



**Ph.D. School in
International Relations**

EXCERPT

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Civil society organisations and the European Union

- CSO interest representation

Ph.D. dissertation

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Budapest, 2008

Institute for International Studies

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1. Background to the research and justification of the topic

The present dissertation reflects my interest and commitment towards civil society lasting for more than a decade. This relation has started during my high-school years at the beginning of the transition years of Hungary, and continued later throughout my university years when I took part in several student organisations. In the past decade I have been a founder, a member of an association or a member of the board, and even today I take active role, give advice in several organisations. For four years I worked with governmental – civil society relations within the Hungarian state administration, with special regards to the EU accession and the possibilities arising from it.

The organisations of civil society play a strategic role to find the “golden mean” between the exclusivity of market and state as they take a special position outside of these, and as they are relatively small, flexible and have special relations with citizens, as well due to their capacity to mobilise “private forces” to support public purposes (Salamon és Anheier [1999]).

At the same time as the economic and political significance of these organisations have been increasing, they are keen to interfere in issues that also affect them, hereby changing the roles in political decision-making. The European Union has also recognised the importance that civil society organisations gain ground both in public life and in political expression of views – and though the relations between civil society and the European Union have already been exceptionally multiple, varied and diverse, just like civil society and the European institutions system themselves, – after the signature of the Maastricht Treaty the access to the European institutions have been gradually given to the representatives of civil society. This was a deliberate change on the EU side, and in the past fifteen years the representatives of civil society organisations take a greater role, so it would be proper to ask what the role of civil society is and could be in the procedure of European integration.

As civil society organisations engage into the institutional system at several points, the answer can be several too: the actors of civil society can play a role in making the institutional monster of the Union more human, can decrease the gap between the citizens of the Union and the decision-making institutions, can strengthen the formation of the European identity, can open new ways of communication and information flow towards society, can increase the acceptance of the EU by providing knowledge on it, and can also reduce the passive ignorance of the public towards European issues. Besides that the European Union can have a

fresh view: civil society has innovative resources that exploitation and utilisation could be of assistance for the Communities.

Deriving from the multiple organisation of the institutional system and the several points of contact – in this regard there are only rough estimates, and even the most acknowledged experts on the field give an estimation only on the organisations in cooperation, as there has not been a comprehensive research on this in the past decades, – as well from the problems of the definition of civil society from the general and the EU standpoints, the compound formal and informal relations, the different member state regulation and their relations towards their own civil societies, the complexity of this field cannot be described in its integrity. At the same time despite of these boundaries, these relations need to be put into the focus of study in the framework of political sciences, not only because the European institutions emphasise the formation, regulation and transparency of institutionalised relations since the 80s, but because in the formation of the European political system, as well in the communication of the EU the deliberate inclusion of civil society organisation has emerged

Relying upon these findings my dissertation examines how the representatives of civil society organisations in the EU engaged in the decision-making procedure of the Union, what framework for this cooperation has been established by the European institutions, what the perspectives of the civil society dialogue are on the European level, and whether the Hungarian civil organisations can join this process in effect.

My hypotheses in this regard are the followings:

I. Creating a homogenous and unified civil society on the level of the European Union is not possible; however, the regulation of civil society organisations working on the European level would simplify the forms of cooperation.

II. If the regulation of structured dialogue, consultation and the participation with the EU institutions establishes a common set of conditions for the engagement of civil society organisations to the decision-making mechanism of the European Union, then

- 1) there will be unified and equal conditions given for all interest groups, including civil society organisations.
- 2) the participation of civil society in the decision-making process decreases the democratic deficit of the European Union.

III. If the provisions in the relations with civil society of the Hungarian government encourage the international appearance of civil organisation, then their influx will be more effective on the European level.

2. Methodology of the thesis

The dissertation has been written on the field of international relations, and was set to have a multidiscipline approach that includes international political science, international law, international economics, sociology and history. The research area implies that international political science and European Union law are the most important fields. In the first part of the dissertation, when the development of the European civil society area is discussed, as well when discussing the relations between civil society organisations and the Hungarian government, primarily history, political science and economics are taken as the starting point. And when discussing the development of the relations between the European Union and civil society organisations, as well the changing of their roles in interest representation, it is theory of integration and the European law that comes first to focus.

