:
- the right of citizens to be informed about Europe
 - the Charter of fundamental rights
 - the "pursuit of the common good" as one of the Union's basic objectives
 - the principles of sustainable development, which must include the economic and social dimension of the environment
 - regular holding of a "civil dialogue" similar to the Social Dialogue
 - parity democracy
 - the importance of services of general interest for social cohesion and in the interests of European citizens
 - principles of horizontal subsidiarity
 - the right of citizens to participate in all stages of European decision-making and implementation of decisions, particularly via consultation in the context of a real partnership and joint evaluation of the political results achieved
 - the statute of European association
 - recognition of the role of non-profit-making organisations (cooperatives, mutual societies, associations).

There was also a call for religious freedom to be incorporated in the Charter of Fundamental Rights and also to tighten up Article 13 dealing with racism and xenophobia.

4. At the close of the meeting, the following were chosen to speak at the plenary:
- Mr Fernand HERMAN (Federalist Voice)
 - Ms Alison WESTON (JEF – Europe)
 - Ms Charlotte ROFFIAEN (A.C.N. – Forum de la Société civile)
 - Ms Maria MIGUEL SIERRA (European Network Against Racism)
 - Mr Pawel KRZECZUNOWICZ (Polish NGO Office in Brussels).

REGIONS AND LOCAL AUTHORITIES

Chairwoman: Ana Palacio

Number of organisations registered: 18

Number of organisations or local authorities registered: 138

Number of participants registered: 187

The meeting was chaired by Ms Ana PALACIO, member of the Praesidium of the Convention. The first speaker was Mr Eduardo ZAPLANA, first vice-Chairman of the Committee of the Regions. The European organisations representing local and regional authorities which had submitted a contribution to the Forum had the opportunity to present their work at the beginning of the discussions.

A. Proposals on which there was consensus among the organisations

The organisations thanked Ms PALACIO for setting up the contact group and called unanimously for the group to hold **regular meetings** until the Convention had completed its proceedings. They also asked that the Convention set up a special **working group** to deal with matters relating to regional and local authorities.

The regional and local governments, having been elected by universal suffrage, pointed out that they were part of the system of government of the Union and were very frequently responsible for implementing Community legislation.

Fundamental rights

1. Incorporate the Charter of Fundamental Rights, and in particular the Preamble thereto, into the Treaty
2. Include regions and local authorities in Article 6 of the TEC
3. Incorporate into the Treaty (in accordance with methods still to be defined) guarantees of local democracy, **a common European cultural heritage**, in particular by incorporating the Council of Europe's European Charter of Local Self-government, which has already been signed and ratified by all candidate countries and most Member States.

The Union's tasks

1. Draw up a constitutional Treaty which clarifies and specifies the Union's task
2. Among the Union's objectives, special importance to be attached to the task of ensuring economic, social and territorial cohesion.
3. Establish a legal instrument to facilitate cross-border cooperation between territorial authorities within the EU and at its external borders.
4. Treaty to include positive discrimination in favour of the Union's outermost regions.

Instruments

5. All participants call for excessively detailed legislation which then has to be implemented by local and regional authorities to be dropped (for example in Sweden the counties have to implement between 60 and 70% of Community legislation)
6. All participants request that, in line with the current excellent practice in Austria, there should be systematic *ex ante* consultation very early on in the legislative process, in the spirit of true partnership between the institutions and local and regional authorities. The Treaty should make it compulsory for there to be consultation on all policies with major regional or local effects and on all policies with financial consequences for regions and cities. Moreover, there should be a "consultation code" to guarantee that practices are fair and transparent.

Participants denounced the shortcomings of consultation by means of Green or White Papers and called for the principles of good governance to be written into the Treaty.

Subsidiarity and Competence

7. The words in Article 1 of the TEU, "as closely as possible to the citizen" to be translated into reality;
8. Introduce **true subsidiarity**, which should recognise the **four levels** of government in Europe: European, national, regional and local;
9. Amend Article 5 of the TEC so that the role of local and regional authorities is recognised, with due regard for the internal structures of the Member States;
10. Amend Article 10 of the TEC as regards fair cooperation which must also be applied to local and regional authorities;
11. In the absence of a precise list of different types of competence, a system of ex-ante and ex-post checking should be introduced **as a top priority**, the best guarantee of proper control of subsidiarity being as described in paragraph 15 below;
12. The "**principle of relation**", a concept of German constitutional law, to be recognised in the Treaty; according to that principle the European legislator should be responsible for the financial consequences of his decisions or give the territorial authorities, when they have to apply the decisions, as is often the case, the means to do so (e.g. the European Council in Lisbon said that each school should have an Internet connection, but the resulting cost has to be borne by local authorities).

