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NGOs in the European Union

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Introduction

Since the Treaty of Rome came into force in 1958, non-governmental organizations (NGOs) have played an important role in the process of European integration. In the course of the deepening and widening of the integration process, the number and activities of NGOs in Brussels have grown constantly over the decades. The consensus-oriented decision-making procedure presents them with numerous institutionalized and non-institutionalized channels for agenda setting, interest representation and advocacy, and via the Economic and Social Committee, they are institutionally integrated in the political system of the European Union.

Currently, the European Union is primarily an economic and legal community aiming to realize a common market that includes a single currency and fundamental market freedoms (McCormick 2017: 58). In the beginning, this goal was pursued mainly through so-called negative integration in the sense of the common dismantling of national rules such as domestic customs duties and other trade barriers. Later on, elements of positive integration complemented the activities of the European Union and its predecessor organizations. This means that the European Union is harmonizing the legal frameworks of its member states and is introducing a wide range of uniform standards such as industrial norms, environmental requirements and health and safety regulations at work (Scharpf 1999: 49). This has significant implications for many policy fields, and from treaty to treaty, the responsibilities of the European Union have been extended. In the Lisbon Treaty (the current constitutional basis ratified in 2007), additional policies have been communitized by transferring national sovereignty rights from the governments of the member states to the European level where decisions are made in a complex supranational procedure shaped by extensive negotiations (Pollack 2015: 37).

Although in 2016 the British citizens decided with a narrow majority to leave the European Union and the European currency was troubled during the recent financial and fiscal crises, the EU is still very attractive for most of its members. Founded by six member states in 1958, it has grown with the eastward enlargement to encompass 28 member states.

Today, beyond the common market and trade policy, the European Union has far-reaching competences in agriculture, fisheries, energy policy, environmental policy, consumer protection, research and development, and cohesion policy. In addition, more and more aspects of

justice and home affairs as well as foreign policy are affected by European regulation. This also holds true for many social policies, although they mostly belong to the area of responsibility of the member state governments. Through this enormous increase of responsibilities, the European Union is widely affecting the process of policy-making in its member states and plays an integral role in almost all home affairs decisions (Wallace/Pollack/Young 2015).

This strong influence in domestic affairs has led to public criticism of the democratic legitimacy of the European Union (Wimmel 2009). Indeed, the EU's political system is not reaching the democratic standards of nation states. Although the competences of the European Parliament, the only directly elected institution of the EU, have been upgraded over the years, the EU still lacks substantial elements of democratic participation (Hix/Follesdal 2006). For instance, there is no real electoral contest in relation to the political leadership at the European level, and the citizens cannot decide about the basic direction of the EU policy agenda. Furthermore, the unsatisfactory accountability of the European Commission is criticized, and the process of decision-making is so complex that most European citizens do not understand how the EU works (Fossum/Pollak 2015: 35).

The European Commission has acknowledged this problem and, with its White Paper on European Governance (2001), initiated a consultation regime that bestowed on NGOs a more prominent role in the process of EU policy-making by opening venues of interest representation. In particular, NGOs representing values and social rights have profited from the change in procedures, and at the time of writing more than 3,000 NGOs are registered in the European Transparency Register, most of them engaged in agenda setting, advocacy and interest representation.

The following sections introduce a taxonomy of NGOs in Brussels, explain the importance of NGOs in the political system of the European Union, illustrate the functions of NGOs in the integration process and discuss democratic challenges of the system of interest representation in the European Union.

NGOs in Brussels

Most academic contributions relating to NGOs in the European Union focus on these organizations as a part of the ramified system of interest representation (e.g. Greenwood 2011; Wolff 2013; van Schendelen 2013). In this context, NGOs are attributed to the organized civil society, which influences the process of decision-making by lobbying particularly the European Commission and the European Parliament. However, even now, there is no generally accepted definition of NGOs in European integration research. A reason for this might be the very broad understanding of civil society that is used in the documents of the European Union (Pitz 2015: 60). Therein, essentially all organized non-state entities are categorized as part of civil society. Traditionally, these are the social partners (trade unions and employer's associations); however, business-oriented organizations such as chambers of commerce, business federations and even in-house lobbyists of companies are also considered as NGOs in various EU documents (Freise 2008).

In a communication on the role of NGOs in international development policies, the Commission has specified four basic criteria organizations have to fulfil to be classified as NGOs: (1) They have to be established voluntarily by citizens seeking to promote their concerns, values or identities; (2) they are organized around the promotion of an issue or the interests of a particular segment of society; (3) they are autonomous from the state; and finally, (4) they do not aim to maximize profits (Tanasescu 2009: 67).

This definition is very similar to the concept used by the United Nations Economic and Social Council and has been further refined for the purpose of the European Transparency Register, introduced in 2011. The voluntary lobbyist registry is operated jointly by the European Parliament and the European Commission[1] and covers six different kinds of interest groups: (1) Professional consultancies, (2) trade/business/professional associations, (3) NGOs, (4) think tanks and academic institutions, (5) organizations representing churches and religious communities and (6) organizations representing local, regional and municipal entities. The registry provides information on staff numbers of the registered organizations, the legislative proposals they have attempted to influence and the amount of EU funding they have received. By registering, the lobbyists gain easier access to the European Parliament and can benefit from a number of information services of the European Commission.

However, there is no legal obligation to register for lobbyists active in the EU. Hence, it is very likely that many more actors are engaged in the area of interest representation in Brussels, particularly business interests. Furthermore, a study published by Transparency International in 2015 has shown that up to 50 per cent of the entries include incorrect data (Ariès 2015). Nevertheless, the register is currently the most comprehensive data source available on NGOs in the EU.