The period that is covered in the thesis starts from the formation of the European Communities, but focus is pointedly given to the documents following the Maastricht Treaty, as dialogue with civil society organisations have only been strengthened afterwards, as well their engagement into the decision-making procedure have become characteristic. The last document examined in this regard is the Communication of the Commission of the European Communities – COM(2008)323 final – published on 27 May 2008. The thesis is concluded by the analysis of this document and its future influence, the decisions of the EU and its relations with civil society organisations are investigated until this moment, future possible points of contacts, and as well the potential positions for Hungarian organisations are taken from here.

There has been a numerous collection of works in regards to civil society (A. Arató – J. Cohen [1989], Seligman [1992], Seligman [1997], Kondorosi [1998], Miszlivetz [2001], Szabó [2000], Csefkó – Horváth [1999]) that present theoretical approach, or introduce countries as case-studies. Following the transition international researches and analysis have also included Central European countries, and the development of its civil society. Out of those researches it is important to mention the Comparative Non-profit Sector Project carried out by the John Hopkins University of Baltimore, USA, in which – in both research periods (1995, 2003) – Hungary has been involved, as the only Central European country in the first phase. The project aimed to make an attempt on global level to examine the dimension and

structure of the sector (Salamon – Sokolowski – List [2003]), and it summarised the common characteristics that describe the organisations of the “non-profit”, the “voluntary”, the “civil”, the “third” or the “independent” sector, and it established structural-operational definition of the sector.

After the transition several Hungarian authors (Bíró [2002], Kuti [1998], Kuti [2008], Kondorosi [1998], Lomnici [2000], Bartal [2005]) have dealt with the development of civil society and the role of civil society organisations. These studies have been of utmost importance, and have described the development of civil society as a dynamic and often changing process, where tendencies are only becoming visible lately, whereas civil society can be describe as intensely flexible and changeable.

In the relations of civil society organisations and the European Union there has not been generally accepted policy on the representation of civil society on European Union level until the years of 2000, its formation and continuous development can be noticed nowadays. The variety and diversity of the topic derives from that that the different development ways of the member states and their historical backgrounds give way to different approaches, so the question – due to its extensity – is only discussed partially. At the same time the appearance on the European level, the interest representation – despite of the lack of European legal status – gets greater role and more emphasise in the decision-making process of the Union.

Out of the studies materials I primarily depend on the primer resources, – I study the treaties of the European Communities, the White and Green papers of the European Commission, and its communications, as well the communications and opinions of the consultative bodies, namely the European Economic and Social Committee, – as well on other official documents of policy decision makers, leaders and representatives in charge (interviews, reports), that allow to see the standpoints of their organisations on certain issues. Parallel to this I also study the opinion and responses of civil society organisations on European level to these documents.

I reflect on the earlier Hungarian and international literature on the field, as these monographs and articles enlarge the knowledge on the topic, they give an excellent description of the development, and show some interesting points, or discuss the developments from a different angle, expanding the scope of interpretation. When discussing the terminology of civil society I look into the “social origins” theory (Salamon–Anheier [1996]) approach in the antecedent historical development, and examine the possibilities of

the formation of civil society on the European level. Later, with the presence of civil society organisations on European level, and with their involvement and institutionalisation into the decision-making process, I introduce the approach the European Union – with special regard to the European Commission and the European Economic and Social Committee – has taken towards organised civil society and their channelling into interest representation.

In the first, introductory part of the dissertation I discuss if an unified European civil society is possible. I illustrate why civil societies differ in the member states, why they are not homogenous, what the social developments are behind these, as well the political and historical determination that caused this heterogeneity. I study the approach science uses to describe civil societies of the member states, and the differences that exist in the EU. Based on these, it is understandable that the creation of the definition of “civil” on the EU level is itself a challenge, and as a consequence the definition has an approach of exclusion: civil society is taken as those organisations and interest groups that form part of the so-called third sector that exist besides state administration and business sphere. The institutionalised forms of these groups are civil society organisations. The present introductory part reveals these definition dilemmas, and introduces the concepts and expressions used in the latter parts.

After the study of the European civil society I examine what factors lead to the inclusion of civil society into the decision-making of the EU. The dialogue between the Union and the civil society organisations (CSOs) has gained importance since the beginning of the 1990s, caused on one hand by the development of the internal policy of the Union, on the other hand by the influence of events of world politics. As this newly formed relation gains strength in a rapidly growing pace, it is important to see what motives play a determining role in this process. Finally I deal with the role that civil society participation in the decision-making plays in the decreasing of the democratic deficit of the EU.

