

THE EUROPEAN COMMISSION AND CONSULTATION OF NGOs



European Citizen Action Service
53 rue de la Concorde
B-1050 Brussels

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Tel. +32 2 548 04 90 ; fax.. +32 2 548 04 99
Email. admin@ecas.org; website. www.ecas.org

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Introduction

This report is one of a series of three relating to the principle of participatory democracy. The other two concern the financial relationship between NGOs and the European Commission and citizens' initiatives. A first version of this document was discussed at a seminar organised by ECAS on 13 September 2004 with the support of CAF (Charities Aid Foundation). The seminar discussion did not lead to any major changes in this document, which given the timing is not surprising. Coming just before the hearings of new Commissioners by the new European Parliament, this was an event for brainstorming and exchanging ideas rather than reaching definite conclusions. The appointment of Margot Wallström in the new Commission as a Vice President dealing with issues of communication and relations with the other Institutions and civil society appeared to participants as significant and promising. It was however far too early to tell how and when the new Commission would take initiatives.

In 2001 ECAS responded to a discussion paper issued by the Commission entitled "The Commission and Non-Governmental Organisations: Building a Stronger Partnership". Its response was contained in a widely circulated paper "Listening to Civil Society: What Relationship between the European Commission and NGOs". This paper was subsequently up-dated to take account of the Commission's white paper on European governance. In March and October 2001, ECAS organised seminars before and after the presentation of the white paper, and there is no doubt that the policy research and the wider discussion and dialogue did have an influence on the Commission's thinking. Many of the ideas put forward in this paper remain valid and have yet to be acted upon. Nonetheless, there have been important developments since the paper was issued:

- the issue in 2002 of the Commission's Communication "General principles and minimum standards for consultation of interested parties by the Commission"¹ setting out the Commission's proposals for future consultation;
- the publication of, and governmental agreement to, the proposed Constitution for the Union.

¹ COM(2002)704

It will, of course, be some time before the Constitution and Treaty come into force. There are, however, a number of provisions which will have a bearing on the question of communication between the Institutions and NGOs which it would be wise to begin examining now.² These provisions are:

- Article 1-47 (1-4) will, for the first time place a legal obligation on ***all the Institutions*** to:
 - by “appropriate means” to give “citizens and representative associations the opportunity to make and publicly exchange their views in all areas of Union action”, and;
 - to “maintain an open, transparent and regular dialogue with representative associations and civil society”.

The same Article (in sections 3 and 4) places the duty on ***the Commission*** to:

- “carry out broad consultation with parties concerned in order to ensure that the Union’s actions are coherent and transparent”, and;
- to receive proposals directly from citizens.

In the seminar on 13 September, it was pointed out that previous Treaty revisions based on the intergovernmental conference would never, like the Convention on the future of Europe, have proposed a chapter on “the democratic life of the Union.” As Professor Justin Greenwood pointed out in the opening session, this chapter not only codified existing practice, but also established a hierarchy and a relationship between representative and participatory democracy and enshrined the central principles of democratic governance – popular control and equality. Other participants also stressed that it is essential to look at the overall structure of the Constitutional Treaty, not just article 47. The articles on participatory democracy and social dialogue fill the deficit of representative democracy. Furthermore, the obligation to be transparent and consult concerns all institutions, so that the attention of ECAS and other organizations should not be entirely focused on the Commission. The Council, which, under the new Treaty, should legislate in public, must be considered also. The supply of opportunities for public participation should increase the

² For its part, the Commission has already begun to consider how the legislation enacting the right of citizens to take the initiative might be framed, and has the intention of proposing a legal framework as soon as the Constitution comes into force. And there is no doubt that similar prior consideration will be given to the operation of the rest of Article 1-46

demand, and it should be directed towards all the Institutions. Such an optimistic view is also supported by the fact that the EU has already some instruments: rules on access to documents, consultation and impact assessment in the Commission, dialogue forums, the Charter of fundamental rights.

But the EU also has some unique problems: consensus politics – leading to unintelligible decision-making and a lack of ways to bring “politics to the people” through adversarial parties competing for government. Added to this is the problem that “EU interest groups are confederated and have incentives to play institutional politics more than membership engagement: some over-institutionalisation” (Greenwood). For Nicholas Beger and the Act 4 Europe campaign, the first step must be to launch a full-scale information campaign on the Constitution and to define the contents and ground rules for civil dialogue. The obvious conclusion from the seminar was that whilst article 47 could bring about enormous change, this will not happen automatically. It is not enough to decree participatory democracy.

