

VOLONTEUROPE REPORTS ON

Effective consultation with citizens in the EU



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² Please see appendix 1 for details of the seminar’s programme.

FOREWORD:

Few events in recent European history have been as vital in establishing a working relationship between Europe and its citizens as the ratification of the Lisbon Treaty in December 2009.

Article 11 in particular has proved particularly important, as it has provided an institutional commitment to “open, transparent and regular dialogue” between Europe’s governing bodies and civil society, theoretically ending the “democratic deficit” voiced by critics, while providing active, not passive, European citizenship.

Despite these advances, there remains much to be done to transform these commitments into concrete and sustainable practice.

Even though the assurances made in the Lisbon Treaty provide “citizens and representative associations” with the “opportunity to make known and publicly exchange their views”, there is little agreement on how this should be achieved, leading some to remark that “effective consultation” is not yet being properly explored or employed.

From the wholesale participation guaranteed by statute in Wales (under the Third Sector Partnership Scheme, which provided “a statutory duty on the Welsh legislature to enter into legally binding partnership with the voluntary sector”), to the ad-hoc consultation processes in many new eastern European member states, the depth and breadth of “civil dialogue” the Lisbon Treaty aspires to, remains varied.

What is clear is that civil society organisations across Europe have a vital role to play in developing these commitments and for governments to put in place more effective consultation, seeking out new channels for constructive conversation.

This Volonteuropa (CSV) report on “Effective Consultation with Citizens in the EU” provides a major step forward in helping to progress the Lisbon Treaty commitment to governmental consultation with its citizens. Analysing all forms of consultation in individual Member States, this report lays the foundation for future analysis of the efficiency and sustainability of “civil dialogue” across the European Union.

President of Volonteuropa:

Elisabeth Hoodless

CONTENTS:

Acknowledgments	i
Foreword	ii
1. Executive summary – key findings	2
2. Introduction and objectives	3
3. Methods	4
3.1 The Consultation Efficacy Index	4
3.2 The Experiences of Consultation Survey	4
4. CSOs participation in EU governance	5
5. The Consultation Efficacy Index	7
5.1 Trends in efficacy of consultation	8
5.2 Observations on effective consultation	8
5.3 CSOs access to consultation	9
5.4 Transparency	10
5.5 Responsiveness	11
5.6 Inclusiveness	12
6. How was it for us? The Experiences of Consultation Survey	13
6.1 Results of the survey	13
6.2 Observations – key aspects of an effective consultation	16
7. A potential channel of communication – using European affairs committees to consult CSOs on European issues	17
7.1 Background on the European affairs committees	17
7.2 EACs survey results	18
7.3 Observations on structures	20
8. Conclusions and recommendations	21
9. References	22
10. Appendices	27
Appendix 1	27
Appendix 2	28

1. EXECUTIVE SUMMARY – KEY FINDINGS:

- **Civil society organisations (CSOs)³** are in a unique position to act as **interlocutors** between individual citizens and the institutions of EU governance.
- **Consultation is most effective** when CSOs have **open access to governmental institutions**, where **processes** are **transparent** and adequate **information** is **available**, where **policy-makers actively respond** to CSOs' concerns, and where institutions make **efforts to include** a diverse range of **organisations**.
- CSOs themselves should seek to represent a diverse range of citizens' concerns, and make their processes and structures as open and transparent as possible.
- In total, there are **fewer countries where consultation is effective** than there are **countries where consultation is ineffective**.
- **Nordic countries tend to offer the most effective** citizen **consultation**, with newly devolved legislatures in the UK also scoring highly.
- **Trust** between CSOs and government has a major impact on the effectiveness of consultation, as does the **capacity** of the sector in a given country in terms of lobbying and advocacy.
- For **CSOs, seeing** that their **participation** in consultation processes is **worthwhile** and that policy-makers respond to their input is **crucial** to their **continued involvement**.
- For **governmental actors**, the degree to which the **sector** is organised and can speak with a **unified voice** is key to their responsiveness.
- That consultation processes are **widely advertised** and that **sufficient time** is allowed for CSOs **to submit responses** is **vital** to ensure wide participation from a diverse range of organisations.
- To ensure participation of a diverse range of CSOs governmental institutions should **enable participation** through providing **financial or informational resources, travel or training**.
- 'Compacts' in the style of the UK Compact are useful for encouraging interaction and dialogue between policy-makers and CSOs, but **obligatory structures required by statute**, such as the **Third Sector Partnership Scheme in Wales**, provide the **most constructive** forms of consultation.
- European Affairs Committees (EACs) existing in Member State Parliaments offer some potential to act as a channel of communication between CSOs and policy-makers, with the **Danish EAC a model of best practice**. However, EACs vary in their powers to influence government and do not have the capacity to consult with CSOs on all matters European. Therefore, **new structures are needed in order to act on imperatives introduced by the Lisbon Treaty**.

³ CSOs are defined as collectives of citizens organised around a common interest. They should be *organised*, having an institutional structure and presence, and will most often have a legal status. They should be *private*, that is to say 'institutionally separate from government, although they may receive public funding and may have public officials on their governing bodies' (Salmon et al, 2003). They should be primarily *social and not commercial* in purpose, and be *in control of their own operations*. Finally, membership should be voluntary (ibid; Ávila & Campos, 2005).

2. INTRODUCTION AND OBJECTIVES:

Objectives:

This inquiry is intended to act as a short review of diverse processes, bringing together information on consultation in the broad sense in EU countries.

The inquiry has four main objectives:

- 1.** To analyse the efficacy of consultation of CSOs by public policy-makers in EU member states, reviewing and synthesising the findings of existing large scale studies in the field in order to generate a broad overview of current consultation processes and structures.
- 2.** To compare and contrast the findings of these studies, developing a Consultation Efficacy Index, and using this index to identify a subset of countries in which the primary architecture for consultation and dialogue between civil society organisations and public policy-makers is established and successful in its functions.
- 3.** To explore in depth CSOs' and parliamentary committees' experiences of consultation in order to analyse where the successes and difficulties of certain procedures lay and why.
- 4.** To draw these above elements together in order to elaborate models for best practice and to make recommendations for the UK sector to take forward in light of recent commitments made in the Lisbon Treaty to regular and transparent dialogue with civil society organisations.

The departing point for this inquiry is the ratification of the Lisbon Treaty in December 2009. At a time where debates over the 'democratic deficit' continue, the Treaty offers new possibilities for civil society organisations to engage with national and EU policy-makers regarding prospective European policy. The Treaty's *Provisions on Democratic Principles* introduce an imperative for institutions to consult widely with civil society. Article 11 in particular outlines institutional commitment to giving **'citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action'** (article 11B.1). In addition, the EU's institutions are obliged by the Treaty to maintain **'an open, transparent and regular dialogue with representative associations and civil society'** (article 11B.2).

In order to translate these very welcome and necessary commitments into substantive practice, architecture will be needed at both European and national levels to support the development of dialogue. Civil society has a vital function to play in healthy European democracy,

and civil society organisations in particular occupy a unique space in which they act as an interlocutor between the institutions of governance and individual citizens (Steffek & Nanz, 2008). **It is therefore vital that a broad range of civil society organisations have a guaranteed role in new consultation processes developed from Lisbon Treaty imperatives.**

Questions remain, however, regarding how the participation of CSOs in decision-making processes is best structured, and how their potential contribution can be maximised. Current architecture for consultation between public policy-makers⁴ and CSOs varies widely across the EU; and although there are some centralised and established practices in the European Commission⁵ for example, procedures in individual Member States are extremely diverse.

⁴ Public policy is defined as government action (or inaction), including 'soft' or 'hard' legislation, regulation, agreements, decisions or action plans relating to a particular issue or set of issues.

⁵ The European Commission has developed 'General Principles and Minimum Standards for Consultation of Interested Parties', see European Commission COM(2002) 704 final, 11.12.2002.

3. METHODS:

In order to achieve the above objectives, qualitative and quantitative data for the inquiry were collected via two main routes: a literature review of academic, public policy and practitioner resources; and a medium-scale field study, based upon a survey of 23 CSOs, government ministries and parliamentary scrutiny committees in 14 different Member States.⁶

3.1. The Consultation Efficacy Index:

The literature review and analysis of existing studies provided quantitative data for the first and second objectives, through which the Consultation Efficacy Index was developed. The Consultation Efficacy Index is a quantitative tool that helps us to make clear comparisons between cases. It measures the efficacy of consultation between public policy actors and civil society organisations across 21 of the 27 Member States.⁷ **Efficacy** is defined in this inquiry **as the capacity to produce results desirable to all parties participating in consultation processes.** It is measured in relation to four variables, following the framework developed by



⁶ Please see appendix 2 for full methodology details.

⁷ Insufficient data means that Belgium, Lithuania, Luxembourg, Malta, Portugal and Slovakia have been omitted from the Index. Though this is regrettable, given the timescale of the project it was also unavoidable. However, the other 21 Member States represent a good spread of 'new' and 'old', Nordic, Mediterranean, large and small Members, maximising the analytical potential of the results.



Steffek and Nanz for studying consultation:

- CSOs' **access** to consultations
- **transparency** of proceedings for CSOs and for the citizens they represent
- **responsiveness** of policy-makers to CSOs and CSOs to the citizens they represent
- **inclusiveness** of policy-makers to a diverse range of CSOs and CSOs to a diverse range of citizen concerns.