The next part – tailored to the extent of the dissertation – is concerned with the institutions of the European Union, with special attention to its relations to civil society organisations. This analyse follows the logical structure deriving from the general decision-making mechanism of the EU. Within the structure of the EU institutions civil society organisations can be included into the decision-making, mainly through the European Commission. Besides the Commission the consultative bodies, predominantly the European Economic and Social Committee that keeps contact with organised civil society, has an influential role, as well the European Parliament that in many cases has a co-decision authority, finally I look at highest decision-making body, the Council of European Union.

The debates circling the European integration have two questions to be discussed: firstly, how the EU expands its authority; secondly, how the democratic deficit can be assured. Organised civil society takes part in both debates. The question for organised civil society is the extent of its importance and the degree of its influence, not if it has an importance or influence.

The political institutions of the EU have also aimed at the utilisation of organised civil society for the expansion of the democratic legitimacy of the EU, be the question that this expansion realises on the benefit, explicitly on the output side of the political process, or at the beginning of the political process as in case of the input side.

In my dissertation I also discuss the possibilities of the European level civil dialogue, with special attention to those interest groups that are outside of the civil sphere, and which influencing intentions have effects on procedures and the positions of civil society organisations. I show the measures that the Commission takes to present the various interest in a transparent way, and how this shapes the structured dialogue, and how this decreases the democratic deficit of the EU.

In the last chapter I present the developments of the Hungarian government and civil society relations after the transition, to be precise how the position and role of the Hungarian civil society organisations have advanced, what progressions influence them on national level, and by that what possibilities they have when en-routed into the decision-making process of the EU.

Actuality of topic is given by the increase and more influential role of civil society organisations on the democratic legitimacy of the European Union. Measures taken without valid “civil” support result in democratic deficit: without the support of the community governance takes place above the heads of people. Together with democratic deficit the dilemma of output and input legitimate democracy arises. The connotation of output legitimate democracy is democratic governance – for the people, whereas the input legitimate democracy can be taken as governance – by the people. In order to have organised civil society appeared as a positive agent in democracies (namely to have its effects as positive in case of both the output and the input legitimacy), political systems need to structure their commitments towards the interests of organised civil society. Similarly to Canada and the US, the EU has also formed and is continuously forming its scheme of commitments towards organised civil society. The setting up of this regulation is of utmost importance for the

legitimacy of the EU, as the Union has been trying to strengthen the elements of participative democracy for a long time, so as to counter balance the structural weaknesses of the representative democracy. To know these tendencies and to know how to adjust to them, as well their formation is essential for Hungarian civil society organisations, but also for the decision-makers in the Hungarian administration, so as to be able to effectively use the European area for their interests' representations.

3. Results of the thesis

A) Fail to establish the European Association as legal form considerably hinders the formation of European civil society.

Due to the different history, social system and public administrative traditions in Europe the characteristics of the different countries have developed along different ways. Armstrong describes European civil society as multiform, multidimensional and multilevel.

It is multiform since so many countries, so many institutional form and legislation ruling it, in addition to it so many interpretation of civil society and civil society organisations. It is multidimensional since the organisations play a variety of roles in public life. Finally it is multilevel since civil society organisations and their associations work on local, regional, national, international and European- level too.

According to a different aspect, the European civil society can be understood as an aggregate of national civil societies organisations. Or it can be interpreted as multitude of transnational networks where the national characteristics have become faded (Armstrong [2002] p. 113.).

To be a European civil society organisation is more than to have members from the different member states, it also has qualitative and quantitative characteristics as well. An European umbrella organisation is to have members from several EU member states, and has to qualify some institutional criteria. For this it is important to really call an organisation European when it reflects upon the entirety of European society, that structure reproduces the democratic principles of the EU, its membership represents the population of the member states.

In the member states of the Union that legal regulation of civil society organisations falls under national regulations. The difference between these nations is even varies within the social-political classification describing them; this classification is a result of the Comprehensive International Non-profit Sector research (Salamon–Sokolowski–List [2003]). Out of their categorisation created by them the followings can be used for the member states of the European Union: Anglo-saxon, Scandinavian welfare states, European welfare partnership, as well Central and Eastern Europe. France and the Netherlands can be set as an example that both form part of the European welfare partnership, where there is a great difference in the legal environment of civil society organisations: it is too rigid in France, while liberal in the Netherlands. The question raised if these regulations could be or if it is

worth to (uni)formalise them. The scope of the legal forms shows great diversity: foundations, associations, unions, public benefit organisations.