Requests relating to the Committee of the Regions

13. Recognition of the CdR as a Union institution (in practice recognition of the right of appeal to the Court in defence of its prerogatives).
14. Adjustment of the balance of the CdR because of the under-representation of the local level in some delegations.

B. Special requests from regions with legislative powers (RPL)

15. Right of individual appeal to the European Court of Justice by RPLs (appeal to check legality)
16. As a minimum, right of appeal via the Committee of the Regions (it should be noted that the European Parliament was given active legal capacity by the Treaty of Nice).
17. Special status for RPLs in the Treaty/or LAMASSOURE proposal that the regions should be "partners of the Union".
18. Participation of regional assemblies in COSAC.
19. Participation of regional ministers in the Council on the basis of Article 203 of the TEC.

C. Nominations for organisations to speak at the plenary:

- Assembly of European Regions
 - Association des Régions Frontalières de l'Europe
 - Conference of Peripheral Maritime Regions of Europe
 - Council of European Municipalities and Regions
 - EUROCITIES
-

HUMAN RIGHTS

Chairman: António Vitorino

No of participants registered: 94 (64 organisations)

1. The contact group, facilitated by Commissioner Vitorino, covered a wide range of issues, notably human rights aspects of the Union's internal and external policies. Sixty-four organisations (ninety-four persons) registered to participate in the meeting. A number of participating organisations represent a wider international network of organisations.
2. All participants highlight that the European Union is a Union of values and that the protection and promotion of these values have to be put at the centre stage of the Union's policies, both internally and externally. There is also a general acknowledgement that enhanced transparency and accountability of the institutions, more focus on gender equality in the EC Treaty and in the Union's policies and an intensified dialogue with the civil society are of major importance when it comes to putting human rights into practise.
3. As regards human rights within the European Union, a vast majority of speakers calls for incorporation of the Charter of Fundamental Rights into the treaties to make it legally binding. Many of them believe that the text of the Charter should be amended to include or strengthen a number of rights, and that the Convention should address this issue. Others mentioned the risk that reopening the Charter might lead to weakening of the text and proposed to provide for a possibility of future review of the text after its incorporation.

4. Cataloguing rights is not sufficient and many speakers agree that concrete protection of rights depends on effective implementation and control mechanisms, as well as mainstreaming human rights into all EU policies. In this context, some call for an extension of the competences of the Court of Justice, notably in the current "third pillar". The Union's accession to the European Convention on Human Rights (as well as to other international human rights instruments, such as the revised European Social Charter) is recommended by a large number of participants.
5. As regards the external dimension, a number of speakers called for an active and consistent human rights policy, based on the principles of universality and indivisibility of fundamental rights. International human rights standards should guide the Union's relations with third countries.

A number of participants feel that due attention should be given to social, economic and cultural rights and that these rights should be strengthened both in the Union's legal framework and in its policies.

DEVELOPMENT

Chairman: Henning Christophersen

Co-Chairs: Ms Anne Van Lancker, Lord Tomlinson, Mr Kimmo Kiljunen

No of participants registered: 42 (29 organisations)

- All the participants welcomed the idea of consulting civil society through contact groups and the plenary session. Some participants mentioned the need to institutionalise the dialogue with civil society, though some warned about the need to avoid this slowing down the decision-making process.
- Need to strengthen the EU's policy and establish a relationship between development and the objectives of the external policy in terms of policy objectives, decision-making process and implementing mechanisms to recognise development policy more clearly as one of the elements of the EU's external policy.
- Need to ensure consistency of other EU policies with its development objectives.
- The Development Council should not, at least at this stage, be abolished.
- The eradication of poverty should be given highest priority in the new Treaty.
- The social aspects should be more strongly emphasised in the external as well as internal dimension of the EU.
- Focus on democracy and respect for human rights should be deeply rooted in EU development policy.
- The European Development Fund should be incorporated into the Community Budget and subject to the same procedures as the rest of EU development assistance.
- The Charter of Fundamental Rights should be incorporated into the Treaty.