Against this background, and with the new Commission soon to take office, it seems right to reappraise the relationship between the Institutions and NGOs, to see how well the ‘Minimum Standards’ adopted by the Commission have operated in practice, to examine how matters might be improved in the near future, and to look forward to how best the new duties laid upon the Institutions might work in practice.

ECAS Proposals, the Constitution, and the Commission’s Minimum Standards.

It will be worthwhile recalling what ECAS proposed in “Listening to Civil Society” and the Commission’s response to consultation as embodied in the ‘Minimum Standards’.

ECAS argued that a Bill of Rights – of the kind now included in the Constitution – should enshrine:

- the right to be heard based on citizenship of which all NGOs, as organisations of citizens could take advantage;
- free access to information (and explanatory material where necessary) provided in good time to enable NGOs to consult their members before firm decisions are taken; and

- the responsibility of citizens and their organisations to respect the legitimacy of the formal political process and, in particular the need for public authorities to balance competing priorities and demands.

“Listening to Civil Society” argued strongly that it would be wrong to introduce any system of ‘accreditation’ of the kind favoured by some international organisations – that the Commission should keep an ‘open door’ to any NGO that wished to put forward its views – and that consultation should go wider than the Brussels ‘inner circle’. It was suggested that, in general, the Commission’s aim should be to establish a continuing dialogue with NGOs wishing to contribute to the formation of public policy or otherwise to the Commission’s work but that, where there was a need formally to consult, the Commission should draw up a consultation plan, in the light of which the results of the exercise could later be evaluated. The plan should be drawn up in the light of a checklist of questions designed to ensure that consultation was adapted to the subject in hand, that the necessary expertise was brought to bear, that all NGOs with a contribution to make were drawn in, and that the process was not confined to Brussels. The plan should be made public in advance of the consultation process and the results published together with a list of all those consulted.

To an extent that might not have been predicted the Commission’s conclusions were consistent with what ECAS suggested. Accreditation was rejected,³ the need to go wider than Brussels was recognised and, though there was no endorsement of the idea of a consultation plan, properly applied the Minimum Standards set out in the Communication would require consideration of just the sort of questions which the checklist was designed to elicit. The Communication also recognised the need for proper feedback.

The Minimum Standards need to be considered in the light of the extended discussion contained in the Communication, but in brief they are:

- **A.** “All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses.”
- **B.** When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinions.”

³ It would appear that Article 1-44 of the Constitution – « In all its activities, the Union shall observe the principle of the equality of citizens, who shall receive *equal attention* from its Institutions, bodies, offices and agencies » - would bury the idea of accreditation once and for all. (Our italics)

- **C.** "The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of target audiences. Without excluding other communication tools, open public consultation should be published on the Internet and announced at the "single access point"."
- **D.** "The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least 8 weeks for reception of responses to written public consultations and 20 working days for meetings."
- **E.** "Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the Internet."

The Minimum Standards in Practice

The first thing to be said is that it not at all easy to get a picture of how well consultation is working under the new regime. Even a rough picture requires considerable persistence in examining the Europa web site, and many uncertainties have to be followed up with e-mail enquiries. Part of the problem is due simply to delays – affecting the whole consultation exercise or one part of it, for example, the production of a feedback report. Nonetheless, information which is not posted on web sites causes real problems for researchers. This may be of small significance to those intimately involved in a particular consultation exercise, but for those interested in consultation *per se* and in keeping the Commission up to the mark, it is a real handicap. That information on a particular stage in the consultation process (points A-E) may be missing does not, of course, mean that the DG concerned has not faithfully followed the Standards. It does, however, mean that the picture that emerges has to be looked at with some caution.

That said, it is clear that there have been excellent examples of consultation⁴ fully conforming to the letter and the spirit of the Minimum Standards. On the other hand, there appear to have been occasions where one or more Standard(s) has not been followed. It is not certain that all of these apparent omissions necessarily detracted from the overall quality of the consultation. The fact, for example, that consultation appeared not to have been signalled either on the DG website or on 'Your Voice in Europe' appears in one instance to

⁴ According to the Secretariat General there were 60 consultation carried out in 2003 of which 43 were required as linked with Extended impact Assessments. There may, of course, have been many other occasions on which NGOs were consulted outside any formal structure in the normal run of the Commission's work.

have been due to the choice by the Commission of a 'focussed' rather than 'open' consultation. It is, however, to be regretted that publicity should apparently be thought less necessary on these occasions for there is nothing in fact to prevent an NGO wishing to contribute from putting forward its ideas even when not specifically invited to do so. Given this, it is for consideration whether the distinction between 'focussed' and 'open' consultation ought not to disappear. Apart from the fact that a single regime would help ensure greater conformity with the Standards, it is surely the case that all consultations should be focussed on the subject in hand.