In October 2017, approximately 11,500 organizations were listed in the register. Some 3,000 of them are categorized as NGOs, of which some 900 run an office with at least one employee in Belgium – a strong indicator for direct activities in Brussels. In addition, some 30 churches and religious-oriented NGOs and roughly 120 academic think tanks are registered. In contrast, more than 2,600 business-oriented interest groups with a Belgian office, together employing 6,000 people, are listed in the register. In terms of staffing and financial resources, industrial interest groups are considerably better equipped than their counterparts from the NGO sector (Frantz/Martens 2006: 105).

A closer look at NGOs in Brussels reveals many different kinds operating in the system of European interest representation. The largest groups by far are so-called *umbrella umbrellas*. These are NGOs founded as federations for national (and sometimes subnational) umbrella associations, on whose behalf they represent interests in the institutions of the European Union.

By way of some examples:[2] The European Cancer Patient Coalition represents 40 national cancer self-help federations from all 28 EU member states and many other European and non-European countries. The European Anti-Poverty Network is a platform of 31 national networks of voluntary organizations and grassroots groups within the member states of the EU and of 13 European organizations whose main activities are related to poverty and social exclusion. The European Cyclists' Federation serves as the European umbrella of 62 national cyclists associations. It is active, inter alia, in the fields of cycling tourism, the economy, health and environment, urban mobility and road safety. Today, hundreds of such umbrella umbrellas are present in Brussels and concentrate particularly on the highly communitized policy areas that are within the regulatory competence of the European Commission, which is the central target of their lobbying activities.

The same holds true for *national umbrella organizations* that have their own offices in Brussels. They form a second, much smaller group of NGOs in Brussels. Since the membership in umbrella umbrella associations demands a high level of readiness to compromise, a number of large and financially strong national umbrella organizations have developed a twin-track strategy of interest representation. On the one hand, they open their own representative offices in Brussels. On the other hand, they become members of the European federation that corresponds to their interests. A typical example is the German Caritas, one of the largest German welfare associations. While it runs its own office in Brussels, it is also a member of Caritas Europe, which opens other channels of access to the European institutions, for instance the Social Platform, a coalition of the largest

European rights- and value-based NGOs working in the social sector. Most of the national umbrella organizations with their own representation offices are from the most populous member states of the European Union (Germany, France, Italy, Spain and the UK).

A third category of NGOs in Brussels are the *EU units and liaison offices of international non-governmental organizations* (INGOs). Greenpeace, Save the Children International, Oxfam, World Vision, Amnesty International, Transparency International, Robin Wood and many more INGOs are represented in Brussels. Particularly in the environmental, agricultural, fisheries and consumer protection policy areas, they are important sources of expertise for the European Commission, which consults them extensively. Furthermore, they serve as influential agenda setters.

Finally, *church and church-related organizations* and *think tanks* are other specific types of NGOs in the political system of the European Union. While the former, such as the European Jewish Association, the Hindu Forum of Europe and the Consilium Conferentiarum Episcoporum Europae (Council of European Bishops), fulfil predominantly the function of interest representation, think tanks conduct research and try to influence the political agenda in Brussels. Typical examples of such think tanks are the Centre for European Policy Studies and the German political foundations, among them the Friedrich Ebert Foundation and the Konrad Adenauer Foundation.

Most of the NGOs represented in Brussels are established as voluntary associations under Belgian law. However, this is not mandatory and other legal forms such as the foundation are used by NGOs, too. In regards to the fields of activity, most NGOs in Brussels indicate that they focus on the communitized policy areas that fall under the jurisdiction of the community method. Figure 30.1 illustrates the number of NGOs with offices in Brussels for the most relevant policy fields of the European Union and compares it with business-oriented interest groups listed in the Transparency Register (multiple self-attributions possible).
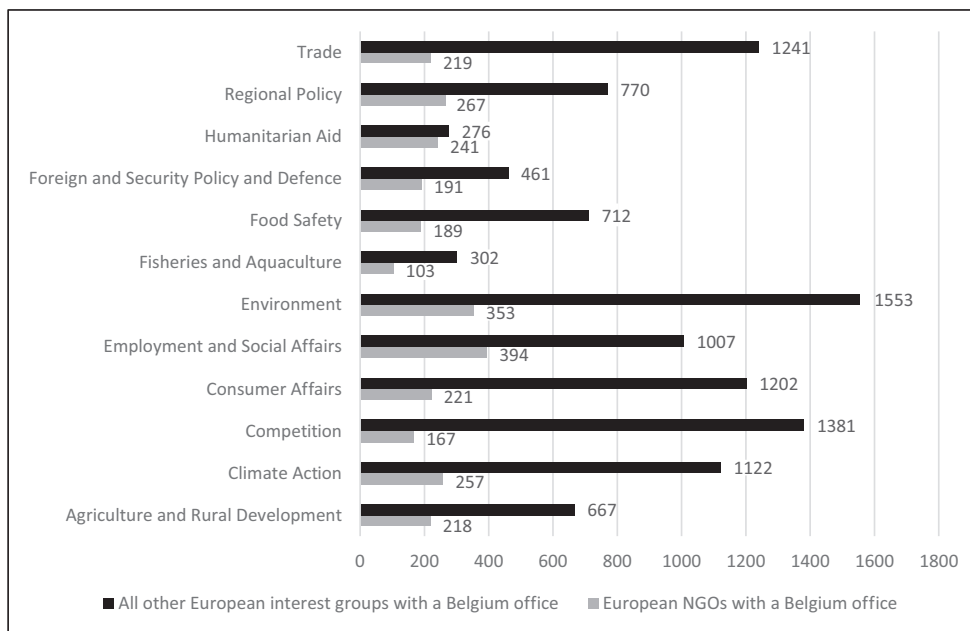

Figure 30.1   NGOs and business-oriented lobbyists and their fields of activity

Source: European Transparency Register (09/25/2017)

NGOs in the political system of the European Union

To understand how NGOs are integrated in the political system of the European Union, basic knowledge of the specific construction of the EU's polity is essential. The European Union has been described as "the most complex democratic system in the world" (Schmitter 2000: 13), and indeed, the EU's governance architecture is shaped by a number of unique features which cannot be found in political systems of nation states.