3.2. The Experiences of Consultation Survey:

In addition to the quantitative data provided by the Consultation Efficacy Index, this inquiry also analyses qualitative, exploratory data taken from two short surveys designed to investigate both CSOs' and public policy actors' experiences of consultation. The surveys again were designed to assess the **access, transparency, responsiveness** and **inclusiveness** of consultations

4. BACKGROUND – CSOs PARTICIPATION IN EU GOVERNANCE:

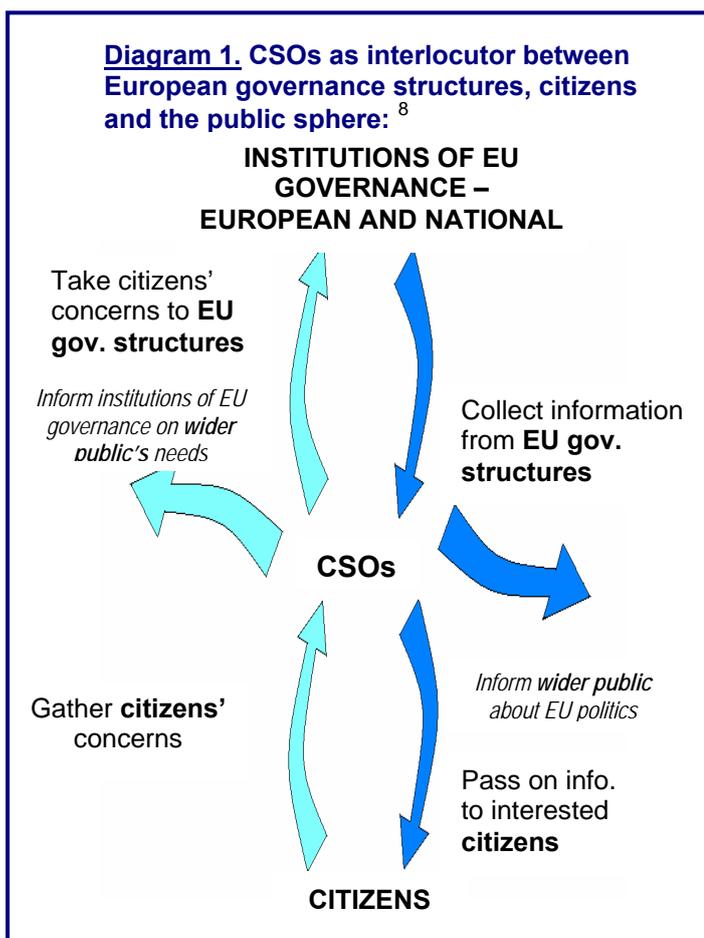
Normatively speaking, the participation of CSOs in European policy-making processes promises at least two things: the first, that these non-state actors can convey the interests and concerns of citizens at a more local level to the institutions of European governance; and the second, that these organisations can feed back information to individual citizens about how these institutions and their policy-making processes work, stimulating debate and exposing decisions made on policy to scrutiny, contributing to the development of a European public sphere (Steffek & Nanz, 2008). Diagram 1, below, illustrates the unique role that CSOs fulfil. **Directly involving CSOs means that citizens, who are usually only ‘policy takers’, have a chance to act as policy-makers, increasing their**

sense of involvement with the political process.

In addition, through the participation of CSOs public ideas on the fairness and legitimacy of policy processes and the functioning of EU institutions have the chance to develop (Papadopoulos & Warin, 2007, p.450).

Though it is only relatively recently that debates on civil society involvement in European governance have surfaced, some distinctive and effective models like the Citizen’s Agora have been trialled to promote the participation of CSOs in EU policy processes. Through institutionalised structures like the EESC, **CSOs** are becomingly **increasingly involved in decision-making** as politicians recognise their **potential to contribute to a healthy European democracy**. The inclusion of Article 11 in the Lisbon Treaty marks a real step forward in this respect, paving the way as it does for more **regular and transparent dialogue** between the institutions, citizens and representative associations. In fact, the Treaty is the first time that associations in civil society have been recognised as ‘participants of a continuous and perspicuous dialogue’. However, at present the engagement of civil society policy actors at the European level is ‘patchy’, and there are certainly **opportunities for capacity building in Europe** (Will & Kendall, 2010).

Consultation, meaning a ‘**structured public engagement which involves seeking, receiving, analysing and responding to feedback from stakeholders**’ (Donelan, 2008), is a particularly important form of participation when effective. Through consultation processes, CSOs that represent the interests of those citizens affected by legislative proposals, policy initiatives or regulatory changes are able to engage **formally** with policy-makers. The function of CSOs in such processes varies widely from the transformative to the inconsequential.



⁸ This diagram is adapted from Steffek & Nanz, 2008, p.8.

The potential for effective consultation is in one sense a function of the formal procedures used to consult, and in the other sense 'a function of the strength of civil society' (ibid).

In terms of procedures and principles used for consultation, **across the EU** there is **very wide variation**. Some countries have set out specific guidelines in the form of non-binding 'compacts' which provide political support from government for consultation processes. The public actor committing to the procedures set out in the compact may be represented by government or parliament, and compacts may guide processes at a predominantly national or more local level. **In Wales**, in addition to the compact, **consultation is guaranteed by statute** as a result of the **Third Sector Partnership Scheme** (see box 1).

In theory, the efficacy of consultation in countries adopting formal guidelines should be strengthened. Conversely, in other member states where no such guidelines exist and formal support for consultation is minimal, efficacy is weakened. In terms of the strength of the civil society sector the story is similar: where civil society is robust and well-developed consultation is likely to be more effective, and, by contrast, where civil society is fragile and under-developed, consultation is less likely to be effective (Lelieveldt & Caiani, 2007).



In the three sections that follow, the inquiry will explore the efficacy of existing architecture for consultation across 21 Member States, examining in detail the experiences and perspectives of CSOs in 11 Member States. In addition, the effectiveness of consultation on EU policy through European Affairs Committees will also be explored.

Box 1.

The Third Sector Partnership Scheme, Wales:

Reframing of governance in Wales after devolution of powers to the National Assembly for Wales in 1999 placed 'a **unique statutory duty upon the Welsh legislature to enter into legally binding partnership with the voluntary sector**' (Chaney, 2002).

This statutory duty was further developed in the 2006 Government of Wales Act, with the creation of the Third Sector Partnership Scheme and the co-ordinating **Third Sector Partnership Council**. The Council is chaired by the Minister for Social Justice and Local Government, and is composed of **25 representatives from the third sector representing a diverse range of interests**. It **facilitates consultation** between third sector organisations and the Welsh Assembly Government, in addition to considering 'issues that relate to the functions and responsibilities of the Welsh Assembly Government that affect, or are of concern to, the third sector... and [making] recommendations to the Welsh Assembly Government.'⁹

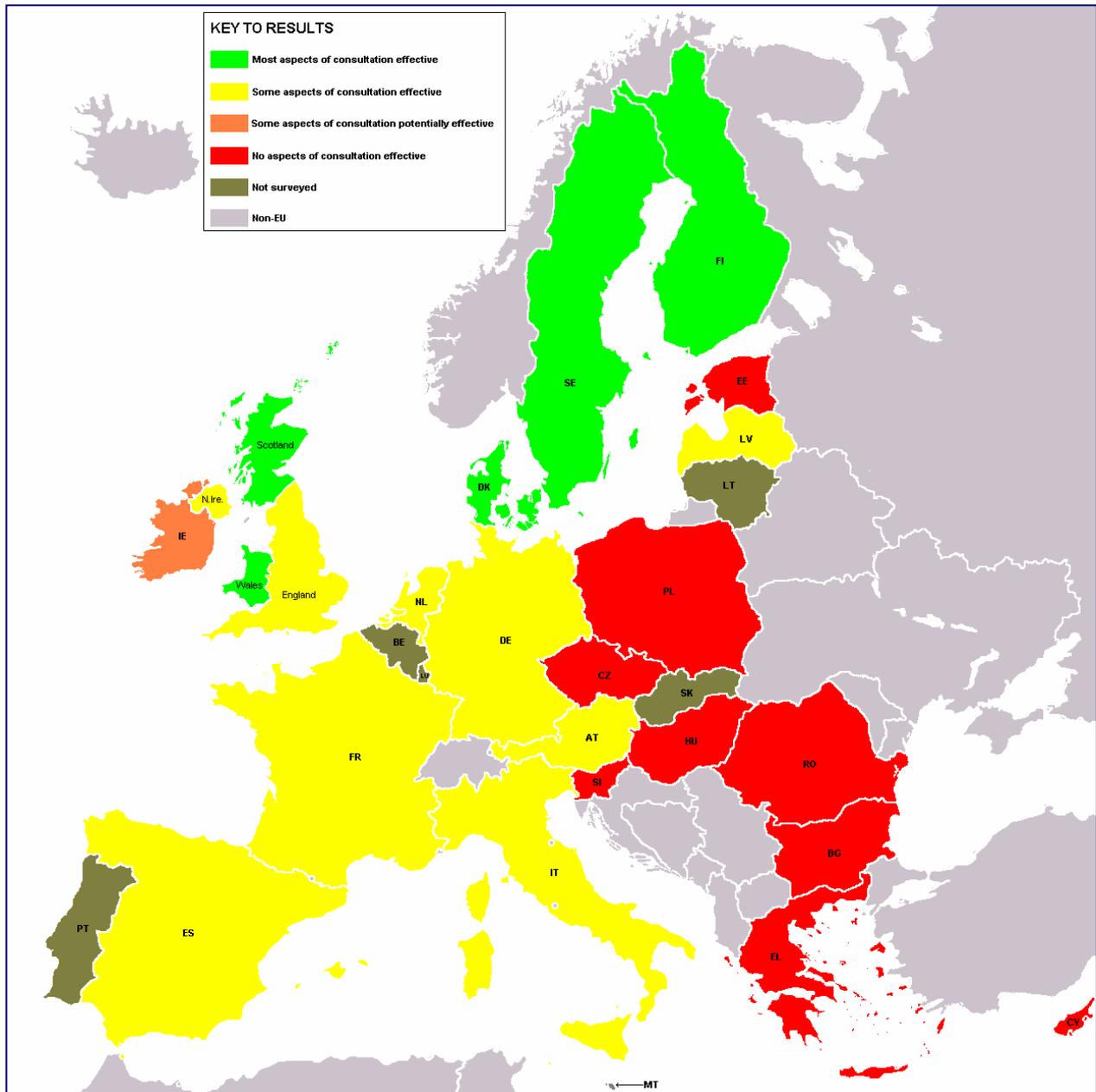
The Third Sector Partnership Scheme is the **first of its kind in Europe** and goes further than the compacts in the other parts of the UK as it is **guaranteed by statute**.

⁹<http://wales.gov.uk/topics/housingandcommunity/voluntarysector/partnership/?lang=en>

5. THE CONSULTATION EFFICACY INDEX:

Of the 21 Member States surveyed, overall there are a greater number of countries where no aspects of consultation are effective than countries where three or more aspects of consultation are effective.

Map 1. Efficacy of central government consultation processes in 21 EU Member States:



Denmark,
Finland,
Scotland,
Sweden,
Wales

Austria,
England,
Germany,
Northern
Ireland

France, Italy,
Latvia, Spain,
Netherlands

Ireland

Bulgaria, Cyprus,
Czech Republic,
Estonia, Greece,
Hungary, Poland,
Romania, Slovenia



HIGH EFFICACY

LOW EFFICACY

5.1. Trends in efficacy of consultation:

The Consultation Efficacy Index measures four aspects of consultation: CSOs' **access** to proceedings; **transparency** of proceedings; **responsiveness** of policy-makers to CSOs and CSOs to the citizens they represent; and **inclusiveness** of institutions to CSOs and CSOs to a diverse membership. For consultation to be effective at least three of these dimensions must score highly. **Map 1** on the previous page displays the **results of the Index**.

There are **three clear groupings of countries** illustrated by Map 1:

- **Northern** European Member States where consultation is largely effective;
- **Continental and Southern** European member states where some aspects of consultation are effective;
- **Central and Eastern** Member States where consultation is largely ineffective;
- Latvia, Ireland, parts of the UK, Greece and Cyprus represent exceptions to this trend.