The divergence of national regulations can be an obstacle in the formation of unified European civil society. Besides that the concept of civil society is different in each member state and civil society organisations have a different role and different legal and administrative status, and as a consequence their formation of long-term and committed alliances and coalitions, I do believe that the structure diversity also has a synergy effect, e.g. several alternative ideas can be set to solve problems, as well there is a pool of models to choose the most effective one when discussion regulation.

Those intentions that have started on the European level – first step was even taken by the European Parliament in 1984 when it passed a resolutions on the formation of the status of the European civil society organisations, – and have aimed at the unified regulation, at least have given recommendations on the standardisation of the legal-fiscal regulation, have presented model statutes and rules that encourage this process that leads to unified regulations.

The development of European civil society is certainly not only the question of legal obstacles; it is also influenced by a series of social, historical and sociological aspects. One thing that can be stated in all countries that the civil sector is important and it is becoming more influential on one hand by the services offered in the economy, on the other hand by the volunteers and paid employers it has (Salamon [1999]). Their political power, however, is still not in balance compared to their economic influence, it is weak in each country, and though statistics show that it is improving in passed years, the possible legal formation of civil society organisations could strengthen it on the European level.

B) The regulation of structured dialogue, the consultation and the participation with the EU institutions has established a common framework for the involvement of civil society organisations within the decision-making mechanism of the European Union.

The relations between the European Union and the civil society organisations are described by ambiguous tendencies: the number of organisations cooperating with the EU is constantly growing, whereas the policy regarding them has only been accelerated in the past decade.

Although the roots of attention towards civil society organisations, civil society can be detected in the formation of the European Economic and Social Committee (EESC) at the

signature of the Roman Treaty in 1957, the involvement of civil society organisations have gained ground only after the 1970s. The aim of creation of the EESC is to establish the possibility of dialogue between the employers, the employees and the “various interests” groups (including the representatives of civil society organisations). The task of the EESC is to consult the EU institutions (the European Commission, the Council and the European Parliament) in their work. It is one of the consultative bodies, established at the beginning of the European economic integration, and as the long-term objective of the Roman Treaty was the establishment of the common market – that assures the free circulation of goods, services, capital and work, – till the 80s the emphasise in the EESC was on economic goals.

The institutionalised framework of co-operation with civil society organisations date back to 1976, when the EU has established a common committee with international development and humanitarian organisations. Further development of relations only happened in 1989 when within the Directorate General XIII of the Commission an independent unit dealing with the so-called social economy (*économie social*) was established.

At the same time other directorates have started to form relations with civil organisations, for example Directorate General V. that was responsible for social policy. The reason of this was that organisations working on the field of social policy traditionally have an influential interest representation in the member states. As a result of this the European Social Forum was organised in 1996 that expressed objectives were to work out recommendations on social problems at the European level with the involvement of civil society organisations.

Traditionally environment and nature protection organisations have a good interest representation capability. The DG XI of the Commission issued the ‘Guidelines to the Harmonisation to Environment Law of the European Union’ publication in August 1997, that document contained the entire environmental legal regulation of the EU. Concurrently DG X was disposed to disseminated information on European affairs with the assistance of civil society organisations.

The formalisation of the relations between the EU and civil society organisations did only happen by signing the European Union Treaty in 1992. Declaration 23 attached to the Treaty says “following the objectives of chapter 117. of the Treaty establishing the European Union the Conference promotes the importance of co-operation between the European Union

and the Voluntary Organisations and Foundations as welfare organisations and who are responsible for services”.

In 1997 the Amsterdam Treaty has also highlighted the importance of social dialogue in relations to the social rights of employees. Besides this there is a specific declaration on volunteering (Bartal [2005] p.128.). The open coordination method has been adopted European social dialogue... [2003] p.16.) that meant the reform of dealing with social questions.

It was long claimed that the EU should prepare a comprehensive document summarising the policy on the non-profit sector; after long preparation the EU responded in June 1997 by publishing the Communication of the Commission of the European Communities on Promoting the Role of Voluntary Organisations and Foundations in Europe (COM(97) 241 final). Practically this has become the basis of principles for relations with civil society organisations. According to the document the voluntary organisations have economic, social and political roles as well.

The Communication gives recommendations both on member state and on the Community level, it supports dialogue with the sector within the EU. The document does not aim at giving specific solutions or compulsory recommendations for the specific member states. Nevertheless, in accordance with subsidiarity and proportionality concrete objectives can be declared that also can be represented on Community level.