First of all, the European Union lacks a distinct centre of power usually found in the president's or prime minister's office in presidential and parliamentarian systems. Instead, the treaties of the European Union have installed a system of strong institutional interdependence in the processes of legislation and policy implementation (Peterson/Shackelton 2012: 8). In the communitized policy fields, the European Commission has the exclusive right to initiate legislation (directives and regulations). Furthermore, it ensures compliance with EU law in the member states and can launch infringement procedures against the member states, which are decided by the European Court of Justice (Hix/Høyland 2011). In addition, the Commission manages the EU's relatively small budget and allocates funding (e.g. agricultural and cohesion funds).

However, compared to national governments, the Commission lacks the typical instruments of executive power for policy implementation: It has neither police nor military forces, and the administrative body of the European Commission is very small. In 2017, the Commission employs about 32,000 staff to administer policies affecting half a billion people.[3] Hence, the European Commission has more of a coordinating function in the implementation of European legislation (Peterson 2012). The bulk of policy implementation is carried out by the administrations of the member states, which are represented by their governments in the European Council and the Council of Ministers.

The European Council is the committee of Heads of State and Governments of the member states. Officially, it is not embedded in the legislative process but serves as an overarching institution that seeks compromises and gives impetus for the further development of the European integration process. By contrast, the Council of Ministers in its 10 different topical configurations plays a central role in the legislative process: It is the first chamber in the bicameral legislative process and makes decisions about Commission-proposed initiatives in a co-decision procedure with the European Parliament (the second chamber). The Council of Ministers is the more powerful of the two chambers, since it decides in the last instance on the revenue side of the budget and since, ultimately, the members of the Council are the ones executing European law in their countries.

The European Parliament is the only institution in the political system whose members are directly elected by the citizenry (Shackelton 2012). In relation to communitized policies, it is as powerful as the Council of Ministers and can block legislation. Furthermore, it elects the members of the European Commission and is able to initiate a vote of no confidence against them. However, it cannot nominate the members of the Commission, that being the role of the Council of Ministers. In contrast to the political systems of democratic nation states, neither the Council of Ministers nor the European Parliament can initiate legislation. As noted previously, this competence is reserved for the European Commission exclusively. Figure 30.2 gives an overview of the functioning of the political system of the EU.

In this complex polity, the European Commission, European Parliament and Council of Ministers form a kind of "magic triangle of legislation" (Wessels 2013) which is shaped by a maximum degree of mutual dependencies and which requires permanent cooperation among the institutions. This effect is intensified by the spirit of the Luxembourg Compromise, which was reached in 1966 in the European Economic Community (an EU predecessor). The core
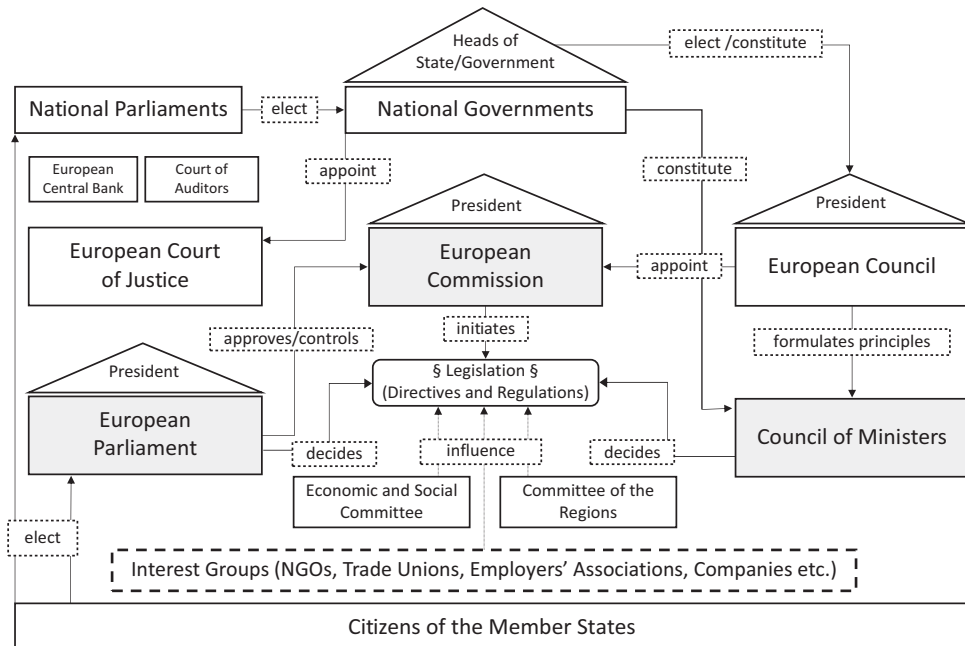
Figure 30.2   The political system of the European Union

Source: Author's illustration.