In general, consultation in EU15 countries appears better developed than in the new Member States. Variation in scores can be tied to differences in the historical development, strength and composition of civil society sectors in different countries,

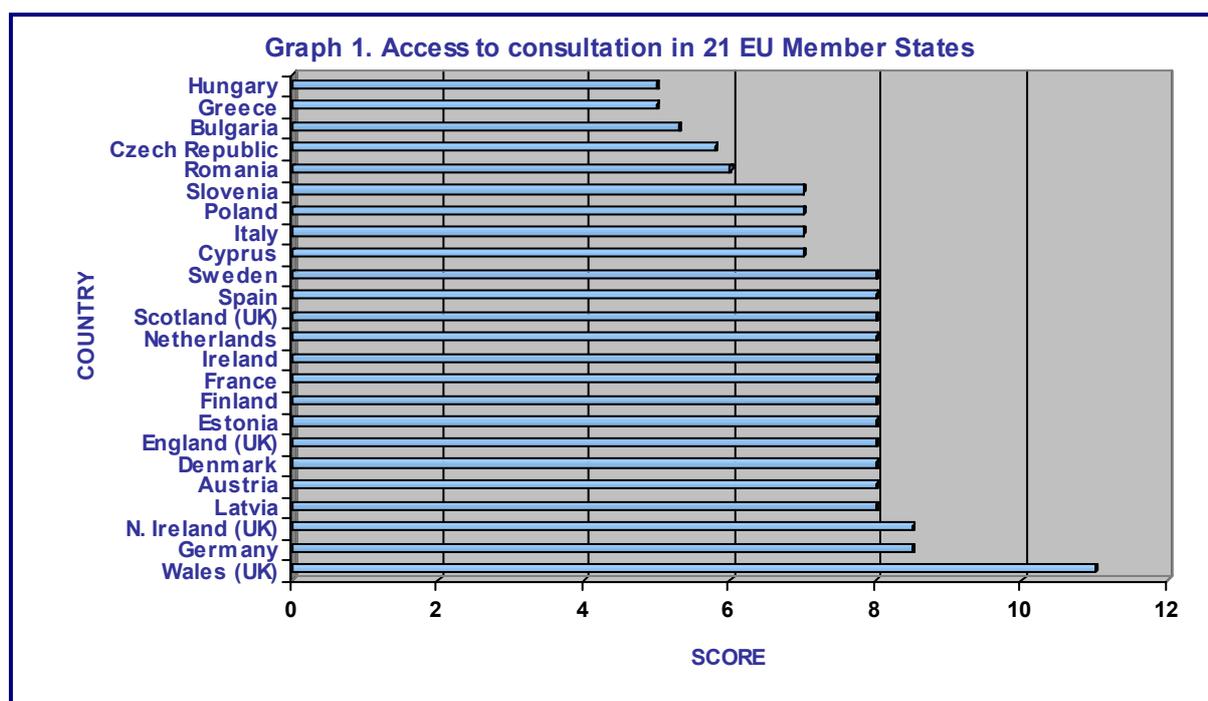


in addition to differences in political and institutional structures across Member States.

5.2. Observations on effective consultation:

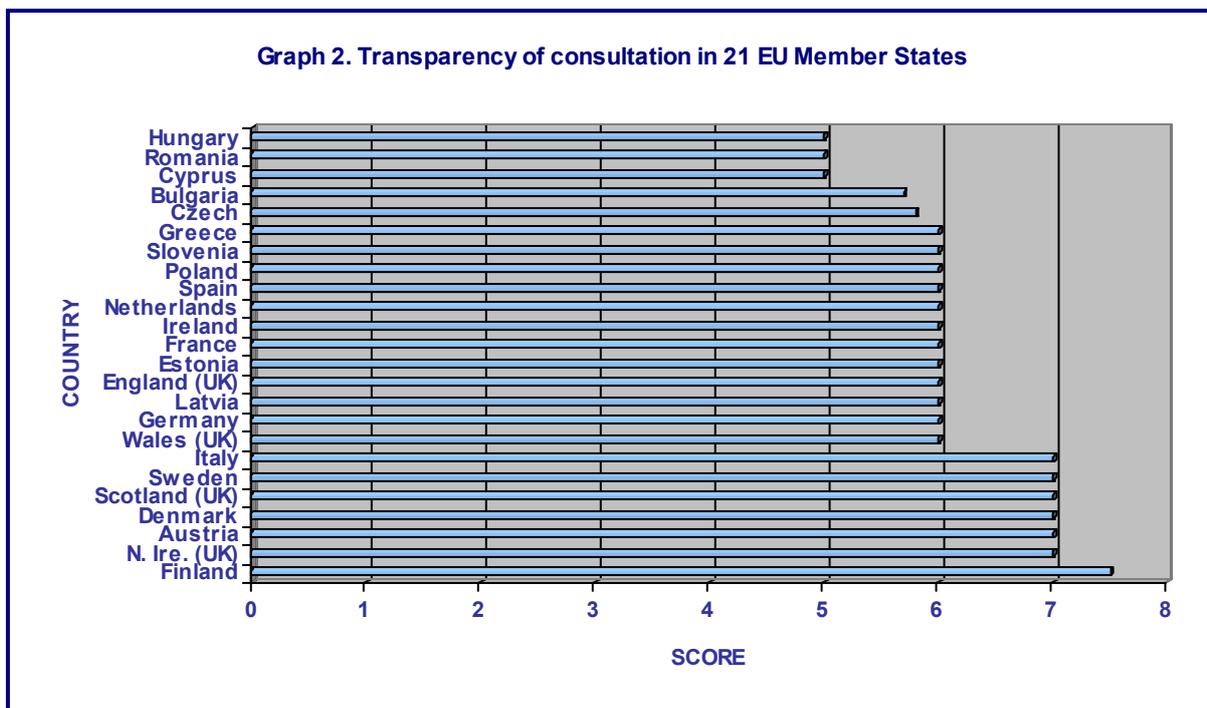
The results of the Consultation Efficacy Index highlight several key issues. In those countries where consultation is most effective:

- there are formalised guidelines specifying the level of input CSOs have in consultation proceedings and providing for regular dialogue between public policy actors and CSOs;
- there are ministries, departments or as a minimum a designated officer to deal with CSOs;
- information on legislative proposals or policy initiatives is easily available, and there are formalised guidelines in place that make explicit the conditions under which CSOs are able to access it;
- public policy-makers are obliged to provide feedback on CSOs' input, encouraging a culture of responsiveness;
- CSOs make transparent their work, providing good quality information that is frequently updated to citizens;
- Structural mechanisms are in place, which encourage the participation of the widest possible range of CSOs, representing diverse citizen concerns.



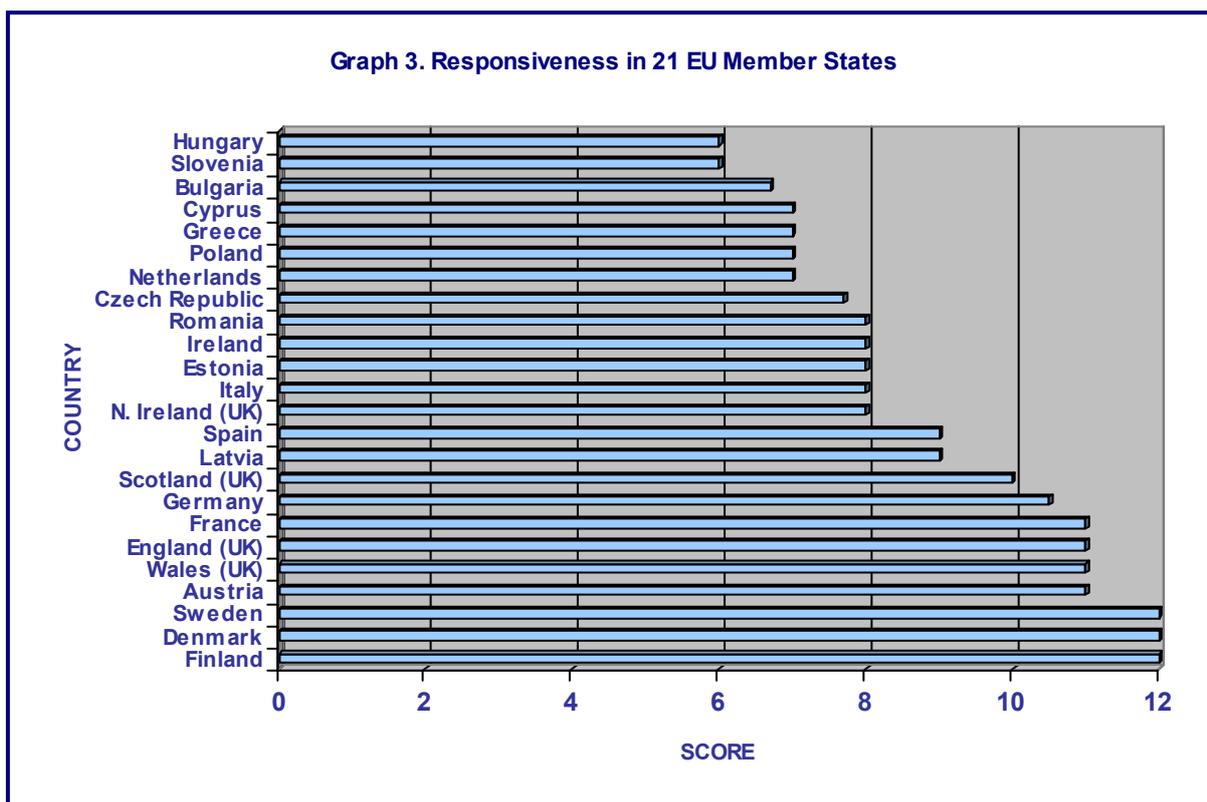
5.3. CSOs' access to consultation:

- Scores for access to consultation were determined by the amount of contact between CSOs and government, CSOs' role in consultation proceedings and the implementation and review of policy, and government willingness to enter into dialogue with CSOs. Graph 1 above displays the results.
- In keeping with the overall results displayed on Map 1, **the Northern European countries fare well, with Wales in particular scoring highly**. Estonia, notably, scores as highly as most Northern and Continental or Southern European states, with Italy's score low given its yellow colour code.
- Wales outperforms all other northern countries as a result of the strength and frequency of dialogue between CSOs and the government, the very active role they are afforded in consultation processes, and the similarly active role organisations enjoy in implementation and review of policies.
- Though in the countries scoring 8.5 or 8.0 CSOs' access to consultation is still good, the **absence of a statutory commitment to consultation affects the frequency of procedures**, the **stage in the policy process at which CSOs are involved**, and the **role they perform**.
- At the opposite end of the scale, Greek and Hungarian CSOs' access to consultation procedures is poor. Though in both countries there are designated officers or departments within government to deal with CSOs, opportunities for dialogue between CSOs and state are few. In addition, CSOs have only a very limited, largely passive role in consultation proceedings, and are only involved in the implementation and review of policies on an ad-hoc basis.
- Best practice in terms of access, then, is to **establish a binding framework for frequent consultation** with CSOs whereby the latter have an **active role** in proceedings at all stages of the policy cycle. Where consultations are infrequent and ad-hoc, and where no guidelines are set down as to how they should proceed, CSOs' engagement in the process is likely to prove ineffectual.



