



# Making the EESC the facilitator and guarantor of participatory democracy activities

STUDY



European Economic  
and Social Committee



# **Making the EESC the facilitator and guarantor of participatory democracy activities, including structured dialogue with civil society organisations and citizens' panels**

## **Final report**

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## **Abstract**

This study looks at the Conference of the Future of Europe's (CoFoE) proposals on European democracy and the role of the European Economic and Social Committee (EESC). It explores different options for institutional reform of the EESC to best serve its purpose and increase citizens' participation. To do this, the study examines different forms of participatory and deliberative practices, the current functions of the EESC, and the roles and structures of selected National Economic and Social Councils (NESCs). The study concludes with recommendations for revisiting the EESC's structure and functioning, and centred around the issues of communication improvement, points at which the general public should be involved, as well as digitalisation. As regards the structure of the EESC, a more targeted approach to representation and abandoning the tripartite structure is suggested by experts interviewed for the purpose of this study. The study concludes that new forms of EESC activities should be given the time, resources, and attention they need to be effective.

## Executive summary

This study examines the proposals for European democracy put forward at the Conference of the Future of Europe (CoFoE) on 9 May 2022. Proposals 36 and 39 in particular, which aim to increase citizens' participation and strengthen the European Economic and Social Committee (EESC), are the focus of this study. The objective is to provide a set of conclusions and recommendations for policymakers to consider when reforming the EESC, both within existing institutional settings and in the context of Treaty reform.

In order to achieve this, six national economic and social councils (NESC)s are appraised: the Economic, Social and Environmental Council (ESEC) in France, the National Economic and Social Council (NESC) in Ireland, the National Council of the Economy and Labour (CNEL) in Italy, the Social and Economic Council of the Netherlands (SER), the Economic and Social Council (ESS) in Slovenia, and the Economic and Social Council (ESC) in Portugal. The French ESEC is the most advanced in testing a participatory model of co-constructing its opinions directly with citizens. This includes methods such as deliberative workshops, citizens' groups, integrating citizens into working groups and digital consultations.

The study suggests that **the EESC and National Economic and Social Councils should improve their communication strategies to better inform the public about their roles, responsibilities, and opinions**. This includes making a more proactive effort to reach the public, for example by having representatives speak at conferences and get involved in NGO alliances. It is also suggested that opinions should be written in a language that can be understood by a wide audience, while still providing detailed and informative content.

The study concludes that there are two particular points when it is **best to involve the general public in the decision-making process: one concerning reactive activities, and one concerning proactive ones**. For reactive activities, it is important that the proposal has been properly concretised so that it can be well communicated to the public. For proactive activities, it is recommended that the public be involved earlier in the process in order to increase the effectiveness of the operations, as well as to gain a greater inclusiveness.

The **potential for digitalisation to facilitate the implementation of ideas raised by citizens and civil society organisations**, as proposed under the framework of the CoFoE, is also discussed in the study. It acknowledges that not all activities will benefit from digital tools, and highlights the importance of in-person meetings. The internal rules at the EESC that may make it difficult to shift activities into the online sphere should be addressed when considering digitalisation, while the study suggests also adjusting internal work organisation to accommodate remote work.

The EESC has a tripartite structure, with two groups representing employers and employees and one representing civil society in the broadest sense. **There is a need for reform to improve the way members are selected and decision-making procedures, as well as evaluation and feedback mechanisms**. Some experts suggest a more targeted approach to representation, as well as recognising the need to abandon the tripartite structure, which reflects a more homogeneous civil society landscape than what exists today. It is important for any decisions on the future of the EESC to be made based on evaluation and feedback information.

The implementation of proposals from the CoFoE, and how the EESC should carefully consider the goals and structure of these activities in order to be successful and produce meaningful input, are also discussed in the study. **The introduction of new forms of EESC activity** is not enough on its own, and it is suggested that they **should be given the time, resources, and attention they need to be effective**. It is also suggested that instead of creating new bodies, existing networks and organisations should be used, and that stronger integration of the EESC into local civil society is an excellent tool for establishing its role as a guarantor and facilitator of participatory democracy.