There is, perhaps, one Standard which appears too often ignored, and that is E. Under E the Commission has undertaken to:

“provide adequate feedback to responding parties and the public at large. To this end, explanatory memoranda accompanying legislative proposals by the Commission or Commission communications following a consultation process will include the results of these consultations and an explanation as to how these were conducted and how the results were taken into account in the proposal. In addition the results of consultations carried out in the Impact Assessment process will be summarised in the related reports.”

Whatever the difficulties (mentioned above) of obtaining a clear picture, it is difficult to avoid the impression that not all of the instances where feedback appeared to be lacking following consultation were due to delays.⁵ This impression is strengthened by Annex 2 of the Commission's report "Better Lawmaking 2003"⁶ which looked at extended impact assessments completed by November 2003. The Annex concluded that while the application of the Standards had generally been satisfactory, "special efforts" still needed to be made to "improve feedback to contributors" and that in most cases "too little was said on how comments were taken into account in the proposal or why they were discarded". In any event, clear and detailed feedback⁷ is clearly essential, both to NGOs' confidence in the consultation process, and to the Commission's credibility, and it will be damaging to both parties if it is not systematically given.

⁵ In one instance the official concerned was reminded that feedback was required by an e-mail sent in the course of research for this paper enquiring why none was available on the web.

⁶ COM(2003)770 final.

⁷ COM(2002)704 setting out the Minimum Standards is at the same time an excellent example of the kind of feedback that can be provided.

Where feedback is lacking it is not possible accurately to judge whether the Commission has made a reasonable effort to reach out to NGOs. Consultation exercises are well signalled on the single access point and NGOs wishing to comment have a responsibility to be alive to the possibilities of doing so. Nevertheless, under Standard B, the Commission has a duty to ensure that “relevant parties have an opportunity to express their opinions”. This will by no means always be an easy task especially if, as ought to be the case, the Commission makes a serious attempt to reach out beyond Brussels. In the light of this, there might well be advantage in making it the rule that views be sought on which NGOs should be consulted at the stage of the preliminary impact study.⁸ This ought to help those responsible to ensure that consultation is effective and, incidentally, lessen the risk that any initial failure accurately to identify those whose views should be sought will carry through and vitiate the consultation process.

Discussion of these issues at the seminar

The seminar speakers and participants emphasised a number of points which were mentioned but not stressed quite so forcibly in the original version of this paper. What the discussion highlighted is that if a culture of consultation is to be introduced more systematically, it cannot be limited only to European level legislation or policy initiatives, and a special effort must be made to reach out to civil society in the new member states.

Issues and questions for further analysis

(i) How to improve feedback on consultation?

Jens-Nymand Christensen, Director in DG Press and Communication, said that the seminar was exploring the frontier-land on relations between the EU and civil society, which had already been mentioned by Mr. Barroso, the new Commission President. The Commission’s approach was based on open and transparent dialogue, reflected in the minimum standards for consultation. It was important that the Commission should say clearly what it was looking for when it consults. Organisations participating should also be clear about what they were and the interests they represent. For this a website had been set up where NGOs could register called CONNECS. It was all about developing a new culture and spreading it throughout the Commission on a decentralised basis. He admitted that this was a gradual process working better in some sectors e.g.

⁸ This was done in at least one case – an apparently thorough and successful consultation, even though notice of the exercise was not posted on ‘Your Voice in Europe’.

environment and development, where there was already structured dialogue, than in others.

There was also an issue about resources to tackle feedback, currently the weak point. It would be normal for each contribution to be acknowledged in addition to providing an overall reaction to the consultation process with explanations of why the Commission had accepted some proposals but rejected others.