The Commission has continuously fulfilled the stated aims between 1997 and 1999, several conferences and seminars were organised in the EU and associated member states, where the above mentioned document was discussed and evaluated, so by 2000 there was a discussion paper ‘The Commission and Non-governmental Organisations: Building Stronger Partnership’ presented that clearly reflected the readiness of the EU to establish stronger commitment towards the dialogue with civil society organisations.

Parallel to this the Lisbon process forming the future of Europe and reconsidering the strategy has been ongoing, that starting point was the Lisbon summit in 2000 where Europe has declared the objective to become the most competitive economic integration while grow to maintain the sustainable development. It needs to be carried out through politics and social cohesion. Both objectives encircled the civil dialogue and the development of civil society.

The Commission Discussion paper (COM(2000)11) is of great importance, as its discussion and adoption found grounds for the development between the Commission and the

NGOs – the document of the time explicitly talks about the non-governmental organisations -, whereas it emphasises the financial support to NGOs given by the Commission, as well it examines the more effective methods of dialogue. It raises the option how to more effectively organise the financial support system provided for NGOs by EU, and it give recommendations to establish a more comprehensive, unified framework for co-operation since it has been fragmented according to fields (DGs). It also takes it as a model the co-operation and dialogue on certain areas between the Commission and NGOs.

In the introductory part it mentions five factors as the principles of the co-operation between the Commission and NGOs that help and promote to strengthen the existing co-operation: 1. Strengthening of participative democracy. 2. Representation of determined groups of citizens in the European institutions. 3. Participation in the formation of political directives. 4. Participation in the implementation of programmes. 5. Participation on the European integration process.

As a consequence the document suggests that the Commission should further develop and strengthen its relations with NGOs, and both parties should acknowledge the other's priorities and its acute situation. The Commission must seek dialogue and consultation in order to reduce the responsibility between the institutions. The non-profit sector on the other hand needs to learn the given structure of the EU.

The year 2000 it was also when the Charter of Fundamental Rights of the European Union has been adopted. Its elaboration started in 1998, and though the Charter has not become part of the Nice Treaty, it has remained a declaration, it is still considered as a milestone. In the work of preparatory Convent the member states, as well the delegated bodies of the several EU institutions have participated, and as such various delegates of the EESC and representatives of civil society organisations as of consultative nature (Kacsonyi [2004]).

At the same time the EESC has taken steps for the challenging the opinion of civil society into its work. After organising the First Convention of civil society organized at European level in 1999 it has officially become the representative of civil society on European level in 2000. Paragraph 257 of the Nice Treaty (2000) has further expanded the role of the EESC by extended the representation of economic and social sphere over organised civil society as well (Armstrong [2002] p. 116.).

The Commission's White Paper on the European Governance in 2001 aimed to assist the preparation of the constitutional reforms. In this document the importance that prior to the

regulation interested parties should be involved in the regulations of certain issues and also in the implementation was given importance, and it was aimed that the consultation and dialogue between the Commission and the interested parties would be reinforced. Besides it was stated that certain civil society organisation would get consultative role in the preparatory work of the Constitutional Convent (Bartal [2005] pp.131–132.).

In accordance with these objectives the Commission published its Communication ‘Towards a reinforced culture of consultation and dialogue: general principles and minimum standards for consultation of interested parties by the Commission’ on 11 December 2001. (COM (2002) 704 final). The document contained those principles and minimum standards in the consultation with the “interested parties” including civil society organisations that is proposed to be taken into consideration by all directorate generals. The outlined resolutions in the document seek the communication of relevant information and more transparency, as well the execution of the 1998 Aarhus Convention that deals with the Rights to Information by the citizen.

This communication was a landmark in the relations of the Commission with civil society organisations, as it has established a unified framework for all interested parties, and paid special attention to civil society organisations by explicitly aiming at their involvement in the decision-making mechanism, and by giving those rights to them. This document lies as a guidance for all directorates, and sets an example for civil society engagement for other institutions.

C) The European Transparency Initiative forms and expands the circle of participants in the interest representation, though its voluntary registration is not sufficient to verify full transparency.

According to the European Commission’s ‘European Transparency Initiative – Green Paper (COM(2006)194 final) the commitment – stating the opportunities of active participation by the interested parties in the formation of EU policy should be widened – forms part of the strategic objectives for 2005-2009 with which the European Commission launched a ‘Partnership for European Renewal’(COM(2005)12). In this context, the Commission emphasised, in particular, that “inherent in the idea of partnership is consultation and participation”.