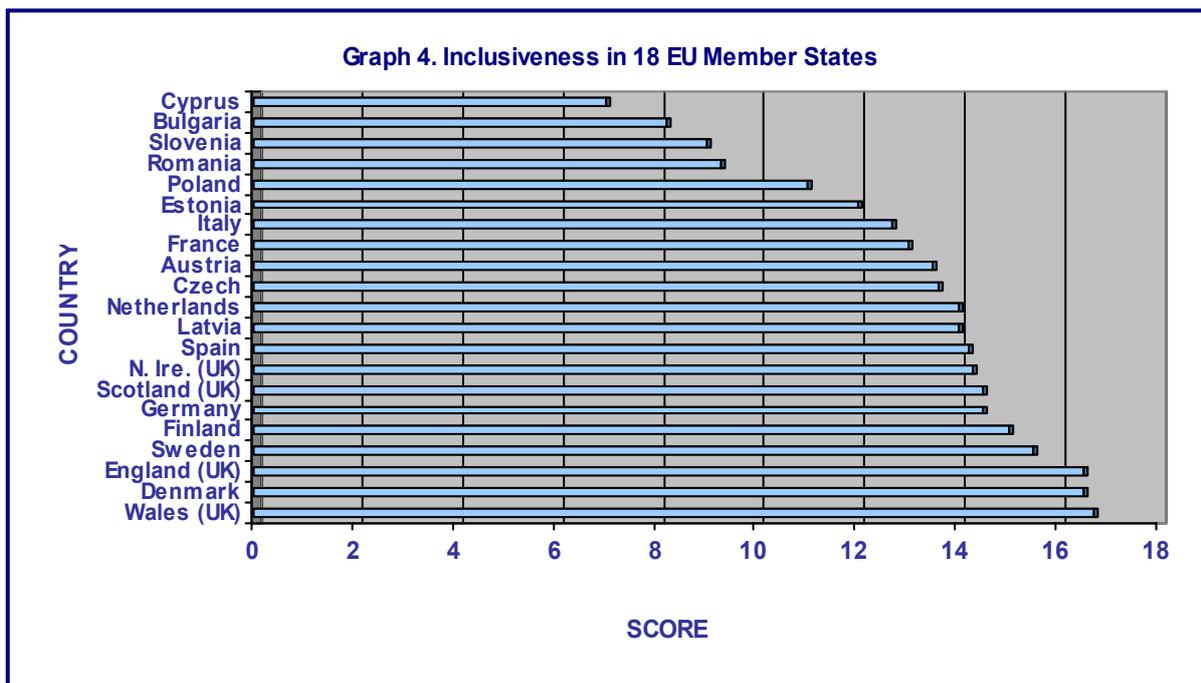
5.4. Transparency:

- Scores for transparency of consultation proceedings were determined according to three indicators: the independence of CSOs from government; and the availability of relevant information *before* and *after* procedures.
- **Transparency scores follow the groupings illustrated on Map 1.** In most countries, general information is available to all CSOs participating in consultation processes, though in some countries CSOs must request information, or know where to look for it. In several countries, such as Hungary, Greece, the Czech Republic and Romania requests for information are frequently turned down, and this is reflected in their lower scores.
- In terms of how CSOs make information available to citizens, practices are extremely diverse. For both policy-makers and CSOs well-maintained websites offer an excellent portal for the communication of information. However, this is certainly a question of resources and capacity, with the situation both across and within countries frequently unequal.
- It is vital for transparency that CSOs remain independent from the state. Yet in some Northern or Continental and Southern European countries, like Wales or Spain, independence of CSOs from the state is compromised, generally speaking as a result of over-institutionalisation. In several Central and Eastern European states, like Romania or Hungary, CSO independence is also compromised, though this is instead as a result of direct state threats to or intimidation of CSOs (USAID, 2008).
- **Finland** is the country where consultation proceedings are at their most transparent, and this is as a result of the easy availability of information. **Governmental documents** which contain information on decision-making **must be kept**, and as a result can be accessed. In addition, preparatory documents are to be entered into the public domain at the time of decisions, if not earlier.
- In terms of best practice, **formalised disclosure policies** should be in place whereby the conditions under which CSOs can access documents are made explicit. CSOs should have access not only to background information from policy actors, for example studies commissioned by the policy actors, but also to documentation accompanying the negotiation of policy initiatives, legislative proposals or regulatory changes, including minutes of meetings.



5.5. Responsiveness:

- Scores for responsiveness are based upon two dimensions – both the responsiveness of policy-makers to CSO participation and the responsiveness of CSOs to a wide range of citizens’ concerns. Scores were determined according to the following indicators: adjustment of public policy-makers’ positions; response of CSOs to civil society concerns; success of CSOs’ lobbying activities; and CSOs’ monitoring of state activities. Graph 3 above displays country scores.
- Again, the **Northern European countries score highest** in terms of responsiveness, with new member states scoring lowest. The Netherlands also records a low score in comparison with other continental and southern European states.
- **Denmark, Finland and Sweden all score the maximum possible** as a result of their CSOs’ successful lobbying activities, noticeable adjustment of policy in light of CSO participation, CSO monitoring of state activities and strong representation of social concerns.
- In those **Central and Eastern European states** that have recorded comparatively low scores – Estonia and Romania apart – **CSO representation of social concerns** is also **strong**, though their **monitoring of state activity tends to be weaker**. In addition, in the most **low scoring countries**, Hungary, Slovenia and Bulgaria, though **CSOs** tend to be relatively **responsive to social concerns**, there is **little evidence of successful lobbying or policy adjustment**.
- It is essential for CSOs to see that their participation is valued and that it can make a difference to policy outcomes: their impact must be discernible. If not, CSOs with scarce resources are unlikely to commit to consultation processes in which they feel they have little influence.
- In terms of best practice, one simple but extremely important way for policy-makers to demonstrate **responsiveness** to CSOs’ participation is to **provide feedback**. Where CSOs’ concerns are incorporated into the policy process feedback may appear self-evident, but in cases where concerns are not acted upon by policy-makers feedback on participants’ input can help them understand why.



5.6. Inclusiveness:

- Scores for inclusiveness are formed from two sets of indicators – the first set relates to the inclusiveness of the institutions of governance to a wide range of CSOs, and the second to the inclusiveness of CSOs to a wide and diverse group of citizens. Countries were scored according to the presence of institutional mechanisms for inclusion of CSOs, the range of CSOs receiving state funding, the distribution of CSOs throughout the country, the diversity of CSOs present in the country and the diversity of CSO leadership, the gender balance of CSO volunteers, employees and leadership, and CSOs’ actions to empower marginalised groups. Graph 4 above displays country scores for inclusiveness.
- Here **Northern European states again score highest**, and new Member States score lowest. The **Czech Republic**, however, **scores noticeably higher** than other new member states. This is largely as a result of the **good distribution of CSOs** throughout the country, and a **good gender balance** for CSO volunteers, staff and leadership.
- There is a cluster of countries scoring around the 14 point mark, with all of them aside from the Czech Republic, Austria and France having in place institutional mechanisms to encourage the inclusion of a wide range of CSOs in consultation processes.
- In Austria legislative proposals drawn up by ministries are frequently sent out to a large number of CSOs for their comments. The purpose of this exercise is to draw attention to any possible caveats of the law and to facilitate its acceptance. However, ‘there is no legal foundation for this proceeding at all’ (Neumayr et al, 2007).
- This is unusual, as the **highest scoring countries all have mechanisms in place to safeguard the inclusion of a broad range of CSOs in decision-making processes**, with Wales representing a model of best practice, whereby the National Assembly for Wales is bound by a statutory duty to promote equality in all its functions.
- By contrast, in the **lowest scoring countries no such mechanism** (binding or not) exists to guarantee the inclusion of diverse voices.
- In terms of best practice, then, at the very least a commitment to including CSOs standing for marginalised voices in policy-processes is key, with a binding guarantee representing the best possible option to promote inclusiveness.

6. HOW WAS IT FOR US? THE EXPERIENCES OF CONSULTATION SURVEY:

The Experiences of Consultation survey was designed to collect micro-level data on the experiences of a variety of CSOs across the EU. There were **23 CSO respondents from 11 different Member States**: Cyprus, Finland, Sweden, England (UK), Scotland (UK), Ireland, Belgium, France, Germany, Hungary, Italy and Latvia.

6.1. Results of the survey:

All those organisations responding have participated in at least one consultation. In keeping with the results of the

Consultation Efficacy Index, results from Hungary and Cyprus showed consultation to be under-developed. The case of a Cypriot CSO is detailed below, in Box 2. One Hungarian CSO surveyed had only participated in consultations with European institutions, for example taking part in the Citizens' Agora. However, such **engagement** has been **largely 'infrequent and ad-hoc'**. Information to facilitate this CSO's participation was only 'sometimes' provided, though it was generally of an 'adequate' quality.

This Hungarian CSO's experiences are in general similar to those of other

Box 2.

A Cypriot CSO:

The Organisation:

The CSO in question seeks to support the development of civil society in Cyprus, helping to build the capacity of CSOs by providing consulting and training services, and aiding in developing transparent and democratic infrastructure. It also works to raise the profile of the third sector more generally on the island, reinforcing links between existing Cypriot organisations and others abroad.

Experiences of Consultation:

Access

- The CSO has participated in one consultation with the national government, related to NGO law reform in Cyprus. This process is ongoing;
- This is the first formal consultation process the CSO has been involved in, with participation beforehand non-existent;
- The CSO has an **'active role'** in this ongoing process, and is able to submit evidence and engage with policy-makers;
- The process has consisted of focus groups, as well as conferences and an overseas research visit.

Transparency

- The CSO was informed about the consultation by the government;
- Information of an **'adequate'** quality has been provided to the CSO throughout the process;
- The CSO has been monitoring the consultation process, **'sometimes'** making data from this monitoring available to the public.

Responsiveness

- To date, the CSO has found the national government **'neither responsive nor unresponsive'** to their input;
- Policy area is thought to have the biggest effect on responsiveness of the government.