This point about the high investment involved with consultation was supported by other speakers. For Justin Greenwood efforts to achieve "input legitimacy" may interfere with doing, given low resources. Magda Stoczkiewicz of Bankwatch made this point forcefully by replacing the three C's of the seminar's title by 3 "Is": inform, invite, ignore. An example of this was a worldbank official quoted as saying, "I don't understand what the problem is, we met with 1200 stakeholders from 35 different countries. We dedicated three years, hundreds of hundreds of dollars and some of our best staff time. What is everyone complaining about?" As the example of the Bank's indigenous people's policy review shows, resources are necessary but are not enough and there also has to be a genuine wish on both sides to learn from each other: "In the end, participatory communication is democratic communication. It may be messy, time consuming, expensive and contentious. But for democratic governance, it may be necessary. If policy makers and citizens care about striving for openness, promoting understanding, and building trust, then participatory communication is the only way to go." (CEE bankwatch network)

(ii) How to extend the Commission's minimum standards ?

Much of the discussion in the seminar addressed issues of consultation and participatory democracy beyond the Commission and the European level as such:

- The Lisbon process – very much a priority for the new Commission – as well as the structural funds ought to bring in local, regional as well as national NGOs to a greater extent. They in turn needed channels of communication towards Brussels. In this connection, ECAS organised a separate event on 18 and 19 October in Bologna 2004 where a report on the issues of consultation on the structural funds in the eight new member states of central and Eastern Europe by Brian Harvey, entitled "the Illusion of Inclusion" was presented. Gaetane Nihoul of Notre Europe pointed out that there

is not a very good connection between participatory democracy at the European level and at regional or national levels – citizens’ initiatives could help to bridge the gap.

There are also the issues of consultations by the other Institutions and EU agencies. According to Magda Stoczkiewicz, the European Investment Bank does not even have any standards at all which are understandable and commonly agreed. One possible way forward would be an initiative by the European ombudsman. In the past, the ombudsman took the initiative of inviting all EU Institutions and agencies to have rules of procedure on access to documents, thus successfully spreading transparency. He could do the same for minimum standards of consultation, using the Commission’s as a model.

(iii) How to involve civil society in the new member states?

A strong case was made by several speakers for special efforts to be made to involve NGOs from the new member states. David Stulik described how his organisation provided support particularly for small NGOs in the Czech Republic. A culture of consultation is new for the member states in Central and Eastern Europe, more used to confrontation and informal networks. Pawel Krzeczunowicz made the point that consultation requires technical expertise which many NGOs do not have. They need to rely therefore on European associations. He mentioned, as a good example of consultation, the dialogue between DG trade and NGOs. It illustrated a point made by Andrew Crook that NGOs participate and are listened to, not so much because of who they are, but because of what they have to say and their ability to be part of the market of ideas. In the trade dialogue NGOs are free to participate, but those which have little contribution to make fall by the wayside. For other speakers, this though did raise issues about resources allowing NGOs to participate and for the Commission providing them with some funding but then not covering the costs of industry groups able to cover their own costs.

Another possibility, for new and old member states was mentioned by Mell Hallam – to organise a national forum or regular meetings of NGO representatives involved with European issues. Pawel Krzeczunowicz said that the inclusion of more civil society representatives from new member states in the Economic and Social Committee provided some possibilities for linking NGOs better to the EU. The Polish NGO office had organised a meeting between these ESC members and European level NGOs. The seminar was

informed by Thomas Jansen of an initiative to set up a contact group between the ESC and certain European level associations.

Future Developments

There is no doubt that the Minimum Standards have led to real and very welcome improvements in the Commission's approach to consultation with NGOs and there is little reason, apart from relatively poor feedback, to disagree with the Commission's own conclusion that on the whole they are being conscientiously applied. What is needed in the immediate future is to ensure that they are fully followed in every case and that information on the overall picture is more easily available. This is a job which would naturally fall to the Secretariat General's Office. It already has oversight of the Standards but at present can only advise, inform and cajole. Its officials should be given teeth. As for information as to how well and consistently the regime is being applied, consideration should be given to a web site on which the various stages of the consultation process are 'ticked off' as they are fulfilled and an annual report evaluating the quality of the consultation that has taken place. This task could also be undertaken by the Secretariat General.