statement of this agreement was that the European Union considers so-called "vital interests" of the member states and avoids majority decisions whenever possible (Nedergaard 2007: 168). Although each of the subsequent treaties extended the possibility of qualified-majority decisions, such decisions have been taken very rarely. Instead, the political system of the EU can be described as a "veritable consensus generating machine" (Bickerton 2012: 31) which takes into account as many perspectives as possible and which has developed a number of specific procedures, such as package solutions and compensation payments to satisfy all stakeholders affected by its political decisions. For this reason, the political system of the EU is dependent on the input of interest representation of all kinds, and it has created a number of institutionalized and non-institutionalized channels of influence for NGOs and other lobbyists (Michalowitz 2007).
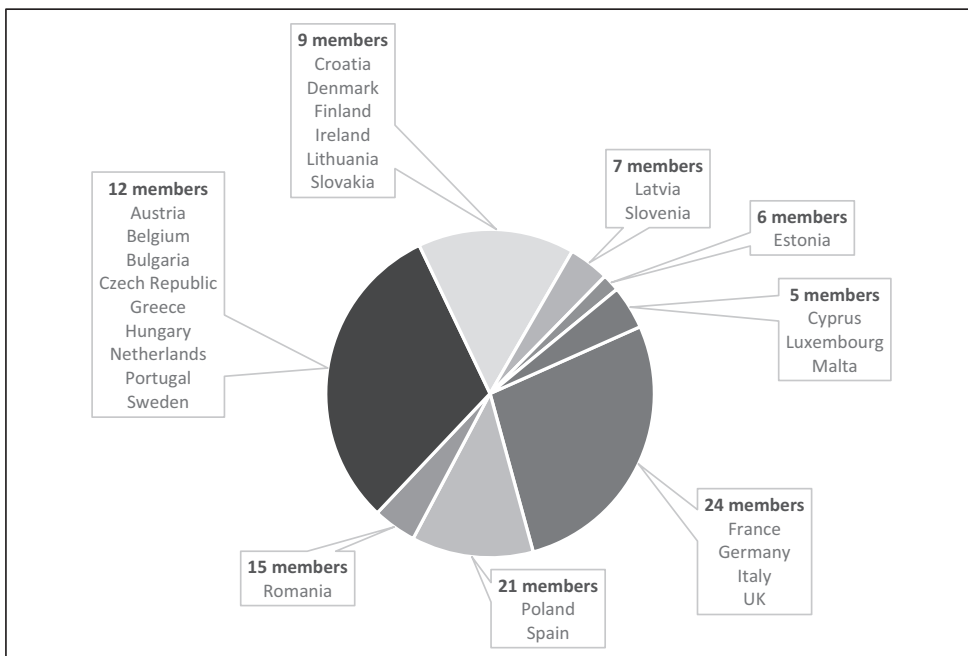
The European Economic and Social Committee

The European Economic and Social Committee (EESC) is a formal body that represents social-economic interests within the political system of the European Union. It was introduced in the Treaty of Rome in 1957. In 1993, the Council of the Regions (CoR) was established as a second consultative body for representing the regional authorities and municipalities. Today, both the EESC and the CoR share more or less the same rights to be heard and adopt opinions on European legislation. However, they have no decision-making powers.

The EESC is the heritage of the corporatist tradition of the six founding members of the European Economic Community (Jeffrey/Rowe 2012: 361). Corporatist systems are shaped by the institutionalized involvement of relevant societal and economic groups in the process of policy-making and are a typical feature of the so-called Rhine capitalism. The key concern of

this economic order is increasing the legitimacy and efficiency of governing through the inclusion of central societal actors (Schmitter 1985). Following this logic, the Lisbon Treaty assigns the EESC advisory functions for the Parliament, the Commission, the European Council and the Council of the European Union (Council of Ministers). Its members consist of three different groups: (1) representatives of employers' associations, (2) representatives of trade unions and other organizations of the employed and (3) representatives of civil society organizations, notably in socio-economic, civic, professional and cultural areas.

The EESC and CoR each has 350 members, with membership distributed according to the size of the member states. France, Germany, Italy and the United Kingdom delegate 24 members each while Malta, Cyprus and Luxembourg as the smallest countries have five seats each (see Figure 30.3). The members of the EESC are nominated by the national governments for a term of five years. Because of its tradition as a social-economic advisory body, representatives of trade unions and employers' associations as well as of producers, farmers, carriers and craftsmen dominate the committee. However, since the beginning of the 2000s, national governments have increasingly nominated representatives of various social NGOs, particularly from the social economy and from advocacy organizations for vulnerable groups. For instance, the Disabled Peoples' Organizations of Denmark, the Italian Association of Social Cooperatives, the French National Union of Family Associations and the Czech Caritas are currently represented in the EESC. Furthermore, representatives of consumers associations have a large share of the 111 EESC members assigned to group 3.[4]

According to the Lisbon Treaty (Art. 304), the EESC must be consulted by both the Council of Ministers and the Commission in 18 specified policy fields, among them free movement of

Figure 30.3   The 350 members of the European Economic and Social Committee by EU member states

Source: Author's compilation.

labour, internal market, economic and social cohesion, social policies, environment, employment, equal opportunities, and public health. Furthermore, optional consultation by the Commission, the Council or the Parliament in other areas is possible. In practice, the European Commission submits its draft legislation to the EESC, which forwards them to one of its seven thematically specialized sections. The members of these sections try to agree on a joint opinion, which is then submitted for approval by the plenum. The opinions that are ultimately adopted are passed on to the Commission, the Council of Ministers and the European Parliament.