Furthermore, the Commission underlined the importance of a “high level of transparency” to ensure that the Union is “open to public scrutiny and accountable for its work” (COM(2005)12).

The Commission believes that high standards of transparency are part of the legitimacy of any modern administration. The European public is entitled to expect efficient, accountable and service-minded public institutions and that the power and resources entrusted to political and public bodies are handled with care and never abused for personal gain.

Taking this as the starting position, the Commission launched the ‘European Transparency Initiative’ (ETI) that means a change of paradigm in the consultation process with the interest representation groups.

With the European Transparency Initiative, the Commission has launched a review of its overall approach to transparency. The aim is to identify and stimulate a debate on areas for improvement. Consequently, the Initiative covers a broad spectrum of issues. These range from fuller information about management and use of Community funds to professional ethics in the European institutions and the framework in which lobby groups and civil society organisations are operating.

At last the Commission drew a distinction between three areas of action that needs to be further discussed in open and public debate, and those topics form part of this green paper: a) The need for a more structured framework for the activities of interest representatives (lobbyists). b) Feedback on the Commission’s minimum standards for consultation. c) Mandatory disclosure of information about the beneficiaries of EU funds under shared management.

As it is obvious, the Commission’s relations with civil society organisations have become adequately open and inclusive in the last years, and the way of thinking about them actively involves them and expects their opinion. At the same time this level of recognition of civil society organisations puts a challenge to the Commission as they also become an “interested party” in the structure consultation and dialogue with the Commission.

In 2006 at the acceptance of the document the existing policy of the Commission on the transparency in lobbying is based on two different categories of measures. On the one hand, there is the information provided to the general public about the relations between interest representatives and the Commission in order to allow outside scrutiny. On the other, there are

the rules on integrity which govern the proper conduct of those being lobbied and of the lobbyists themselves.

The European Commission has contact with a wide variety of stakeholders, experts and lobbyists. In this area, the Commission already has a well-established policy on transparency, which is laid down in the “General principles and minimum standards for the consultation of interested parties” (COM(2002)741).

By contrast, it is important to reveal that the European Parliament (EP) has an accreditation system for all needing frequent access to this institution (defined as five or more days per year). This system is compulsory for all and allows physical access to the Parliament. A register of accredited lobbyists is published on the EP website. It is simply an alphabetical list and provides only the names of the badge holders and of the organisations they represent. It gives no indication of the interests for which a lobbyist is acting.

The Transparency Initiative explicitly deals with reinforcing the external scrutiny of lobbying several options are taken into consideration. Providing more extensive information on who has contributed to the development of a policy or legal framework and developing an incentive-based registration system are the options that seem most appropriate to the European Commission.

The opportunity to discuss the issue of interest representation at European level was generally welcomed, although several participants in the consultation process were critical of the Commission's use of the term 'lobbying' to describe this phenomenon. Therefore, it should be stressed once again that the Commission's definition of 'lobbying' did not include any negative value judgment. Lobbying was referred to as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions". The Commission explicitly underlined the legitimate and useful role of lobbying activities in a democratic system. The Commission's new register will nevertheless be entitled 'Register of Interest Representatives'.

Public affairs consultancies, corporate lobby units ("in-house representatives"), NGOs, think-tanks, trade associations and law firms will be encouraged to join the register and offered the opportunity to indicate to which category they belong.

Within the ETI the Commission recommended greater transparency in lobbying as necessary, that credible system would consist of:

- A voluntary registration system, run by the Commission, with clear incentives for lobbyists to register. The incentives would include automatic alerts of consultations on issues of known interest to the lobbyists.
- A common code of conduct for all lobbyists, or at least common minimum requirements.
- A system of monitoring and sanctions to be applied in case of incorrect registration and/or breach of the code of conduct.

Many contributions supported the establishment of a voluntary register. However, a considerable number of those consulted, in particular NGOs, advocated a compulsory approach as the only way of ensuring full transparency.

Despite of this, for the Commission full transparency means first and foremost covering the landscape of European interest representatives as comprehensively as possible. To reach this objective, the Commission proposed a voluntary and incentive-based approach. Lobbyists that register certain information about themselves would be given an opportunity to indicate their specific interests and, in return, would be alerted to consultations in those specific areas.