The recommendations can thus be summarised as follows:

**Improve communication**

- Ensure proactive outreach
- Improve communication with other EU bodies and national entities
- Spread awareness

**Simplify the language of communication**

- Avoid technical and legal language
- Focus on high-quality opinions
- Balance content and language

**Effectively involve the general public at the best possible stage**

- Know when to involve the general public (reactive and proactive approach)
- Use the right methods of public involvement

**Foster the use of digital tools of communication and cooperation**

- Enhance digitalisation, including through introduction of user-friendly digital tools
- At the same time make sure that there are resources to enable the participation of all groups in person
- Adjust the EESC's internal work organisation for remote work

**Reform the EESC structure**

- Choose one of the possible scenarios – a conservative or radical one
- Remember to maintain the EESC's ability to represent the interests of organised civil society (including social partners and civil society organisations writ large)
- Ensure that the EESC remains a valuable partner for the EC in the legislative process

**CoFoE proposals**

- Implement only those proposals for which there is confidence that the time, resources and attention necessary for their implementation can be provided
- Use already established instruments and the potential that currently exists in the EU's vibrant civil society



## 1. Introduction

On May 9, 2022, the Conference on the Future of Europe (CoFoE) completed its work. The conference was a one-year joint venture between the European Parliament (EP), the Council of the EU, the European Commission (EC) and the Member States where Europeans from all corners of the continent debated the challenges, priorities and future of Europe. They did so via Citizens' Panels at national and European level, using a multilingual digital platform, and during a plenary assembly with Members of the EP, representatives of the EU Council and the Commission, all national parliaments, the Committee of the Regions (CoR), representatives of local governments, the European Economic and Social Committee (EESC), social partners, civil society and other stakeholders on the shape of the future European Union (EU) (EU, 2021).

On 9 May, the co-chairpersons of the CoFoE – Robert Metsola, president of the EP; French President Emmanuel Macron on behalf of the EU Council; and Ursula von der Leyen, President of the EC – received the final report on the results of the conference (CoFoE, 2022a). The report focuses on 49 reform proposals that cover more than 320 measures under 9 themes: climate change and the environment; health; a stronger economy, social justice and employment; the EU in the world; values and rights, rule of law, security; digital transformation; European democracy; migration; and education, culture, youth and sport.

In the proposals of the CoFoE, and particularly proposals 36 and 39, **the objectives of increasing citizens' participation and strengthening the structures for participatory democracy and deliberative actions were put forward**. Proposal 36 calls for the development of “a ‘full civic experience’ for Europeans, to ensure that their voice is heard also in between elections, and that the participation is effective. That is why the most appropriate form of participation should be considered for each topic, for example by: [...] including organised civil society and regional and local authorities and existing structures such as the EESC and the CoR in the citizens' participation process”.

Proposal 39 goes further and states explicitly as a goal to “Improve the EU's decision-making process in order to ensure the EU's capability to act, while taking into account the interests of all Member States and guaranteeing a transparent and understandable process for the citizens”, and then in particular subpoints: “EU decision-making process should be further developed so that national, regional, local representatives, social partners and organised civil society are more involved. Inter-parliamentary cooperation and dialogue should be strengthened [...]”, and “Reform the way the European Union works by better involving social partners and organised civil society. Strengthening the existing structures in order to better reflect the needs and expectations of EU citizens in the decision-making process, given their importance in the European democratic life. Within this framework, enhance the institutional role of the EESC and empower it as facilitator and guarantor of participatory democracy activities like structured dialogue with civil society organisations and citizens' panels. A lively civil society is crucial for the democratic life of the European Union”.

Bearing in mind the important role the European Economic and Social Committee (EESC) is already playing now, and the findings of the CoFoE, the main objective of this study is **to explore different options that could provide a blueprint for institutional reform to best serve the EESC's purposes**.