However, the right to submit opinions does not necessarily mean that those opinions are taken into consideration or even read by the European institutions (Jeffrey/Rowe 2012: 365). Consequently, the influence of the EESC on policy-making in the European Union is deemed in scholarly literature to be peripheral, and over the years, there have been a number of initiatives proposing its abolition (Eisele 2008). In particular the legitimacy of the appointment procedure of the members by the national governments is disputed (Jeffrey/Rowe 2012: 366).

On the other hand, some authors argue that the EESC has strengthened the deliberative quality of decision-making in Europe. Indeed, particularly in policy areas related to labour market issues and social economy, the institutions have occasionally acted on suggestions submitted by the committee (Pitz 2015; Smismans 2000). In 2004, the EESC set up a Liaison Group with "representatives of the main sectors of European organized civil society". Composed of both representatives of the EESC and 21 members of civil society umbrella organizations such as the European Youth Forum, the Platform of European Social NGOs and the European Volunteer Center, the Liaison Group acts primarily as an exchange body, facilitating dialogue between the EESC and selected civil society organizations. It also organizes hearings and seminars in cooperation with the European Commission with the objective of promoting greater influence of NGO interests in the policy-making process.

Nevertheless, the development of alternative channels of influence for interest representation, such as the social and civil dialogues (discussed below) and the establishment of an extensive lobbying scene in Brussels, has definitely curtailed the EESC's influence. Furthermore, the expansion of the Parliament's rights has reduced the committee's function as a representative body (Jeffrey/Rowe 2012: 380).

Social and civil dialogue and the European consultancy regime

The social dialogue and the civil dialogue are institutionalized procedures of including NGOs and other voluntary organizations in the negotiation process in various European policy areas. The social dialogue is the elder concept, and in the working routines of the European Commission, it plays a much more important role (Obradovic 2005). It is regulated in Articles 151 to 156 of the Treaty on the Functioning of the European Union. Therein, the EU and the member states agree on the social dialogue as a component of the European social model that gives the social partners (representatives of management and of labour) the opportunity to contribute actively in the design of European social policy. The dialogue takes two main forms: a tripartite dialogue involving governmental authorities and a bipartite dialogue between the European employers' and trade union organizations. Such dialogues take place at cross-industry level and within sectoral social dialogue committees. Particularly regarding questions concerning the social rights of workers, working conditions, industrial safety, employment policy and social inclusion, the social partners have far-reaching participation rights.

A cross-industry social dialogue committee (SDC) of currently 66 European trade unions and sectoral organizations representing employers' associations meets three or four times a year. In practice, the social dialogue is organized as a consultation process. In a first step, the commission

submits its draft legislation from the field of social and employment policy to the SDC. In the event that the committee announces its intention to open negotiations, the Commission suspends the legislative process and waits to determine whether the social partners are able to agree on a joint statement. If the social partners negotiate a joint position, the Commission can and usually does adopt it for further legislative action (Pitz 2015: 61). This procedure has given strong influence to the social partners, and in the past, a number of European directives and regulations, for instance, on occupational health and safety of hairdressers (2016) and on inclusive labour markets (2010), have been significantly influenced by the SDC.

The social dialogue is a typical example of European governance that involves many negotiation partners. The European Commission outsources the legal phrasing to the affected stakeholders who are interested in a compromise solution and announces that it will introduce its own draft legislation in case the social partners cannot agree on a joint position. Thereby, it exerts pressure for the parties to come to agreement. As a result, the social dialogue is very effective and can achieve a high degree of legitimacy among the stakeholders (Scott/Trubek 2002: 4). However, since the economic crisis that began in 2008, this social dialogue has lost bargaining power and been sidelined, as member states increasingly made decisions on crisis measures and intervened in wage policy without consulting the social partners. Against this background, the Commission undertook several attempts to re-launch and strengthen the social dialogue, especially in the new, post-crisis economic governance.

In the Treaty of Lisbon, the member states obliged the European Union for the first time to "maintain an open, transparent and regular dialogue with representative associations and civil society" (Treaty on European Union, Art. 11). This so-called civil dialogue was already being used by the Commission before the Lisbon Treaty came into force. However, Article 11 was an innovative feature of the treaty text and enshrined the principle of participatory democracy as a supplement to the primacy of representative democracy (Pitz 2015: 86). Consequently, the European Commission has broadened its consultation activities in recent years and has made them more transparent. Today, the civil dialogue includes a variety of procedures such as public hearings of interest representatives of affected parties and committed civil society organizations, targeted consultations with registered interest groups, the consideration of written statements of interest groups on European policy-making and publicly accessible internet portals. The concrete arrangement of the civil dialogue is different in each directorate-general (the policy-specific subdivisions of the Commission) (Quittkat/Kohler-Koch 2013).

However, every directorate-general has set up regular meetings with key interest groups, among them NGOs, that represent the largest possible number of members in as many member states as possible. In this context, alliances of NGOs play an important role. For instance, the Green Ten is a platform of the largest environmental NGOs in Europa. The Social Platform serves as an umbrella of large social NGOs based in Brussels. And the Civil Society Contact Group brings together eight large rights- and values-based NGO sectors (culture, environment, education, development, human rights, public health, social and women) and coordinates exchange with the European institutions that favour these NGOs in their consultation procedures.