It has been argued that as an incentive to register voluntarily this is still relatively weak. In the context of the consultation process it appears that the automatic alert function will probably not provide a sufficient incentive to register, particularly for Brussels-based interest groups that follow the Commission's activities on a daily basis.

D) Participation of organised civil society in the decision-making decreases the democratic deficit of the EU.

The debates circling the European integration have two main issues to be discussed: firstly, how the EU expands its authority; secondly, how the democratic deficit can be ensured. Organised civil society takes part in both debates. The question for organised civil society is the extent of its importance and the degree of its influence, not if it has an importance or influence.

The political institutions of the EU and in some cases also the member states have aimed – with varying success – at the utilisation of organised civil society for the expansion of the scope of authority and the development of the Union.

The political institutions of the EU have also aimed at the utilisation of organised civil society for the expansion of the democratic legitimacy of the EU, be the question that this expansion realises on the benefit, explicitly on the output side of the political process, or at the beginning of the political process as in case of the input side (Greenwood [2007]).

Together with democratic deficit the dilemma of output and input legitimate democracy arises. The connotation of output legitimate democracy is democratic governance – for the people. The main point is that representatives delegated by the people and the government make the binding decisions for society. It is all done for the interest of society; the goal is effective, optimal decision-making on long term (F. W. Scharf [1998]). Its advantage is that it is possible to make long-term decisions that implementation would fail on short-term as it has contradictory interest to various interest groups. The criterion for this legitimacy is the adequate representation.

The input legitimate democracy can be taken as governance – by the people. The aim is to make decisions with the wide involvement of the public together where various preferences are taken into account (F. W. Scharf [1998]). Its criterion is the effectiveness of decision. The legitimacy base for the functioning of the Union is: the wider involvement of the different clusters of society so as to effect a wider circle of citizens.

In order to have organised civil society appeared as a positive agent in democracies (namely to have its effects as positive in case of both the output and the input legitimacy), political systems need to structure their commitments towards the interests of organised civil society. The setting up of this regulation is of utmost importance for the legitimacy of the EU, as the Union has been trying to strengthen the elements of participative democracy for a long time, so as to counter balance the structural weaknesses of the representative democracy.

In comparison to other political systems the dependency on the interests of organised civil society is particularly high, as a result of the role of participative democracy and that needs of the EU to have political and policy support. Partly for democratic legitimacy and partly for the specific interest presented by organised civil society – that often differs from the diffuse general interest –, there is great need for an elaborated rules of regulations that states the commitment towards organised civil society (Greenwood [2007]).

E) The policy of the Hungarian government towards civil society organisations between 2002-2006 has significantly encouraged the effective involvement of Hungarian civil organisations onto the European level.

The formation of civil society has significant historical backgrounds in Hungary, and although the strength of this process was broken between 1938 and 1989, but the traditions continued. The transition also meant the rebirth and strengthening of civil society. The significance of civil society lies in its independence from the government in power.

There is no democracy, nor national solidarity without social dialogue, functioning system of interest representation and strong civil society. The future Hungary can only offer security and welfare for its citizens, if the citizens can be sure of the organised representation of their interest and intentions, if public life is built on co-operation and solidarity.

In the past nearly two decades following the transition there have been several fields and forms of co-operation established between the government and civil society organisations. The types of co-operation can take part as an issues, an event, a concrete organised action or a contracted legal form, that reflect diverse relations (Bódi – Jung – Lakrovits [2003]).

The relations between the government and civil society organisations have been improving on the organisational level since 1994 when first an officer responsible for the field, than an entire department was set-up in the Prime Minister's Office. It was only in 2003 when the department was transferred to the Ministry of Youth, Family, Social Affairs and Equal Opportunities, then emerged into the Ministry of Social Affairs and Labour.

In 2002 the programme of the new government dedicated a specific chapter to the relations between civil society and the government, namely "Autonomous civil society regarded as a partner by the State". The documents foresees: the support for the autonomic and partner civil society; the engagement of civil society organisations into the legislation; transparent, normative support system; increasing support from state budget.

The Prime Minister of the time announced on conference with civil society in September 2006 that the government is to establish a strategy towards civil society and called for active public participation in its formation. Delegated representatives of civil society discussed in work groups the proposal and made modifications, the social expectancy towards the strategy was extremely high.