The aim of the study is to provide a set of conclusions on the different possibilities and recommendations for policymakers to be taken into account in the EESC, both within existing institutional settings and in the potential situation of Treaty reform.

The research conducted for this study focused on the following questions (Box 1.):

**Box 1. Research questions**

- What are the most widely accepted typologies of participatory and deliberative democracies?
- What are the main pros and cons in relation to participatory and deliberative democracies?
- How does the current set-up of the EESC respond to the needs expressed in the CoFoE reports?
- What are the current functions of the EESC in terms of social and civil dialogue?
- What is the EESC's involvement of civil society within the EU decision-making procedures?
- What are the limits within the idea of civil society structured dialogue and citizens' panels?
- What are the roles and structures of the selected National Economic and Social Councils (NESC)s? What participatory/deliberative practices are implemented by the selected NESC)s?
- What legal and other changes would be needed in order to implement such practices in the EESC?

Source: own elaboration, CASE.

The study also looks at selected **examples of National Economic and Social Councils (NESCs)** and investigates **participatory and deliberative practices** (involving citizens in decision-making) that they have introduced. In order to operationalise the review of the NESCs and the process of reviewing the possibilities for the EESC to implement participatory and deliberative practices, the study related to the **public participation spectrum** (Table 1.).

**Table 1. Public participation spectrum**

	Informing	Consulting	Involving	Collaborating	Empowering
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place final decision-making in the hands of the public
Promise to the public	We will keep you informed	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for a advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will implement what you decide
Means of participation (examples)	Fact sheets Web sites Open houses	Public comment Focus groups Surveys Public meetings	Workshops Deliberative pooling	Citizen advisory committees Consensus-building Participatory decision-making	Citizen juries Ballots Delegated decision

Source: IAP2 (2018).

The study analyses six specific NESCs. Their identification was based on desk research of previous studies focusing in particular on national social and economic councils and advisory bodies, as well as on a review of other sources, such as NESCs' webpages, relevant press releases and articles. In addition, two NESCs had been identified as good examples during the interviews with experts and NESCs' representatives conducted for this study. The following six NESCs were consequently chosen:

- **The Economic, Social and Environmental Council (ESEC), France;**
- **The National Economic and Social Council (NEEC), Ireland;**
- **The National Council of the Economy and Labour (CNEL), Italy;**
- **The Social and Economic Council of the Netherlands (SER), the Netherlands;**
- **The Economic and Social Council (ESS), Slovenia;**
- **The Economic and Social Council (ESC), Portugal.**

The choice was based on three key criteria. The first was the existence within a given NESC of mechanisms or practices relating to participative and/or deliberative decision-making. Secondly, in order to ensure some degree of comparability, existing similarities in terms of legal foundation and the composition and tasks of the selected NESCs (to ensure a decent degree of comparability) were also taken into account. Lastly, the selected NESCs cover a spectrum of participative and/or deliberative practices embraced by the study for delivering the best insights to the EESC. All selected NESCs are firmly grounded in the legal systems of the case-study countries, and the participation therein is not limited to state representatives, trade unions and business associations (as it is, for example, in the case of such countries as Poland). They also have a relatively convergent spectrum of topics they deal with. Analysis of the selected cases was centred around present times, and the literature review covered texts published after 2010.

The study consists of five sections. Following the introduction, in the second section, taking into account the public participation spectrum (Table 1), the EESC's current set-up is compared against the citizens' preferences expressed under the broader framework of the CoFoE. Apart from the final report of the CoFoE, all the available activity reports and platform reports were also taken into consideration when mapping the preferences.

The next section contains the NESC case studies. For elaborating them, the authors conducted desk research and semi-structured interviews with experts related to each of the selected NESCs in order to, among other things, map all the technicalities of the systems and approaches applied in the selected countries. The interviews were conducted with academics specialising in social dialogue (with a special focus on its architecture in the chosen case-study countries), participatory democracy and deliberative democracy.