A very common instrument the Commission uses to initiate a consultation process is green and white papers. Green papers are discussion documents announcing the Commission's intention to start a legislative initiative. They invite all stakeholders to submit recommendations – an option that is extensively used by interest groups. White papers are the next iteration following green papers and include the Commission's concrete suggestions for legal language. Again, interest groups have the possibility to submit position statements and proposals for modification (Quittkat 2013: 65). Recent examples of this kind of consultation regime are the green

paper on "Building a capital markets union" (European Commission 2015) and the white paper "Towards more effective EU merger control" (European Commission 2014).

In summary, both social and civil dialogue are parts of the European consultation system, which has expanded over recent years. The social dialogue is more narrowly and clearly defined and guarantees specific rights to the social partners. The civil dialogue addresses civil society more broadly and is used in most communitized policy areas, although with different intensity. This has led to a very specific mode of operation characteristic of most NGOs in Brussels.

NGO activities in Brussels

Hartmut Kaelble (2007: 217) has described the NGO sector in Brussels as a "silent civil society". With this term, he is referring to the fact that NGOs in Brussels relatively seldom use instruments of public protest or resistance. Instead, most European NGOs concentrate on their role within the European consultation system. Protest actions such as the campaigns against the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA) that the European Commission negotiated with the United States and Canada are major exceptions. The day-to-day work of most NGOs in Brussels is characterized by other activities.

In particular, umbrella umbrella NGOs fulfil *monitoring functions* on behalf of their members. Since the European legislative process is extremely drawn out and the European institutions usually act outside the national perception, these NGOs keep track of the policy process in Brussels and report possible impacts of European legislation on the national legal frameworks to their members. These early warnings are often the basis for cross-level lobbying: While the NGOs in Brussels concentrate their activities on the European Commission and increasingly on the European Parliament, the members in the states contact the national governments, which are represented in the Council of Ministers (Charrad 2009). For instance, the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) monitors all legislative initiatives of the European Union that might affect the concerns of their members in 49 countries.

Furthermore, NGOs *provide expertise* for the European institutions, serve as *advocacy organizations* and conduct *agenda setting*. Since the staff of the directorates-general is very small and the European Commission has a smaller research service than most national governments do, the Commission's civil servants are dependent on external support. As business representatives lobby it continuously and have considerable financial means, the Commission tries to take into account civil society interests by consulting NGOs that are recognized as experts and derive a high degree of legitimacy from their broad membership. Hence, NGOs in Brussels invest significantly in establishing and cultivating their reputation and legitimacy. For instance, every month the European unit of Greenpeace submits dozens of opinions and statements, mostly based on their own comprehensive research, relating to legislation in the areas of agriculture, climate and energy, fisheries and oceans, forests and toxic pollution. Similar activities are carried out by many NGOs in Brussels, and the European Commission even provides financial support to certain NGOs so that they can maintain European offices when no other civil society actors are available to provide expertise and advice. For instance, ILGA has received EU grants over several years to establish and operate its office.

Such support is hardly altruistic. Not only do NGOs provide the European Commission their expertise, they also are involved in *supervising* the implementation of Commission policies in the member states. Most European legal acts are directives that oblige member states to achieve a particular result without dictating the means to achieve it. The implementation of directives

is carried out by the national governments in a process that can take several years (Falkner et al. 2005). Hence, supervising this process is very difficult for the European Commission which is dependent on feedback from the member states regarding compliance with European law. In this context, many NGOs in Brussels serve as *watchdogs* on the Commission's behalf and report infringements that the European Commission's own supervisors might never have unearthed alone. Based on the information provided by the NGOs, the Commission can initiate a range of sanctions against the member states, including the infringement procedure at the European Court of Justice, which can impose fines against the member states. A good example of the workings of this watchdog function is the directive against human trafficking, which was adopted in 2011 by the European Union but was implemented only reluctantly by many member states. After a number of reports submitted by human rights NGOs active in this field, the Commission started several sanction procedures and was able to accelerate implementation in most member states.

From the perspective of communication science, NGOs also fulfil the function of *policy mediation* on behalf of the European Union. The EU's political system is so complex that national-level media hardly cover European politics. Indeed, a number of studies have shown that the European Union plays at best a secondary role for national journalists who are oriented towards specific news factors like closeness, personalization and immediacy (for an overview see Statham 2010). Hence, a number of NGOs have become important mediators. Because the European Parliament has no clear opposition or government factions, reporting from the plenary hall is often unattractive. Instead, journalists prefer interview partners from NGOs for illustrating European politics (Frantz 2014). In this way, NGOs are contributing to the public visibility of the European Union.

Separate from the Brussels system of interest representation NGOs are playing an increasingly important role in the *implementation* of European policies. This began in the 1990s when the European Commission engaged NGOs in the course of the PHARE Democracy programme, which was designed to build up civil society structures in the post-communist countries in Central and Eastern Europe with the aim of strengthening democracy. Many NGOs, particularly human rights NGOs, women's associations, environmental groups and other advocacy groups, were funded from this programme (Pridham 2005). Since the eastward enlargement, the Commission has been supporting many other NGO activities, particularly through development cooperation. Furthermore, the Commission has entrusted European humanitarian aid NGOs to provide services such as the operation of refugee camps in Greece and Italy. In its 2015 budget, the Commission reported some 1,600 contracts with some 900 NGOs and an overall volume of 1.24 billion Euro.[5]

This amount is probably much larger since NGOs also profit from the European cohesion policy and the structural funds that the European Union is administering together with the member states. The aim of these programs is to reduce regional disparities in income, wealth and opportunities. Typically, the structural funds comprise more than 40 per cent of the EU budget. In many countries, NGOs are involved in the implementation of measures financed by European resources. For instance, the European Social Fund is widely used for active labour market policies for disadvantaged groups in the member countries that are cooperating with social NGOs (Bachtler/Mendez 2013).