Inclusiveness

- The government has **'occasionally'** facilitated the CSO's participation in the consultation process by providing **'financial and informational resources'**.

organisations that have participated in **consultation processes set up by EU institutions**. In general, those **CSOs** responding that are **larger in size and capacity** and that benefit from more resources, as well as those with an explicitly European focus, are most likely to have been involved in consultation processes set up by European institutions.

Of the 10 organisations responding that do participate in consultations on a European level, only two participated on an 'infrequent or ad-hoc' basis; the other 8 largely engage in consultations 'neither frequently nor infrequently'. And, **generally speaking, most organisations find European institutions to be 'responsive'** to their input. Several organisations commented positively on the European institutions ability to create a platform for dialogue and exchange between various CSOs.

EAPN, the Netherlands:

Consultation and dialogue with citizens:

- **Inclusiveness** in CSOs' functions **requires work with hard to reach citizens**. The EAPN has organised local poverty conferences in the Netherlands, in addition to facilitating a project where citizens in poverty were able to define their own indicators of poverty.
- However, **inclusive initiatives** such as these **require resources and financial support** from European institutions if they are to continue.

One Swedish organisation surveyed pointed to the consultation process on the **Commission's Green Paper on Territorial Cohesion as an example of successful consultation**, due to its involvement of actors from local, regional and national authorities as well as actors from social economy organisations.

However, **some organisations commented on a lack of transparency** and a **lack of organisation** with regard to setting up meetings and giving organisations adequate time to prepare.

Survey question: Please give examples of any less successful consultations in which your organisation has participated:

"Participation in public consultations of the European Commission often lacks transparency (the list of contributors is not always published) and always lacks feedback on whether the Commission took into account or not the contributions in designing its policy proposal."

Of all the **smaller organisations** with fewer resources, **less capacity** and a **more local focus** that were surveyed, **none had participated in a consultation process set up by a European institution**. Instead, all participated in consultations at local, regional or national level. Though this absence of smaller organisations in European level consultations may be due in part to their area of interest, it also points to the necessity of greater inclusiveness and more enabling architecture for under-resourced organisations. Box 3 overleaf, detailing the experiences of Associazione PARSEC, an Italian CSO, is highly illustrative of this issue.

Evidence from a small, young organisation based in **Scotland, follows on from the country's high score in the Consultation Efficacy Index**. Though consultation with national government has been 'neither frequent nor infrequent', the organisation has been able to take an 'active, advisory role' in consultations when participating. Information of a 'good' quality has 'often' been provided to facilitate the organisation's involvement, and national government is rated as 'quite responsive' to the organisation's input.

Box 3.

ASSOCIAZIONE PARSEC, Italy:

The Organisation:

This CSO is an association working around issues of social marginalisation, focusing its activities largely – though not exclusively – in three areas: dependency, use and abuse of legal and illegal psychotropic drugs; prostitution and trafficking; and immigration. The CSO carries out a variety of projects, ranging from counselling to training programmes. It operates in Rome and the surrounding area of Lazio.

Experiences of Consultation:

Access

- The CSO participates in consultation with local, regional and national governmental institutions;
- Consultation with both local and regional institutions is **'neither infrequent nor frequent'**, and that with national institutions is **'infrequent and ad-hoc'**;
- Generally, the CSO has an **'active role'** in consultation proceeding, having the right to submit evidence;
- The kinds of consultation process that the CSO has participated in include: workshops; area forums; consensus conferences and focus groups;
- The CSO has been consulted on issues relating to anti-trafficking measures and social intervention initiatives.

Transparency

- The CSO is generally informed of relevant consultation processes by the relevant government body, a partner network or civil society organisation;
- Information relating to the consultation of an **'adequate'** quality is **'often'** given to the CSO;
- The CSO **'sometimes'** monitors consultation proceedings, and **'sometimes'** makes data from this monitoring available to the public.

Responsiveness

- The CSO finds both regional and local government **'quite responsive'** to the consultation input, rating both 4 out of 5, but by contrast, finds national government **'quite unresponsive'** to their input, rating it only 2 out of 5;
- This responsiveness is found to vary according to the policy area that is under discussion.

Inclusiveness

- Governmental institutions **'rarely'** provide resources to enable the Association's participation in consultations;
- If and when participation is facilitated, it tends to involve the provision of informational resources.

The **most common form of consultation process** in which all CSOs surveyed have participated is a **focus group**, and the least common form is web-based consultation. Organisations had also participated in written consultations, area fora, consensus conferences, workshops and plenaries. One large Irish CSO surveyed also organises its own **consultations with service users, encouraging genuine responsiveness** on the part of the organisation.

Amongst the organisations surveyed, **consultation is most common at the national and local levels**, though in general those CSOs consulting most frequently with local organisations tended not to consult with European organisations, and crossover is lacking. If new architecture for consultation to be developed in line with Lisbon imperatives is to be open and inclusive, it must also engage with smaller, more local organisations.

6.2. Observations – key aspects of an effective consultation:

The responses of the CSOs surveyed highlighted a handful of features that organisations value in consultation:

Survey question: What are the elements of a more successful consultation?

“When CSOs are given the opportunity to work together on policy recommendations.”

“When everybody can voice an opinion.”

- **Inclusiveness** – CSOs value proceedings where they can put their concerns forward on behalf of the citizens they represent, whether that group is a minority or majority, local or national.
- **Clear aims** – consultation processes should have clear, achievable aims. Many CSOs are resource-stretched and find it difficult to commit their time to an open-ended process with vague goals.

Survey question: Please give examples of any less successful consultations in which your organisation has participated:

“The state consultation on the Irish National Action Plan (NAP) on poverty and social exclusion. Usually they hold a one day plenary meeting where they invite a large number of NGOs to input into the NAP. That one day plenary session is the extent of the consultation process”

- **Sufficient time** – CSOs need time to prepare their input into consultation procedures. Where public policy actors call, for example, for participants or written evidence ‘at the last minute’, CSOs are forced to make rushed submissions and the entire consultation process is undermined.
- **Resources** – many CSOs need resources to carry out their own consultations with service users, and many need resources to participate in public policy consultations too.

Survey question: When are consultations less effective?

“When participation and the consultation itself is not linked to any specific objectives, there’s a risk that only sterile discussions will take place, with no possibility for us to make an impact on decision-making processes.”

- ANPAS Toscana

- **An active role** – CSOs want involvement in policy processes as active participants, not just passive bystanders.
- **Responsiveness** – CSOs should have the opportunity to affect decision-making processes; they should not be asked to participate in consultation processes where decisions have already been taken.
- **End-to-end dialogue** – involving CSOs at the initial stages of the policy process is only the beginning, they also have a role to play in the implementation and evaluation of policies.

7. A POTENTIAL CHANNEL OF COMMUNICATION? USING EUROPEAN AFFAIRS COMMITTEES TO CONSULT CSOs ON EUROPEAN ISSUES:

7.1. Background on the European Affairs Committees:

Though the Lisbon Treaty opens up new possibilities for CSOs, it is certainly worth exploring the potential of existing structures to offer a foundation from which to build, with European Affairs Committees representing one such case. Across the EU27, there are a total of **36 European Affairs Committees in the national parliaments** – those countries with bi-cameral systems tend to have a committee in each chamber, though Belgium, Ireland, Spain and Romania have all created joint committees. In general, these committees are **at the centre of their national parliament's scrutiny of European affairs**. Many of the legislative proposals and other proposals under consideration by the Council will pass through the hands of the EACS in each Member State, whose function is to scrutinise such material. The committees vary in their methods of scrutiny, their ability to issue binding mandates to government,



the openness and transparency of their scrutiny procedures and their contact with CSOs (COSAC, 2005).

As concerns **transparency, almost all European Affairs Committees give citizens and CSOs access to a range of documents** including 'EU legislative proposals, explanatory memoranda from governments, minutes of meetings and so on' (ibid, p.16). Those Committees with well-developed and maintained websites tend to be successful in this regard. However, **some documents remain private, and CSOs' access to meetings is much more restricted**, with around half of the EACs in the EU25 (the newest Member States of Bulgaria and Romania excluded) convene in private.

In spite of certain obstacles to access, these Committees represent the junction through which a considerable volume of European policy traffic passes in the national arena. Given the imperative outlined in the Lisbon Treaty for the institutions of EU governance to give **'citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action'** (article 11B.1), and the additional obligation for institutions to maintain **'an open, transparent and regular dialogue with representative associations and civil society'** (article 11B.2), European Affairs Committees have the potential to act as a channel of communication between CSOs and EU policy-makers.

In order to examine this potential more closely, five EACs in the Czech Republic, Estonia, Hungary, Latvia and the UK were surveyed. The key findings are detailed below, and a discussion of their implications follows.

7.2. EACs Survey Results:

Box 4.

European Affairs Committee in the Hungarian National Assembly:

The Committee:

The European Affairs Committee (EAC) of the Hungarian National Assembly was established in 1992. The Committee operates a hybrid system of scrutinising documents along with mandating government positions. However, the EAC does not have a scrutiny reserve, and mandating power is used infrequently. EU legislation is only put on its agenda if the government or a member of the Committee requests it; information on the position of the government with regard to a particular proposal is not, therefore, received systematically. In cases where the EAC does scrutinise legislation it is able to make binding recommendations for government on behalf of parliament, though under certain circumstance the government can deviate from these recommendations. Meetings of the EAC do not tend to take place in public, although generally speaking information such as minutes is made available afterwards.

Survey Findings:

In terms of access to meetings, transparency of proceedings and responsiveness of the institutions of governance, the potential of the Hungarian EAC to act as a channel for CSOs to influence EU policy-makers is limited. The results of our survey largely support this assessment, with some more positive points:

- the **EAC 'often' organises** formal **consultations** with CSOs;
- **consultations are ad-hoc**, and are not run according to any established guidelines but rather on a fluid, case-by-case basis;
- **specific CSOs are selected for participation** – consultation processes are not open to all;
- the **Committee organises open days** and invites civil society representatives to give their opinions on a given set of proposals at a half-yearly meeting; written consultations are also used;
- generally, **CSOs have good access to relevant information**, though there are no formal guidelines in place to determine the level of access;
- there is **no specialised contact** within the EAC for CSOs, though there is a government department dealing with issues related to CSOs.

Similarly, the **EAC in the Latvian Parliament** (the **Seima**), has no scrutiny reserve and as such government ministers are able to agree to proposals in the Council before parliamentary scrutiny has been completed. The EAC does, however, have a degree of mandating power as it is able to approve negotiation positions of the government for legislation to be adopted by the Council. Meetings of the EAC take place in public and minutes and related documents are made available publicly afterwards (COSAC, 2005). In spite of the EAC's limited powers, the results of our survey show that the **EAC 'often' organises formal consultation** procedures with CSOs. However, it is only

specific CSOs that are selected for participation, and **processes are not open to all**. Written consultations are preferred, and there is a designated contact person for CSO queries.