In the concluding section, the NESC case studies, together with the identified EESC set-up and selected CoFoE proposals, were used in a comparative analysis based on (but also going beyond) the public participation spectrum. This final section provides recommendations for NESCs and the EESC on how to better involve citizens in the decision-making process.

## 2. Comparison of EESC set-up

While participatory and deliberative activities were discussed with regard to numerous policy areas, especially related to strengthening European democracy, the institutional setup of the EESC was barely touched upon by users of the **multilingual platform created for the CoFoE's purposes**. The most radical opinions expressed by a few citizens with regard to the EESC promoted the idea of reducing its size by half, or even its complete dissolution, typically together with other EU institutions. In contrast, other citizens believed that “more civil society voices regarding law-making in the EU” were needed as “the public hearings by the EESC or EC are not enough” and should be more institutionalised (CoFoE, 2022b). Some went even further and suggested that “citizens must have a permanent say in the EU’s annual Work Programme and Policy Priorities”, and that the EESC’s role is crucial in this aspect especially when engaging vulnerable groups: “Civil Society Organisations as well as local members of the EESC and CoR must encourage all citizens, including [the] vulnerable and marginalized to prioritize what they see as the key European challenges through [an] easy online platform” (CoFoE, 2021a).

At the same time, the ideas posted on the platform by the EESC itself typically gained much more attention if measured by the number of endorsements and often even comments presented by individual users. While the idea reflecting the need to ensure a “follow-up on citizens’ proposals after the Conference” was the most endorsed out of all those published by the EESC with regard to participatory democracy (20 endorsements), in the “values and rights, rule of law, security” category the proposal on “promoting a New Narrative for Europe”, which “shall consist in a concrete rational and emotional link between the EU and its citizens in order to rediscover and renew a much needed sense of community based on shared values” (CoFoE, 2021b), was equally well-received – as testified to in the equal number of endorsements (20).

Surprisingly, **none of the recommendations given by citizens selected for the European Citizens’ Panels tackled the EESC’s structure** (CoFoE, n.d.). The same can be said about national panels and events where participatory and deliberative democracy were heavily discussed (especially in France (CoFoE, 2022a) ), although barely at all in regard to potential EESC reforms.

Out of all the 49 proposals adopted, which included 328 concrete measures across 9 themes that made it to the CoFoE final report (CoFoE, 2022a), we mapped those of interest for the purpose of this study and organised them into three groups: (1) those that can be fully or partially implemented under the current legal framework; (2) those that can be implemented if the Treaties are amended; and (3) those that need a very far-reaching remodelling of the EESC’s role within the EU.

The following structure of this section utilises this division. In order to assess the current EESC set-up, the most important sources of law that define the set-up were identified, and specific provisions related to the EESC were extracted from the relevant documents.

### Box 2. Sources of law that were considered

- Treaty on the Functioning of the European Union (TFEU)
- Treaty on European Union (TEU)
- Rules of Procedure of the European Economic and Social Committee
- Council Decision (EU) 2019/853 of 21 May 2019 determining the composition of the European Economic and Social Committee
- Protocol on cooperation between the European Commission and the European Economic and Social Committee

Source: own elaboration, CASE.

The EESC set-up within the EU was then comprehensively reconstructed in order to match it with the preferences expressed under the CoFoE framework by citizens and social partners. The formal-dogmatic method (clarifying the meaning and significance of the rule of law, proceeding from its own content)

and systemic method (clarifying the meaning and significance of the rule of law, proceeding from its position within the broader system of norms) were used for this analysis.

## 2.1 Final CoFoE proposals that can be fully or partially implemented under the current legal framework

Some of the proposals expressed under the CoFoE framework do not require far-reaching changes to EU law, including primarily the Treaties, for their full or partial implementation. They can be implemented under the current legal framework or with changes in the Rules of Procedure of the European Economic and Social Committee, the Council Decision (EU) 2019/853 of 21 May 2019 determining the composition of the European Economic and Social Committee or Protocol on cooperation between the European Commission and the European Economic and Social Committee. See the box below for a description of these propositions.