- All the participants expressed their satisfaction at the candidate countries' participation in the work of the Convention. The candidate countries' presence creates a new situation not only by the fact that they are less developed in terms of income but also in terms of development policy. This will however change over time as pre-accession policy also helps to build up their development policy.
 - Focus on equal treatment and equal opportunities for men and women.
 - The Chairman and Co-Chairs expressed their willingness to continue the dialogue through contributions from contact group members, especially concrete proposals related to the issues raised.
-

CULTURE

Chairman: Alojz Peterle

Number of organisations registered: 53

Number of participants registered: 71

1. On 12 June Mr Peterle, member of the Praesidium of the European Convention chaired a hearing ("contact group") at the European Parliament in Brussels of civil society organisations engaged in the cultural area. He was assisted by Mr van Mierlo, member and by Ms Birzniece, alternate. Mr van der Linden, member and Ms Palacio, member of the Praesidium also participated in all or part of the hearing. Secretariat support was provided by the Convention secretariat.
2. 53 organisations had registered to take part in this hearing (see attached list of participants). Five discussion topics had been selected to take account of the diversity of governmental and non-governmental organisations attending the hearing:
 - arts and heritage;
 - cultural cooperation;
 - languages and minorities;
 - churches and religious associations;
 - education.
3. In his introduction, the Chairman asked the organisations and NGOs to give their views on the topics and issues appearing in the Laeken declaration and on those tackled during the initial Convention sessions. An exhaustive account of contributions is unnecessary, but the following points may be noted:

- the actions conducted by the Union in the cultural field were deemed generally inadequate. A European action did not jeopardise decisions taken at national level but rather supplemented them. There should be encouragement for actions which would enhance a feeling of European cultural belonging;
- many speakers urged that the Charter of Fundamental Rights be included in the Treaty. Some suggested that it be amended by including a reference to the right to culture or a mention of the spiritual or cultural values which provided the impetus for European integration;
- several speakers wanted the provisions of the Treaty relating to culture (Article 151) to be maintained and made subject to a decision by qualified majority (instead of the current unanimity with a European Parliament codecision procedure). A number of speakers stated that the most important measures adopted by the Union in the field of culture had often had a legal basis other than Article 151, in order, in their view, to get round the unanimity obligation. Some speakers spoke of their support for the Protocol on the system of public broadcasting in the Member States annexed to the Treaties and wanted it to be maintained;
- a number of speakers deplored the fact that insufficient account was taken in the European Treaties of the special nature of cultural property, which could not be regarded in the same way as other goods and should receive or continue to receive special treatment, especially as regards the rules on State aids for the film industry;
- those speaking on behalf of Churches or religious communities expressed their support for declaration No 11 amended to the Final Act of the Amsterdam Treaty on the status of churches and non-confessional organisations. They furthermore considered that the values uniting the European continent and which were to be found in European principles (values such as peace, liberty, human dignity, solidarity and democracy) owed much to the religious and in particular Christian heritage of Europe. This heritage and link should not be overlooked and should appear in European texts. One speaker pointed out, however, that an increasingly large proportion of the population no longer referred to this religious heritage and that if it were mentioned it would create divisions between believers and non-believers;

- several speakers recalled the existence of minority languages or cultures within the European Union. Their place should be recognised and support given for their further development.
4. At the end of the statements and discussions, the Chairman reminded participants that the Convention session on 24 and 25 June would be devoted to hearing representatives of civil society. Organisations engaged in the cultural field would have 25 to 30 minutes to present their views, followed by a discussion of the same length with members of the Convention. The Chairman asked the attending organisations to inform him of the way in which they would be using their speaking time. Following brief consultations, the following arrangements were adopted:
- cultural cooperation, arts and heritage, education: 10 minutes to be shared between Mr von des Gablentz (Europa Nostra) and Ms Chabaud (European Forum for the Arts and Heritage);
 - Churches and religions: 10 minutes, Mr Jenkins (Conference of European Churches);
 - languages and minorities: 5 minutes.

All speakers are invited to take account of the suggestions made by participants on the content of their contributions to the European Convention.

=====