Outlook and critique

NGOs in the European Union fulfil important functions. In particular, they are discussed as possible sources of the legitimacy that the European Union is notoriously lacking since they

open channels of participation and deliberation. Hence, to follow up on the recommendations of the White Paper on European Governance (2001), the EU designed and implemented a new consultation regime that has lowered the threshold for NGO access and has ascribed NGOs a more prominent role in EU policy-making. Especially, NGOs representing the values and rights-based sector have benefited from the change in procedures and the European Commission's financial support (Quittkat/Kohler-Koch 2013).

Case studies of various EU legislation procedures have shown that NGOs in Brussels can indeed affect policy outcomes and thus serve as credible ambassadors for European Union citizenship (Warleigh 2011). However, the European Union is still characterized by a system of biased representation: Business-oriented lobbyists are much more active than public benefit-oriented NGOs and have significantly more resources at their disposal. In addition, interest groups from the old and populous member states in North and Western Europe are overrepresented, while NGOs from small and/or Central and Eastern European countries continue to be more observers of than participants in European governance (Charrad 2009).

From the perspective of democratic theory, the non-transparent procedure for selecting members of the Economic and Social Committee by the member state governments is problematic. A closer look at the composition of the EESC as of 2017 shows that many member states have selected rather tame representatives of the national civil society sector. This particularly holds true for many Central and Eastern European countries, whose governments currently lean towards populism and authoritarianism (Schenkkan 2017). In these cases, NGOs serve as extended arms of the governments more than as independent monitors and representatives of a pluralist civil society.

A similar lack of transparency holds for the criteria the European Commission applies for involving NGOs in its consultation procedures. The success of interest representation by NGOs is highly dependent on their access to fast-changing and issue-specific policy coalitions, which are controlled by few actors (Warleigh 2011).

Finally, particularly umbrella umbrella NGOs are often challenged to agree on a single joint position for all of their members. Only when they manage this are they able to become involved in the process of negotiating policy. Organizations such as Lobby Facts[6] report that business lobbyists dominate the system of interest representation. For sure, NGOs can counterbalance this disparity somewhat. However, in the end they are often a democratic fig leaf for the rather opaque political system of the European Union.

Notes

1 The register is available online at http://ec.europa.eu/transparencyregister.
2 For all examples of NGO activities in this chapter, the websites of their Brussels offices have been consulted.
3 For comparison: The city government of Hamburg, Germany with its 1.8 million inhabitants employed a staff of 60,800 people in 2017.
4 Data taken from the EESC's website at www.eesc.europa.eu.
5 The EU's budget is documented at http://ec.europa.eu/budget/index_en.cfm.
6 See https://lobbyfacts.eu for documentation of recent lobby activities in Brussels.

References

Ariès, Quentin (2015): Watchdog: Half of EU Lobbying Disclosures Are Faulty. In: *Politico*, published on September 7, 2015 on www.politico.eu.
Bachtler, John/Mendez, Carlos (2013): *EU Cohesion Policy and European Integration*. London: Routledge.
Bickerton, John S. (2012): *European Integration: From Nation States to Member States*. Oxford: Oxford University Press.

Charrad, Kristina (2009): *Participants or Observers in European Governance? Civil Society Lobbyists from Central and Eastern Europe in Brussels*. Baden–Baden: Nomos.

Eisele, Gudrun (2008): Towards Visibility and Representativeness? Perspectives of the European and Economic and Social Committee. In: Freise, Matthias (ed.): *European Civil Society on the Road to Success?* Baden–Baden: Nomos, pp. 87–108.

European Commission (2001): White Paper on European Governance. COM(2001) 428 final. Brussels.

European Commission (2014): White Paper: Towards More Effective EU Merger Control. COM(2014) 449 final. Brussels.

European Commission (2015): Green Paper: Building a Capital Markets Union. COM(2015) 63 final. Brussels.

Falkner, Gerda et al. (2005): *Complying with Europe: EU Harmonisation and Soft Law in the Member States*. Cambridge: Cambridge University Press.

Fossum, John Erik/Pollak, Johannes (2015): What Democratic Principles for the European Union. In: Piattoni, Simona (ed.): *The European Union: Democratic Principles and Institutional Architectures in Times of Crises*. Oxford: Oxford University Press, pp. 29–45.

Frantz, Christiane/Martens, Kerstin (2006): *Nichtregierungsorganisationen*. Wiesbaden: VS.

Frantz, Christiane (2014): Nichtregierungsorganisationen als Interessenvertreter und Politikvermittler in einer transnationalen Öffentlichkeit. In: Schmitt, Caroline/Vonderau, Asta (eds.): *Transnationalität und Öffentlichkeit. Interdisziplinäre Perspektiven*. Bielefeld: transcript, pp. 233–260.

Freise, Matthias (2008): The Civil Society Discourse in Brussels: Between Societal Grievances and Utopian Ideas. In: Freise, Matthias (ed.): *European Civil Society on the Road to Success?* Baden–Baden: Nomos, pp. 23–44.

Greenwood, Justin (2011): *Interest Representation in the European Union*, 3rd edition. Basingstoke, UK: Palgrave Macmillan.

Hix, Simon/Follesdal, Andreas (2006): Why Is There a Democratic Deficit in the EU? A Response to Majone and Moravcsik. In: *Journal of Common Market Studies*, Vol. 44, No. 3, pp. 533–562.

Hix, Simon/Høyland, Bjørn (2011): *The Political System of the European Union*, 3rd edition. Basingstoke, UK: Palgrave.