### **Box 3. Proposals that can be fully or partially implemented under the current legal framework**

- (36.1) Improving the effectiveness of existing and developing new citizens' participation mechanisms, in line with EU acquis, by better informing on them. Ideally, all the information about the participatory spaces should be summarised in an integrated official website with different features. A mechanism should be devised to monitor policy and legislative initiatives which have emerged from participatory democracy processes; participatory mechanisms should be inclusive and their communication able to reach a diverse public. Attention should be paid to content material, topics, and moderators' skills. They should include an analysis of the impact of the policies discussed on, inter alia, women and vulnerable persons.
- (36.2) Increasing the frequency of online and offline interactions between EU institutions and its citizens through different means of interaction, in order to ensure that citizens can participate in the EU policy-making process to voice their opinions and to get feedback, and creating a charter for EU officials on citizens' participation.
- (36.3) Offering a user-friendly digital platform where citizens can share ideas, put forward questions to the representatives of EU institutions and express their views on important EU matters and legislative proposals, in particular concerning youth. The platform should also allow for online polls.
- (36.6) Creating a system of local EU Councillors as a way to reduce the distance between EU institutions and European citizens.
- (36.10) Strengthening cooperation between EU legislators and civil society organisations to utilise the link between decision-makers and citizens, i.e. civil society organisations.
- (37.5) Bringing Europe closer to citizens by improving at local level 120 contact points and dedicated hubs, or "Houses of Europe", to provide resources, information and advice to citizens on EU matters, as well as listen to their concerns and engage in debates with associations to help spread citizens' views at the European level.

Source: own elaboration, CASE.

Proposals that can be fully or partially implemented under the current legal framework primarily include ideas related to **informing citizens and their representatives within civil society about the various activities of EU bodies**. In principle, increasing the scope of information and introducing more effective communication strategies does not require far-reaching changes in the law. However, it requires the skilful allocation of resources or an increase in funding.

One can also find demands related to **improving existing mechanisms for spreading citizens' views at the European level**, and thus better informing European institutions, including the EESC. Here, assessing the need for changes in the law is more complicated and depends on the specific mechanism that would be considered, and what would be required to improve it. If this streamlining could be based on changes to the internal regulations governing the functioning of certain EU institutions (including the EESC) or the allocation of resources, far-reaching changes to the law would probably not be required.

The third group of proposals under this category covers those relating to the **non-binding, non-mandatory consultative role that engaged citizens or civil society representatives could play**. In the event of EU Councillors or Houses of Europe being points whose activities would focus on providing resources, information and advice to citizens on EU matters, far-reaching changes in the law would not be needed to establish them. However, in order to give them greater prominence and increase their influence, it might be worthwhile anchoring them in the Treaties. Then, depending on the powers granted to them, this group of proposals would have to be considered along with one of the next categories – requiring changes to the Treaties or even far-reaching reforms. If this procedure were to be anchored in the Treaties, increasing its prominence and visibility, then it would require the addition of extra treaty provisions (most likely in TFEU Part Six Title II Chapter 3 on the Union’s advisory bodies).

## 2.2 Final CoFoE proposals that can be implemented if the Treaties are amended

Some of the proposals expressed under the CoFoE framework require not only changes to subordinate acts, as in the case of those described in Section 3.2.1, but also changes to the Treaties – in the Treaty on the Functioning of the European Union (TFEU) and Treaty on European Union (TEU). See the box below for a description of these propositions.

### Box 4. Proposals that can be implemented if the Treaties are amended

- (36.5) Including organised civil society and regional and local authorities and existing structures, such as the European Economic and Social Committee (EESC) and the CoR, in the citizens’ participation process.
- (36.8) Providing enhanced structural support, financial and otherwise, for civil society, especially for youth civil society, and support local authorities in setting up local youth councils; this could be achieved through a specific pillar in the European Democracy Action Plan for involvement of civil society and social partners and a dedicated civil society strategy.
- (36.9) Introducing a “youth-check” of legislation, including both an impact assessment and a consultation mechanism with representatives of young people, when legislation is deemed to have an impact on young people.
- (39.2) Ensuring the transparency of decision-making by allowing independent citizen observers to closely follow the decision-making process, guaranteeing the broader right of access to documents, and developing on this basis stronger links and an enhanced dialogue between citizens and EU institutions.
- (40.5) Social partners and organised civil society should be better included in the decision-making process, given their importance in European democratic life. A lively society is crucial for the democratic life of the European Union.