The EAC in the Czech Chamber of Deputies, which also retains a scrutiny reserve, responded to our survey stating that consultation with CSOs is very rare indeed, as there are no CSOs asking to participate in consultation on EU policy issues. This ties in with earlier findings on the relative weakness of the civil society sector, the lack of capacity and the need for organisational development in some new Member States.

Box 5.

The EU Select Committee, House of Lords, UK:

The Committee:

The EU Affairs Committee in the House of Lords was established in 1974. Its function is to consider 'EU documents and other matters relating to the EU in advance of decisions being taken on them in Brussels... in order to influence the Government's position in negotiations, and to hold them to account for their actions at EU level.' The Committee has a scrutiny reserve, and Ministers cannot proceed with negotiations in the Council until the Committee is agreed. Meetings are usually held in private, though videos of proceedings and related documents are made available publicly afterwards.

Survey Findings:

Though CSOs' access to Committee meetings appears to be limited, it is possible to influence EU policy-makers as a result of the Committee's scrutiny reserve. Transparency appears generally good, and the data from our survey support this perspective:

- the **Committee 'often' organises** formal **consultations** with CSOs
- the Committee targets specific CSOs to ask them to participate, in addition to **advertising consultations openly**
- though **consultations** are **ad-hoc**, they are **run according to established guidelines**
- both written and oral evidence is taken from CSOs
- the **Committee 'sometimes' travels to meet organisations**, thus facilitating the inclusion of a more diverse range of CSOs'.

The **EAC in the Estonian Parliament**, the Riigikogu, also retains a scrutiny reserve. Like the House of Lords Select Committee, this means it offers greater potential for influencing EU policy than the other three EACs surveyed. However, unlike the House of Lords EAC, **consultations** are **only 'occasionally' organised**, on an **ad-hoc** basis. There are no formalised guidelines specifying how consultations should be run. In addition, consultations are not open to all, and only selected CSOs are invited to participate.

This small handful of case studies demonstrates **real variation in practices of EACs**. Across the EU27 the picture is similar. Just over half of the EACs that were not surveyed, including those in Austria, the Nordic countries, Poland, Malta, Slovakia, France, Italy and Lithuania, retain a scrutiny reserve, with EACs in the remaining countries without such a mechanism. The level of openness of the different committees also varies widely, as does the existence of

formalised guidelines for any consultation proceedings that might take place.

There are elements of good practice explored in some of the case studies above, for example the House of Lords Select Committee's travelling to meet organisations, which facilitates the inclusion of a more diverse range of CSOs. The Danish EAC, however, is usually cited as the standard-bearer of good practice in terms of citizen consultation on EU policy issues (Arter, 1995). Its structure is outlined overleaf in box 6.



Box 6.

The European Affairs Committee in the Danish Folketing

The Committee:

The EAC of the Danish Parliament (Folketing) is considered to be one of the most powerful in all of the Member States. Government ministers are obliged to attend Committee meetings and present negotiation proposals before they attend Council meetings. The Committee is able to block proposals by the attending minister if a member refuses to accept their stance on a particular issue. This mandating model means that ministers of a minority government can carry forward a mandate so long as it has the support of the EAC. Equally, ministers in a majority government cannot easily dominate EU policy. Changes in government, therefore, should not impact upon Danish European policy.

Specialised sub-committees exist within the Folketing's EAC where CSOs representatives are present; the relevant organisations are systematically consulted on proposals of interest. An EU secretariat that exists independently of the government serves the EAC, and as a result sub-committees remain well-informed at all stages. In addition, there is also an EU information office open to citizens and CSOs providing informational resources on European issues, and a Board for the Advancement of Debate in Information on Europe also exists.

There is then a kind of common ownership of the EAC, and as a result of its mandating power it can collect citizens' reservations about or support for a particular proposal before ministers are able to take decisions on proposals.

7.3. Observations on structures:

Fundamentally, although the committees handle European business, their structures are determined by Member State's national governments, and as a result ensuring any uniformity of architecture for consultation with CSOs in light of the Lisbon imperatives would be highly complicated. In addition, EACs do not have the capacity to handle all EU proposals and as a result **EACs** present **too narrow a channel of communication** for the kind of consultation and dialogue that should develop from Lisbon Treaty commitments.

However, **valuable examples of best practice in terms of structures** for consultation over EU policy issues can be extrapolated from EACs, as they represent a junction through which a high volume of European policy traffic passes. Best practice includes:

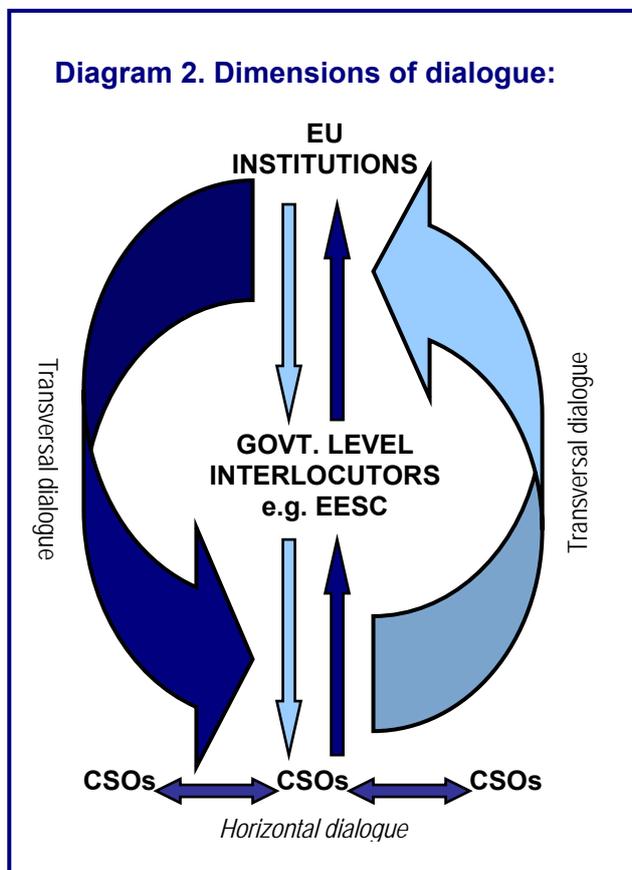
- frequent consultation with CSOs according to formalised guidelines;
- some targeting of relevant CSOs, but open advertising of consultations and open access;

- making information easily available to stakeholders;
- facilitation of the participation of a diverse range of citizens in consultation processes, for example by travelling to meet CSOs, or providing financial and informational resources or training;
- contact points for CSOs so that they are more easily able to access and use information on EU policy relevant to them.



8. CONCLUSIONS AND RECOMMENDATIONS:

1. **Stable structures:** Commitment to consulting citizens and CSOs must be stabilised through institutional structures at national and European levels. Architecture at the European and national levels should not be tied to particular political parties: it must live beyond electoral cycles and changes in government.
2. **Dynamic dialogue:** Dialogue between citizens, CSOs and the institutions of governance should take place across multiple levels, through horizontal, vertical and transversal dimensions.



3. **Clear definitions:** Concepts like consultation must travel across borders and translate meaningfully into different languages. Common standards and processes with core

operative models must therefore be adopted on every level.

4. **Widening participation:** Institutions need to focus more on the citizens they are not talking to and make real efforts to engage with these communities. This should involve greater efforts to engage with smaller, grassroots organisations as opposed to well-established networks only. Enabling the participation of hard-to-reach citizens will require structural support and resources.
5. **Valuing participants:** CSOs need to feel that the institutions of national and European governance want to talk, and that they listen to their responses. This involves providing feedback to citizens and CSOs that participate in consultation processes.
6. **Active engagement:** CSOs must be proactive and find new ways to engage with both hard-to-reach citizens and the institutions of governance. Increased horizontal dialogue between CSOs and greater collective activity in the form of common action days across Europe and joint lobbying of target institutions would aid this.
7. **Institutional actors:** The influence of Member State parliaments has been strengthened by the Lisbon Treaty – smaller CSOs with fewer resources could target national parliaments regarding European issues. CSOs with a European base should strengthen connections with bodies like COSAC and the CoR, as well as targeting party group chairs in the European Parliament.

8. **Exchanging information:** greater horizontal dialogue is needed amongst CSOs to allow the exchange of best and worst practice models in order for the sector as a whole to develop.

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10. APPENDICES:

APPENDIX 1 – The Amsterdam Seminar:



The Library Dialogue: an inquiry into effective consultation of citizens in the EU

A Volonteuropa & Humanitas Seminar

Wednesday 24 March 2010, 14:00-16:30
Amsterdam Public Library
Oosterdokskade 143, Amsterdam

Seminar Programme:

- | | |
|---------------|---|
| 13:45 – 14:00 | Arrival of participants, registration & coffee |
| 14:00 – 14:10 | Welcome address
<i>Maureen O'Neill, UK Member, Group III, EESC; EU</i> |
| 14:10 – 14:15 | Introduction to the seminar
<i>Tamara Flanagan, Director of European & Statutory Funding, CSV; UK</i> |
| 14:15 – 14:30 | The need for civil dialogue in the EU
<i>David Lopez, European Civic Forum; EU</i> |
| 14:30 – 14:45 | Key findings from the report into effective mechanisms for consultation with citizens in the EU
<i>Joanna Legg, Author of the Report, PhD Student at Bath University / ESRC; UK</i> |
| 14:45 – 15:00 | How was it for us? The NGO experience of consultation
<i>Quinta Ansem, European Anti-Poverty Network Nederland; the Netherlands</i> |
| 15:00 – 15:15 | Debate: is it just civil society organisations or all people that ought to be consulted? How can citizens' views really be heard in the Member States and the EU?
<i>All participants</i> |
| 15:15 – 15:30 | Architectural structure of consultations – the Danish model
<i>Claus Larsen-Jensen, Director, FIC; Denmark</i> |
| 15:30 – 15:45 | Fabric of governance – political institutions and consultation: "Perception AREA" as a model of public consultation and engagement
<i>Tony Beckwith, Senior Consultant, Haring Woods Studio; UK</i> |
| 15:45 – 16:00 | Debate: do we need formal structures for consultation in the EU?
<i>All participants</i> |
| 16:00 – 16:20 | Conclusions and recommendations for the final report
<i>All participants; session chaired by Tamara Flanagan</i> |
| 16:20 – 16:30 | Closing remarks
<i>André Hudepohl, Humanitas; the Netherlands</i> |

Supported by:



Haring Woods Studio

APPENDIX 2 – Methodology:

Qualitative and quantitative data for the inquiry were collected via two main routes: a literature review of academic, public policy and practitioner resources, including several major studies conducted by civil society organisations like CIVICUS and CEV; and a medium-scale field study, based upon a survey of 23 CSOs, government ministries and parliamentary scrutiny committees in 14 different Member States.