The social (civil) dialogue that enclosed the debate over the strategy helped the formation of the three-sector society and the strengthening of civil society. This provided a

social development required by the European Union as well. The income of the sector was estimated close to be 700 billion Forints in 2002. The opportunity to undertake tasks on behalf of the state has been tremendously increasing for civil society organisations; it is further supported by several positive developments (creation of work places, alternative supply in services). With the development of civil self-organisation the creation of a National Civil Interest Representation organisations have also been made timely, that could become as a partner to the government. The more transparent division of state budget resources and their controlled utilisation would also ensure the functioning of the transparency, the so-called “glass-pocket”, programme in this area.

In this strategic document accepted in 2003 the government considered the exploitation of direct democracy important besides the institutionalised form of representative democracy, in which civil society organisations actively participate. Civil sphere reflects upon human values as independence, self initiation, pluralism and solidarity.

The importance of the adoption of the strategy can be measure the most by the fact that the institutionalisation of co-operation between government and civil society organisations have commenced. The coordination of the implementation of the government strategy was positioned high in central administration, assuring its success by this act. It is an unconditionally positive advancement that strategic thinking has been started on the development of civil society and on co-operation with civil society organisations (Kuti [2008]).

One of the most important elements of the strategy was that the law on the establishment of the National Civil Fund (NCF) (Act L of 2003) was adopted that created a resource automatism – free from party politics – guaranteed for enhancing the operational conditions of associations and foundations bearing public benefit status. With the resources of the National Civil Fund civil society has received a significant subsidy to successfully partake in the implementation of the most important state tasks. The institutional structure of the Fund is unique, the two types of bodies governing it: the Council and the Boards organised on regional basis or according to professional activities. The representatives of civil society organisations are delegated through a (civil) system of notation.

The establishment of the National Civil Fund is innovative in the history of the Hungarian civil sphere from more aspects. The state has created a new source for civil society organisations by providing them an extra one percent of the total income tax received, but

furthermore, it entrusts the delegates of civil society organisations to dispose over it. This type of co-operation anticipates new challenges for both the representatives of the civil sector and of the state.

This strategic thinking between the government and the states was also encouraged in the light of the accession by the EU, – it has subsidised several programmes, within the PHARE framework, the so-called Access programmes, that explicitly aimed at the development of the Hungarian civil society and their accession to the European networks, – as well it insisted on the inclusion of civil society organisations in the social preparation and elaboration of the EU membership.

With the EU accession the Hungarian civil organisations have also received new tasks – besides that they appear more actively on the service market even by undertaking public services, - they have gained an important role in the consultative and in-line committees for preparatory and implementation procedure to withdraw the European resources, to where it is obligatory to delegate in-line representatives from civil society organisations as well. As this is a new “learning process” on the national scene for both civil society and the state, it is not always free of conflict. A positive example of the strengthening of the interest representation capacity can be presented by the debate over the National Development Plan in 2005 that has become a precedent for the mechanism (and its enforcement) of future conciliations. A group of civil society organisations objected to the lack of publishing the National Development Plan, and accomplished to make it know, moreover, to have civil society organisations opined on it.¹ Ever since civil society organisations actively participate in the planning process, in the monitoring committees, as well have a “watch-dog”, a control over the governmental work on these fields.²

During and following the accession Hungarian civil society organisations have joined the European umbrella organisations, networks and interest groups at larger number. As there is no valid data on the number and effectiveness of these relations, they can only be gestimated and judged subjectively.

However, the effectiveness and activity of the representatives of the Hungarian civil society organisations can be – though not measured, but – by all means visible, that is their work within the Various Interests Group (Group III) of the European Economic and Social

¹ www.osszefogas.nonprofit.hu/files/4/6/1/2/4612_CNNy_allasfoglalas_0708.DOC Downloaded: 2008.06.25. 12:33

² Reports over the activities are published at: <http://www.osszefogas.nonprofit.hu/rovat/22.html?archivum=> Downloaded: 2008.06.25. 12:35

Committee. Though the delegation of representatives into the EESC is – usually – the right of the member states, and as it is not regulated, it varies in each member state. In Hungary this delegation in cases to the Employer’s or to the Employees Group of the EESC is based on the consultation with the National Council for Reconciliation of Interests, however, the delegation to Group III is not that apparent. So far, Hungary has generated the most democratic delegation procedure to Group III in the history of the EESC; it published an open call for application for delegation for representatives of civil society that needed to be supported by several organisations. The chosen representatives to EESC’ Group III highly base their work and opinion on the input of other organisations present, and also feedback is given on a public base.³

³ <http://www.egszb.hu/index.php> Downloaded: 2008.07.03. 13:35

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