Source: own elaboration, CASE.

In this category we can find proposals related to the **formal involvement of civil society in certain decision-making processes**, including by giving them a mandatory consultative role (e.g. in the case of youth-check of legislation). Such modifications to the European Union’s decision-making process would require changes to the Treaties. Likewise for changes regarding essential elements of the existing EU legislative and decision-making process – such as its transparency.

The demands in this category are characterised by a high degree of generality. However, it can be assumed that regulations related to the legislative process within the EU would have to undergo significant change. For example, if new bodies were to be given the right to initiate legislation, the changes required would have to be more significant (primarily to Article 17 TEU).

## 2.3 Final CoFoE proposals that need a very far-reaching remodelling of the EESC's role within the EU

In the end, some of the proposals, if viewed in a more ambitious sense (which seems to be in line with the expectations of CoFoE participants), would require not just isolated changes to the Treaties, but a

fundamental reform and remodelling of the role of the EESC or the European Union itself. See the box below for a description of these propositions.

**Box 5. Proposals that need a very far-reaching remodelling of the EESC's role within the EU**

- (36.7) Holding citizens' assemblies periodically on the basis of legally binding EU law. Participants must be selected randomly, with representativeness criteria, and participation should be incentivised. If needed, there will be the support of experts so that assembly members have enough information for deliberation. If the outcomes are not taken on board by the institutions, this should be duly justified. Participation and the prior involvement of citizens and civil society is an important basis for political decisions to be taken by elected representatives. The EU is founded on representative democracy: with European elections, citizens give a clear mandate to their representatives and indirectly express themselves on EU policies.
- (36.11) Summarising elements of citizens' participation in an EU Charter for the involvement of citizens in EU-affairs.

Source: own elaboration, CASE.

In this last category we find the **demand for the creation of a new piece of EU-wide guiding legislation with significant legal weight** (EU Charter for the involvement of citizens in EU-affairs). Such a piece of legislation would require the agreement of all relevant EU institutions and bodies, as well as political will at the European and national levels.

Similarly, the introduction of regular citizens' assemblies into the EU legal system would require a fundamental remodelling of the entire EU structure or at least the entire decision-making process within the EU.

One can imagine a partial implementation of both these proposals, through smaller-scale activities. For example, if citizens' assemblies were set to have only an advisory vote based on citizen lobbying and deliberation, then they could exercise their powers through existing provisions, such as the right to petition (Articles 20, 24, 227 TFEU). This could, however, call into question the possibility of accomplishing the intended goals by their means.



### 3. Analysis of the selected NESCs

#### 3.1 The Economic, Social and Environmental Council (ESEC), France

France represents a state-centred industrial relations system in Europe (Akgüç, Jacquot & Lopez-Uroz, 2019). The French system can be described as a mix of two models: features of its welfare state and the existence of “coordinated capitalism” resemble the continental model,<sup>1</sup> while its system of industrial relations relates more closely to the Mediterranean model<sup>2</sup> (Freyssinet, 2017).

Participatory democracy in France can be traced back to the 1970s and 1980s and the beginnings of local-level experiments, which nonetheless did not translate into any real participatory public policies. Over time, participatory processes gained prominence and started becoming institutionalised. The early 2000s mark the emergence of “the government of participation”, with public authorities (especially local governments) developing a wide range of participatory arrangements, and participatory procedures becoming a part of administrative departments’ everyday practices (Mazeaud & Nonjon, 2017).