The literature review and analysis of existing studies provided quantitative data for the Consultation Efficacy Index was developed. The survey provided qualitative, exploratory data on experiences of consultation from the perspectives of both civil society and public policy actors in Belgium, Cyprus, Denmark, England (UK), Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Latvia, Scotland (UK) and Sweden.

AP2.1. The Consultation Efficacy Index:

The Consultation Efficacy Index is a quantitative tool that helps us to make clear comparisons between cases. It has been designed to measure the efficacy of consultation between public policy actors and CSOs across 21 of the 27 Member States. **Efficacy**, in this inquiry **defined as the capacity to produce results desirable to all parties participating in consultation processes**, is measured in relation to four variables:

- CSOs' **access** to consultations
- **transparency** of proceedings for CSOs and for the citizens they represent
- **responsiveness** of policy-makers to CSOs and CSOs to the citizens they represent
- **inclusiveness** of policy-makers to a diverse range of CSOs and CSOs to a diverse range of citizen concerns.

This four variable analytical framework follows Steffek & Nanz's 2005 method for measuring the democratic quality of decision-making inside international organisations. The recently published European Social Platform report on 'How to establish effective dialogue between the EU and civil society organisations'¹⁰ also recognises access and openness, transparency, responsiveness and inclusiveness as **key ingredients for effective civil dialogue**. Steffek and Nanz offer an explanation of the importance of each of the four variables as follows:

Access

That civil society's interests and concerns should enter into policy-making processes is a basic requirement of legitimate self-governance (Nanz & Steffek, 2005). Since dialogue with individual citizens is notoriously difficult, we instead tend to rely upon CSOs 'to communicate arguments from affected/concerned citizens to the sites of [European] deliberation' (Steffek & Nanz, 2008, p.10). It follows, then, that CSOs should have established institutionalised access to deliberative processes and sites as this is the only guaranteed route through which citizens' arguments can be successfully voiced. Access is measured here according to the degree of institutionalisation and the role afforded to CSOs in consultation procedures.

Transparency

Transparency equips CSOs with the necessary information to level the playing field with governmental actors, and it contributes to the growth of a public sphere in which political issues are debated openly and decisions are subject to public scrutiny (ibid). For participation in the consultation process to be fair, all the actors involved must be fully informed of the issue under consideration, what options exist for the resolution of any problems and what the costs and benefits of these options are. Transparency is measured, then, by assessing the quality and availability of information. As an additional element, CSOs should be fully independent from the state in order that their participation is not prejudiced in any way.

¹⁰http://cms.horus.be/files/99907/MediaArchive/Policies/Participatory_democracy/SocialPlatform_EffectiveCivilDialogue.pdf

Responsiveness

Concerns expressed by the CSOs must be included in deliberations and must, crucially, have some impact on the resulting decisions or recommendations; if they do not, then for all their good intentions, the previous two criteria become empty. Measuring responsiveness is, however, very complex and as such Steffek and Nanz have developed two more easily measurable proxies – justification and adjustment. Justification has two sides: the first relates to the extent to which CSOs can justify their input in the consultation process in relation to the needs and interests of those they represent; and the second to the extent to which government actors can justify their positions in relation to the concerns presented to them by CSOs. To guard against the fact that justifications of proposals may be ex post rationalisations of fixed positions, measuring adjustment of actors' positions is also necessary: justification of a proposal without critical reflection and possible modification of an actor's position is not very useful. Measurable adjustment of agendas and policy, for example budget adjustments or new legislation, or even issues raised by CSOs being flagged up for further, related deliberation in the future, all signal responsiveness.

Inclusiveness

Once again inclusiveness relates to both the depth and breadth of CSOs included in consultation procedures, and also the depth and breadth of the citizenry these CSOs claim to represent. It is fundamental that all those affected by the decision under deliberation should be included in discussion in order to achieve political equality. In the context of the EU, there are clearly vast differences in stakeholders' resources and their capacity to act. There are certain groups, for example refugees or non-EU migrants who 'do not have adequate means for presenting their concerns in European governance' (ibid, p.12). Though it is extremely difficult to measure inclusion in this broad sense, the authors' suggest using institutional guarantees of inclusion as a proxy for inclusion. Public organisations that make arrangements for the empowerment of disadvantaged stakeholders in order that they participate in deliberative processes are regarded as inclusive.

AP2.2. Scoring the variables:

Each of the above variables was sub-divided into a series of measurable indicators (displayed in AP2.3, p.30-33) with between 0-3 points available for each indicator depending on the situation in the country. The consultation processes this inquiry deals with are those at a national government level. The maximum possible score any one country can receive for each variable is as follows: **access**, 11; **transparency**, 9; **responsiveness**, 12; and **inclusiveness**, 19. For the efficacy of consultation procedures to be considered high, in three out of the four measures a country must score highly. If a country only scores highly in one or two of the four measures, then the efficacy of consultation is considered to be medium, and in those countries where no high scores are recorded then the efficacy of consultation is considered to be minimal. A high score in access = 9 or above; in transparency = 7 or above; in responsiveness = 10 or above; and in inclusiveness = 14 or above.

These scores are not added together to form an aggregate, total measure. This is to guard against the possibility that consultation in a country which scores very highly in, say, access and transparency measures could be considered effective even where responsiveness and inclusiveness are weak. Instead, in order to draw comparisons between the countries surveyed a colour-coding system has been employed. Those countries which achieve a high efficacy value in three or more aspects of consultation are colour-coded green, those which achieve a high efficacy value in between one or two areas of consultation are colour-coded yellow, and those which fail to achieve any high efficacy values are colour-coded red.

The full results of the Index with individual country scores for each variable are displayed in the tables on p.34-35.

AP2.3. Indicators:

ACCESS:

- *Dialogue To what extent does the state dialogue with civil society? How inclusive and Institutionalised are the terms and rules of engagement?
- (0) No meaningful dialogue between CSOs and the state
 - (1) The state only seeks dialogue with a small subset of CSOs on an ad-hoc basis
 - (2) Has dialogue with a fairly broad range of CSOs but on an ad-hoc basis
 - (3) Mechanisms are in place to facilitate systematic dialogue between the state and a broad range of CSOs
- Contact Does a designated governmental office or department exist whose job it is to interact with CSOs? If no such office or department exists, do other government departments or offices have a specialised or designated contact to deal with CSOs?
- (0) there is no formalised special contact or Department within government.
 - (1) there is a formalised special contact or Department within government.
- Accreditation Does a registration or accreditation system exist for CSOs? Is their registration or accreditation status regularly monitored?
- (0) no formal accreditation mechanism for CSOs
 - (1) formal accreditation mechanism for CSOs
 - (2) formal accreditation mechanism for CSOs + regular review of status
- Distinctions Are distinctions made between different kinds of CSO?
- (0) no distinctions made between kinds of CSO
 - (1) distinctions made between kinds of CSO
- Role What sort of a role do CSOs play in consultation procedures? Do they have an active input into proceedings, or are they involved as observers in a more passive fashion?
- (0) CSOs passive observers role in meetings
 - (1) CSOs able to observe and submit evidence
 - (2) CSOs able to observe, submit evidence and set agendas
 - (3) obligatory for CSOs to observe, submit evidence and set agendas
- Review Does the role of CSOs in the policy-making process go beyond consultation at the early stages? Are they involved in the implementation or evaluation of policies?
- (0) CSOs no role in review and evaluation of policies
 - (1) CSOs limited role in review and evaluation of policies
 - (2) CSOs have active role in review and evaluation of policies but impact is limited
 - (3) CSOs play an important role in review and evaluation of policies. Examples of their success/impact can be detected.

TRANSPARENCY:

- *Independence To what extent can civil society exist and function independently of the state? To what extent are CSOs free to operate without excessive government interference? Is government oversight reasonably designed and limited to protect public interest?
- (0) The state controls civil society
 - (1) CSOs are subject to frequent unwarranted interference in their operations
 - (2) The state accepts the existence of an independent civil society but CSOs are subject to unwarranted government interference

(3) CSOs operate freely. They are subject only to reasonable oversight linked to legitimate public interests

*Information To what extent is public access to information guaranteed by law? How accessible are government documents to the public?

(0) No laws guarantee information rights. Citizens' access to government documents is extremely limited

(1) Citizens' access to government documents is limited but expanding

(2) Legislation regarding public access to information is in place, but in practice, it is difficult to obtain government documents

(3) Government documents are broadly and easily accessible to the public

Public Dissemination Are consultation outcomes and information relating to proceedings made available to the public?

(0) no public dissemination of consultation procedure monitoring

(1) public dissemination of consultation procedure monitoring on ad-hoc basis

(2) public dissemination obligatory but in practice information difficult to access

(3) public dissemination obligatory, information is easily accessible

RESPONSIVENESS:

*Lobbying How active and successful are CSOs in lobbying the government to meet pressing societal needs?

(0) No CSO activity of any consequence in this area can be detected

(1) CSO activity in this area is very limited and there is no discernible impact

(2) Civil society is active in this area, but impact is limited

(3) Civil society plays an important role. Examples of significant success/impact can be detected

*State Accountability How active and successful are CSOs in monitoring state performance and holding the state accountable?

(0) No CSO activity of any consequence in this area can be detected

(1) CSO activity in this area is very limited and there is no discernible impact

(2) CSOs are active in this area, but impact is limited

(3) CSOs play an important role. Examples of significant success/impact can be discerned

*CSO response How effectively do civil society actors respond to priority social concerns?

(0) Civil society actors are out of touch with the crucial concerns of the population

(1) There are frequent examples of crucial social concerns that did not find voice among existing civil society actors

(2) There are isolated examples of crucial social concerns that did not find voice among existing civil society actors

(3) Civil society actors are very effective in taking up crucial concerns of the population.

*Gov. response How active and successful are CSOs in influencing social policy at national level? Can CSO actions/campaigns to influence social policy be detected? How significant were these actions/campaigns? Have the defined goals of identified CSO campaigns been achieved? Did they result in discernible impact? How significant was this impact?