Modest changes such as these would bring improvements in the short term. In the longer term, however, communication between the Commission and NGOs will be as satisfactory as the realities of the exercise of public authority will allow, only when the Commission has thoroughly absorbed a culture in which *continual dialogue* is seen as a necessary and natural part of policy formation. That in turn will require that in future information flows more freely between the Commission and NGOs. As was suggested in "Listening to Civil Society", NGOs are essentially in the market place of ideas – and markets only work when all those operating in them have access to the same relevant information.⁹ If all those involved in consultation – the Commission as much as NGOs - are to gain the maximum benefit from the process, information therefore needs to be made available as soon as some action, new policy or policy change, is contemplated. It is important to understand that what is needed here is not simply free access to *documents* but, as ECAS has suggested before, a right to *information before documents are produced* – when it is often in reality too late for effective comment.¹⁰

⁹ Inequality of access to relevant market information is the reason why insider trading is not permitted.

¹⁰ For an extended discussion of the need for citizens and NGOs to be informed in this sense, see Richard Upson's paper "Information for the European Citizen" on the ECAS website.

The development of a culture of continual communication and consultation will be greatly aided by a framework, and it is here that the real promise of Article 1-47 lies. How that framework might be constructed in practical terms is dealt with in the next section.

Giving substance to Article 1-47

Article 1-47, it will be recalled, will place a duty on all the institutions "by appropriate means" to give "citizens and representative associations the opportunity to make and publicly exchange their views in all areas of Union action", and; "maintain an open, transparent and regular dialogue with representative associations and civil society". For its part, the Commission will *additionally* be required to "carry out broad consultation with parties concerned in order to ensure that the Union's actions are coherent and transparent". These are, in a sense admirable - and admirably unequivocal - requirements, but they are very broad. How, in practice should they be given detailed substance? What practical arrangements will be needed if their promise is to be fulfilled?

In "Listening to Civil Society" ECAS argued that in the long run an enduring framework for communication and consultation between the Commission and NGOs would best be provided by a 'compact' between the two parties. This remains an idea worth serious consideration as a way of ensuring that necessary transparency and coherence is brought to the process of consultation and that the arrangements settled upon are best adapted to the needs of all concerned.

Compacts

Compacts originated in the UK but the model has been already been adopted by several European¹¹ as well as third countries and is spreading rapidly. In some cases compacts designed to compliment the national agreement have been agreed or are in the course of negotiation between the sector and local authorities. This makes compacts a possible way of responding to the recommendations made by a number of participants at the forum that consultation has to be multi-level not only by the Commission, but also by member states and regional authorities, for example when designing or implementing EU cohesion policy.

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¹¹ In the UK there are separate compacts for England and Wales, for Scotland and for Northern Ireland. On the continent there are also compacts in, for example, France, Estonia, Hungary and Croatia..

Compacts are also the adapted formula in a number of new member states and indeed 'The Estonian civil society development concept' was presented to the seminar on 13 September.

A compact is simply an agreement between public authorities and the NGO sector which sets out in agreed form, and after the widest possible consultation amongst officials and voluntary bodies, the principles on which a future relationship should be based. These principles typically include:

- A recognition by both parties of their complementary roles in the general well-being of democratic society and in the development and delivery of public policies and services;¹²
- The value of partnership;
- The need for openness, integrity, objectivity and accountability;
- The importance of the funding relationship
- The importance of providing equal opportunities for all.

In addition the public authority would normally give certain undertakings as, for example, to respect the independence of the sector; to consult the sector on all issues in which it has an interest; to adopt transparent and equitable funding policies which take account of the need to ensure the sector's continuing capacity; and so on. For its part, the sector would normally undertake to consult their own members before responding to public authorities and to do its best to promote effective and efficient relations with them, to maintain high standards of governance and accountability to funders and users, to respect the confidentiality of information made available to them on that basis.

It is an important feature of compacts that these statements of principle should be complemented by codes of practice covering in practical detail such matters as consultation and policy appraisal, funding, how it is to be ensured that minorities are properly catered for, and so on.

It cannot be emphasised too strongly that the above examples of principles and codes of practice are just that – examples and no more. What might find its way into a compact

¹² This principle would normally also include an explicit recognition of the representative primacy of Parliament. In the light of Article 1-45(1) – “The working of the Union shall be founded on representative democracy.” – a European compact would need to recognise the fundamental role of the European Parliament.

between NGOs and the Commission would be entirely a matter for the parties to the agreement. Essential to the process of compact making is that the parties seeking agreement start, not with a set of detailed demands, but rather with an appreciation of the constraints on the other and a desire to reach a better working relationship. How the matter is to be given form is a matter for open and transparent negotiation. And it goes without saying that any agreement must be subject to the widest possible consultation on both sides.