Jeffrey, Charlie/Rowe, Carolyn (2012): Social and Regional Interests: The Economic and Social Committee and the Committee of Regions. In: Peterson, John/Shackelton, Michael (eds.): *The Institutions of the European Union*, 3rd edition. Oxford: Oxford University Press, pp. 359–381.

Kaelble, Hartmut (2007): A European Civil Society? In: Jarausch, Konrad/Lindenberger, Thomas (eds.): *Conflicting Memories: Europeanizing Contemporary Histories*. New York: Berghahn Books, pp. 209–220.

McCormick, John (2017): *Understanding the European Union: A Concise Introduction*, 7th edition. Basingstoke, UK: Palgrave Macmillan.

Michalowitz, Irina (2007): What Determines Influence? Assessing Conditions for Decision–Making Influence of Interest Groups in the EU. In: *Journal of European Public Policy*, Vol. 14, No. 1, pp. 132–151.

Nedergaard, Peter (2007): *European Union Administration: Legitimacy and Efficiency*. Leiden: Martinus Nijhoff.

Obradovic, Daniela (2005): Civil Society and the Social Dialogue in European Governance. In: *Yearbook of European Law*, Vol. 24, No. 1, pp. 261–327.

Peterson, John (2012): The College of Commissioners. In: Peterson, John/Shackelton, Michael (eds.): *The Institutions of the European Union*, 3rd edition. Oxford: Oxford University Press, pp. 96–123.

Peterson, John/Shackelton, Michael (2012): The EU Institutions: An Overview. In: Peterson, John/Shackelton, Michael (eds.): *The Institutions of the European Union*, 3rd edition. Oxford: Oxford University Press, pp. 1–19.

Pitz, Svenja (2015): *Der Dialog mit der organisierten Zivilgesellschaft in der Europäischen Union*. Frankfurt/Main: Peter Lang.

Pollack, Mark A. (2015): Theorizing EU Policy Making. In: Wallace, Helen/Pollack, Mark A./Young, Alasdair (eds.): *Policy-Making in the European Union*. Oxford: Oxford University Press, pp. 12–45.

Pridham, Geoffrey (2005): *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*. Basingstoke: Palgrave.

Quittkat, Christine (2013): Consultation in Daily Practice: An In-Depth Analysis. In: Kohler–Koch, Beate/Quittkat, Christine (eds.): *De-Mystification of Participatory Democracy: EU-Governance and Civil Society*. Oxford: Oxford University Press, pp. 62–84.

Quittkat, Christine/Kohler-Koch, Beate (2013): Involving Civil Society in EU Governance: The Consultation Regime of the European Commission. In: Kohler-Koch, Beate/Quittkat, Christine (eds.): *De-Mystification of Participatory Democracy: EU-Governance and Civil Society*. Oxford: Oxford University Press, pp. 41–61.

Scharpf, Fritz (1999): *Governing in Europe: Democratic and Effective?* Oxford: Oxford University Press.

Schenkkan, Nate (2017): *Nation in Transit 2017: The False Promise of Populism*. Washington, DC: Freedom House.

Schmitter, Philippe C. (1985): Neo-Corporatism and the State. In: Grant, Wyn (ed.): *The Political Economy of Corporatism*. London: Macmillan Education, pp. 32–62.

Schmitter, Philippe C. (2000): *How to Democratize the European Union . . . and Why Bother?* Lanham, MD: Rowman & Littlefield.

Scott, Joanne/Trubek, David M. (2002): Mind the Gap: Law and New Approaches to Governance in the European Union. In: *European Law Journal*, Vol. 8, No. 1, pp. 1–18.

Shackelton, Michael (2012): The European Parliament. In: Peterson, John/Shackelton, Michael (eds.): *The Institutions of the European Union*, 3rd edition. Oxford: Oxford University Press, pp. 124–147.

Smismans, Stijn (2000): The European Economic and Social Committee: Towards Deliberative Democracy via a Functional Assembly. In: *European Integration online Papers* (EIoP) Vol. 4, No. 12.

Statham, Paul (2010): Media Performance and Europe's 'Communication Deficit': A Study of Journalist's perceptions. In: Bee, Cristiano/Bozzini, Emanuela (eds.): *Mapping the European Public Sphere: Institutions, Media and Civil Society*. Farnham, UK: Ashgate, pp. 117–140.

Tanasescu, Irina (2009): *The European Commission and Interest Groups: Towards a Deliberative Interpretation of Stakeholder Involvement in EU Policy-Making*. Brussels: Brussels University Press.

van Schendelen, Rinus (2013): *The Art of Lobbying the EU: More Machiavelli in Brussels*. Amsterdam: Amsterdam University Press.

Wallace, Helen/Pollack, Mark A./Young, Alasdair (eds.) (2015): *Policy-Making in the European Union*, 7th edition. Oxford: Oxford University Press.

Warleigh, Alex (2011): The Hustle: Citizenship Practice, NGOs and 'Policy Coalitions' in the European Union – The Cases of Auto Oil, Drinking Water and Unit Pricing. In: *Journal of European Public Policy*, Vol. 7, No. 2, pp. 229–243.

Wessels, Wolfgang (2013): *The EU System: A Polity in the Making*. Berlin: epubli.

Wimmel, Andreas (2009): Theorizing the Democratic Legitimacy of European Governance: A Labyrinth with No Exit? In: *Journal of European Integration*, Vol. 31, No. 2, pp. 181–199.

Wolff, Corinna (2013): *Functional Representation and Democracy in the EU: The European Commission and Social NGOs*. Colchester: ECPR Press.

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