- (0) No CSO activity of any consequence in this area can be detected
- (1) CS activity in this area is very limited and focused on specific budget components
- (2) Civil society is active in the overall budgeting process but impact is limited
- (3) Civil society plays an important role in the overall budgeting process. Examples of significance success/impact can be detected

INCLUSIVENESS:

- Institutionalisation (0) no institutional arrangements made to safeguard inclusion
 (1) institutional arrangements made to safeguard inclusion
- *Range of CSOs How narrow/broad is the range of CSOs that receives state resources (in the form of grants, contracts etc.)?
- (0) The level of state resources channelled through CSOs is insignificant
 - (1) Only a very limited range of CSOs receives state resources
 - (2) A moderate range of CSOs receives state resources
 - (3) The state channels significant resources to a large range of CSOs
- *Gender equity To what extent is civil society a gender equitable arena?
- (0) Women are excluded from civil society leadership roles
 - (1) Women are largely absent from civil society leadership roles
 - (2) Women are underrepresented in civil society leadership roles
 - (3) Women are equitably represented as leaders and members of CS
- *Gender equitable practices How much do CSOs practise gender equity? What percentage of CSOs with paid employees have policies in place to ensure gender equity?
- (0) A small minority (less than 20 %)
 - (1) A minority (21%-50%)
 - (2) A small majority (51%-65%)
 - (3) A large majority (more than 65%)
- *Empowering Marginalised How active and successful is civil society in empowering Marginalised people?
- (0) No CSO activity of any consequence in this area can be detected
 - (1) CSO activity in this area is very limited and there is no discernible impact
 - (2) CSOs are active in this area but impact is limited
 - (3) CSOs play an important role. Examples of significant success/ impact can be detected
- *Diversity of CSOs To what extent do CSOs represent all significant social groups (e.g. women, rural people, poorer people and minorities)?
- (0) Significant social groups are excluded/absent from CSOs
 - (1) Significant social groups are largely absent from CSOs
 - (2) Significant social groups are underrepresented in CSOs
 - (3) CSOs equitably represent all social groups. No group is noticeably underrepresented
- *Diversity CSO leadership To what extent is there diversity in CSO leadership? To what extent does CSO leadership represent all significant social groups (e.g. women, those in rural areas, poorer people and minorities)?

- (0) Significant social groups are excluded/absent from CSO leadership
- (1) Significant social groups are largely absent from leadership
- (2) Significant social groups are underrepresented in CSO leadership
- (3) CSO leadership equitably represent all social groups. No group is noticeably underrepresented

*Distribution

How are CSOs distributed throughout the country?

- (0) CSOs are highly concentrated in the major urban centres
- (1) CSOs are largely concentrated in urban areas
- (2) CSOs are present in all but the most remote areas of the country
- (3) CSOs are present in all areas of the country

* Indicators taken from CIVICUS Civil Society Index tool.
<http://www.civicus.org/csi>

AP2.4 Consultation Efficacy Index Scores:

- **CEI Scores Access:**

COUNTRY	Dialogue	Contact	Distinction	Role	Review	Total
Austria	2	1	1	2	2	8
Bulgaria	1.3	1	1	1	1	5.3
Cyprus	2	1	1	1	2	7
Czech Rep.	1.8	1	1	1	1	5.8
Denmark	2	1	1	2	2	8
England (UK)	2	1	1	2	2	8
Estonia	2	1	1	2	2	8
Finland	2	1	1	2	2	8
France	2	1	1	2	2	8
Germany	2.5	1	1	2	2	8.5
Greece	1	1	1	1	1	5
Hungary	1	1	1	1	1	5
Ireland	2	1	1	2	2	8
Italy	2	1	1	2	2	7
Latvia	2	1	1	2	2	8
N. Ireland (UK)	2.5	1	1	2	2	8.5
Netherlands	2	1	1	2	2	8
Poland	2	1	1	2	1	7
Romania	2	1	1	1	1	6
Scotland (UK)	2	1	1	2	2	8
Slovenia	1	1	1	2	2	7
Spain	2	1	1	2	2	8
Sweden	2	1	1	2	2	8
Wales (UK)	3	1	1	3	3	11

- **CEI Scores Transparency:**

COUNTRY	Independence	Information availability	Dissemination	Total
Austria	3	2	2	7
Bulgaria	2	1.7	2	5.7
Cyprus	2	2	1	5
Czech Republic	2.5	2	1	5.8
Denmark	3	2	2	7
England (UK)	2	2	2	6
Estonia	2	2	2	6
Finland	3	2.5	2	7.5
France	2	2	2	6
Germany	2	2	2	6
Greece	3	2	1	6
Hungary	2	2	1	5
Ireland	2	2	2	6
Italy	3	2	2	7
Latvia	2	2	2	6
N. Ireland (UK)	3	2	2	7
Netherlands	2	2	2	6
Poland	2	2	2	6
Romania	2	2	1	5
Scotland (UK)	3	2	2	7
Slovenia	2	2	2	6
Spain	2	2	2	6
Sweden	3	2	2	7
Wales (UK)	2	2	2	6

• **CEI Scores Responsiveness:**

COUNTRY	Lobbying	Res. CSO	Monitoring	Adjustmen	Total
Austria	3	2	3	3	11
Bulgaria	1.6	1.7	1.4	2	6.7
Cyprus	1	2	2	2	7
Czech Rep.	1.6	2.4	1.2	2.5	7.7
Denmark	3	3	3	3	12
England (UK)	3	3	3	2	11
Estonia	2	2	2	2	8
Finland	3	3	3	3	12
France	2	3	3	3	11
Germany	3	3	2	2.5	10.5
Greece	2	2	1	2	7
Hungary	1	2	2	1	6
Ireland	2	2	2	2	8
Italy	2	2	2	2	8
Latvia	2	3	2	2	9
N. Ireland (UK)	2	2	2	2	8
Netherlands	2	1	2	2	7
Poland	2	2	1	2	7
Romania	2	2	2	2	8
Scotland (UK)	3	3	1	3	10
Slovenia	1	2	1	2	6
Spain	2	2	2	3	9
Sweden	3	3	3	3	12
Wales (UK)	3	2	3	3	11

• **CEI Scores Inclusiveness:**

COUNTRY	INCLUSIVENESS							
	Institutions	Range	Gender	Empower	Diverse CSOs	Diverse Lead.	Dist.	Total
Austria	0	2	2.5	2	2	2	3	13.5
Bulgaria	0	1	2.8	1.1	1.2	1	1.1	8.2
Cyprus	0	2	2	1	1	1	0	7
Czech Rep.	0	2.1	2.2	2.3	2.2	1.8	3	13.6
Denmark	1	3	2.5	2	3	2	3	16.5
England (UK)	1	2	2.5	3	2	2	3	16.5
Estonia	1	2	1.5	2	2	1.5	2	12
Finland	1	3	2	2	2	2	3	15
France	0	2	2	2	2	2	3	13
Germany	1	3	1.5	3	2	2	2	14.5
Greece	0	1	1	1	2	x	0	x
Hungary	0	x	1.5	2	1	1	2	x
Ireland	1	2	2.5	x	2	2	2	x
Italy	1	3	1.7	3	2	0	2	12.7
Latvia	1	2	2	2	2	3	2	14
N. Ireland (UK)	1	3	2.3	3	2	2	2	14.3
Netherlands	1	3	2	2	2	1	3	14
Poland	0	2	2	2	2	2	1	11
Romania	0	1	1.3	2	2	1	1	9.3
Scotland (UK)	1	2	2.5	2	2	1	3	14.5
Slovenia	0	2	2	2	1	1	1	9
Spain	1	2	2.7	2.5	2	2	2	14.2
Sweden	1	2	2.5	2	3	2	3	15.5
Wales (UK)	1	3	2.7	3	2	2	3	16.7

AP2.5. The Experiences of Consultation Survey:

In addition to the quantitative data provided by the Consultation Efficacy Index, this inquiry also analyses qualitative, exploratory data taken from two short surveys designed to investigate both CSOs' and public policy actors' experiences of consultation. The timeframe for this inquiry was 11 weeks, with one researcher working on the project. As such, the possibility of collecting a statistically significant, random sample of experiences of consultation across all 27 Member States was impossible. Instead, a strategy of convenience sampling was adopted, with questionnaires sent out to several partner organisations and networks via a snow-balling strategy. As such, the inquiry does not take responses to be representative of the sector as a whole in any particular country to draw macro-conclusions; rather, the surveys have been used to explore the everyday experiences of specific organisations and draw conclusions on a micro-level in order to move forwards.

Responses from survey data remain anonymous, although in some cases organisations are identified at their own request.

A two survey design was adopted predominately for purposes of clarity. Though the set of variables investigated by both remained constant (**access, transparency, responsiveness** and **inclusiveness**), the fundamental difference between the two sets of actors is that on the whole, one organises the consultations, while the other participates. There were, therefore, questions which needed to be worded slightly differently simply so that the questionnaire would make sense to either group of participants. For example, one question on the **policy actors' survey** formulated as below:

Q. Does your Department facilitate CSOs' involvement in consultation processes?	
Always	<input type="checkbox"/>
Often	<input type="checkbox"/>
Sometimes	<input type="checkbox"/>
Occasionally	<input type="checkbox"/>
Never	<input type="checkbox"/>

translates to the following on the **CSO actors' survey**:

Q. Do governmental institutions facilitate your organisation's involvement in consultation processes?	
Always	<input type="checkbox"/>
Often	<input type="checkbox"/>
Sometimes	<input type="checkbox"/>
Occasionally	<input type="checkbox"/>
Never	<input type="checkbox"/>

Given this slight variation in question wording, responses across both sets of actors have not been aggregated, rather, responses within groups of actors have been analysed together, and convergence and divergence between both groups' responses examined separately (Bryman, 2004).

Survey I

The first of the surveys was designed for CSOs specifically. It was multiple choice in structure, with participants being asked about the frequency and form of consultation they have been involved in, their role in proceedings, whether necessary information is made available when they participate, how

they find out about consultations, if their participation is facilitated, if processes are monitored and information made public and their perceptions of institutional responsiveness.

Survey II

The second survey, designed for governmental actors, was also multiple choice. Similar to the CSO actors' survey, participants were questioned on whether they organise consultation processes, with whom, how often, and what form they take, whether guidelines for consultation exist and what they are, how participating CSOs are selected and if their participation is facilitated, if processes are monitored and information made public, what role CSOs have in proceedings, whether there is a special contact in the department/office/committee responsible for CSO issues and what information CSOs have access to and how this is determined. Both sets of actors were asked to give examples of more and less successful consultation proceedings explaining why and how they differed.

AP2.6. Response rates:

The response rate for the surveys was around 18%. From 216 surveys sent out by email at the end of January 2010, 49 were returned as undelivered, 21 returned out of office replies, and 12 replies came back but without completed surveys. Given the exploratory nature of the inquiry, what was most important was to obtain responses from a good spread of the 21 Member States surveyed, in order to gain the broadest possible perspective and to compare and contrast CSOs' experiences in diverse national frameworks. In total, 14 Member States are represented by the responses received, which certainly enables the broad comparison the inquiry was aiming for. Particularly given the differences between CSOs' capacity and government willingness to consult across the member states surveyed, the number of responses was very satisfactory.