Having said that, most compacts are similar – because the preoccupations of public authorities and NGOs are and it is not difficult to imagine what a compact between the Commission and NGOs would need to contain. Indeed many of the building blocks are already in place in some form or another, for example in COM(2002)704 which embodies the Minimum Standards. A compact would no doubt build on such sources and practices but go wider. An essential component would almost certainly be a detailed code covering finance which could contain a pledge to keep the Financial and Implementing Regulations as user friendly as possible for NGOs. The code could also contain an updated version of the Vade Mecum on funding for NGOs. The need to pay close attention to minority interests would also be likely to be covered: the position of minorities is already a live issue and will certainly grow in importance.

If a compact could well be built on the foundations provided by existing practice it should not aim entirely to replace what already exists. For example, a code on communication and consultation – if one were thought desirable – might take in the Minimum Standards. However, it should not – and in fact could not – replace them. The reason for this is that compacts are not legally binding – they rely for their force on what is in essence a public pledge by both parties. This has advantages in lifting the threat of litigation – which might otherwise hang over negotiations, but leaves the compact unenforceable.¹³

Apart from publicity and moral pressure, part of the answer to keeping both sides up to the mark lies in providing for oversight. Thus a European compact should be overseen by a bilateral group constituted of officials and representatives of NGOs. This group should monitor the implementation of the compact by both parties and should produce an annual report. Official oversight could be reinforced by requiring the group to present its report to the European Parliament which should be asked to consider and debate it.

¹³ If the Standards were incorporated in a code attached to the compact and COM(2002)704 repealed NGOs would then have no recourse to the Ombudsman, as in the case of ECAS's recent complaint to him in respect of the Commission's failure to consult NGOs over the future of the structural funds.

Arrangements for negotiations

As has been said, compacts have to be negotiated and agreed, and have to command the confidence of both parties. The process of convening a negotiating group can be difficult at national level and, in practice, is likely to prove considerably more problematic at EU level. Consultation will have to 'cascade down' to national level and the results fed back up. Probably the natural starting point would be to establish a group composed of officials from a number of DGs experienced in dealing with NGOs and representatives of the main families of NGOs operating at European level. This group would be responsible for consulting their colleagues and devising a method for choosing delegates who would negotiate the compact, and be in a position to test the acceptability of a draft text. This will clearly involve the group in taking – or arranging for others to take – extensive soundings at national level. The resulting negotiating group should not in any event be too large and, experience has shown that an independent chairman (or woman) with knowledge of, and sympathy for, both sides is indispensable.

The Parliament and the Council

Given that Article 1-47 applies in most respects to all the institutions without exception it is tempting to argue for a single overarching compact. In practice, given the disparate and competing nature of the different institutions, a single instrument is unlikely to be either feasible or desirable. This does not mean that the Parliament and the Council should be held to different standards from those contained in a compact between the Commission and NGOs or even less to inferior ones – quite the reverse - but simply that they may need to be arrived at by a different route.¹⁴ One such route would be to ask the Ombudsman formally to issue a formal request to the Parliament and the Council to make rules which they would then apply. It goes without saying that these rules should be drawn up in the light of the widest possible consultation. There should also be a role here for the new Commissioner for communication and inter-institutional relations. The latter task has tended in the past to be a rather low-key affair, but given the evident importance of Article 1-47 and its clear relevance to communication the Commissioner should be able to keep a watching brief on the manner in which it is put into practice and to play a part in ensuring a reasonable and desirable degree of uniformity amongst the different institutions. Certainly, were the institutions to adopt very different policies the risk of confusion in the public mind would be considerable.

¹⁴ If the Parliament were given oversight of the compact between the Commission and NGOs it would look odd to say the least if its own standards were markedly inferior to those in the compact.

As to what the rules should contain, again the best policy would be to build on present practice, to improve it, and to make sure that it is followed in all cases. Thus it should be a rule, as often but not always happens now, that Presidencies of the Council should consult NGOs on their proposed programmes. The Council itself should be encouraged to investigate whether legislative proposals coming to it have been the subject of full consultation and should be required to consult afresh if they propose to make significant amendments. Similarly the Parliament should be required to draw in NGOs during the consideration of legislative proposals and should be required to consult in any case where changes are made not previously the subject of consultation.