The present French social dialogue system lacks coherence, being a patchwork of different consultative institutions, which due to their sheer number play a mostly minor role in boosting social dialogue (Freyssinet, 2017). The most prominent among them is the Economic, Social and Environmental Council (ESEC, *Conseil économique, social et environnemental*; before the constitutional law of 23 July 2008 – the Economic and Social Council), a constitutional consultative assembly that advises law-making bodies on questions concerning social and economic policies.<sup>3</sup> Its roots trace back to 1925 and the birth of the National Economic Council (NEC), which was intended to represent corporate and union groups in Parliament (Mazeaud & Nonjon, 2017).

The ESEC has five main roles, as described in its mission statement (ESEC, n.d.-b):

- advising the government and parliament, and participating in the development of economic, social and environmental policies;
- using its structure to promote dialogue between socio-professional groups with initially different concerns that combine to shape proposals in the public interest;
- contributing to the review of public policy on economic, social and environmental issues;
- promoting constructive dialogue and cooperation with consultative bodies created within local governments and with its counterparts in the EU and other countries;
- helping inform citizens.

The ESEC broadened its field of expertise and the scope of its missions following France’s constitutional reform in 2008 and the enactment of the organic law of 28 June 2010. It became responsible for all consultations, the aim being to turn it into a “civil society forum” and boost participatory democracy (Baranger, 2020), and its competencies were extended to include environmental issues. It also established the right for citizens to petition before it, provided they were able to collect 500,000 signatories (Padovani, 2022). The 2010 organic law also improved the ESEC’s representativity by including more women and youth (by lowering the minimum membership age to 18) and assigned its members to three core areas of focus: economic life and social dialogue; territorial cohesion and community life; and protection of nature and the environment.

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<sup>1</sup> In the continental model co-operation between social partners is extensive at the national level; there are strong, organized unions; labour market is characterized by high internal flexibility and lower external flexibility; and employee influence is extensive through works councils and co-determination.

<sup>2</sup> The Mediterranean model is characterized, among other things, by authoritarian employers and politicized and divided trade unions; the position of state as a regulator is strong, and the relationship between social partners is conflictual in nature.

<sup>3</sup> Among other things, the ESEC oversaw the experimental Citizens’ Convention on Climate (CCC), which was launched to formulate concrete measures for France to meet its greenhouse gas emissions goal, while simultaneously keeping the social justice aspect in mind and consisted of a representative group of 150 members.

Subsequently, the organic law of 15 January 2021 established the ESEC as a **centre for citizen participation**. In order to bring about informed action by public authorities, it made the ESEC the “hub of public consultations”, granting it the right to organise **public consultations on economic, social or environmental issues** – on its own initiative or at the request of the Government or the President of the National Assembly or Senate. These consultations can take various forms, such as organising citizens’ conventions<sup>4</sup> concerning a specific issue, using digital platforms or including consultative councils of local authorities or citizens drawn by lot in the work of the working groups (in an advisory capacity).

The 2021 law also modernised the **right to petition the Council**, which had hitherto been little used. It did so by allowing foreigners regularly residing in France and people as young as 16 to be the creators or signatories of petitions (thereby widening the concept of the “citizen” beyond someone having the right to vote), lowering the threshold of signatories to 150,000,<sup>5</sup> and allowing electronic submission. Finally, it established the possibility for the ESEC to draw the aforementioned lots for citizens (with the aim of filling in gaps in representation), granted it the right to reform its composition, and strengthened the ESEC’s overall position in the public debate by virtue of the scope given to its opinions (Vie-publique.fr, 2021).

The composition of the ESEC was also modified – the number of its members was reduced from 233 to 175 (elimination of the 40 qualified persons appointed by government) – and the organisation and functioning of the institution modernised. The **ESEC’s voice has also been strengthened**: when the Prime Minister consults it on a bill within its remit, they may decide not to carry out the other consultations provided for in the legislation. A simplified procedure then allows the ESEC to issue a draft opinion within three weeks. Finally, the Council may refer matters to one or more consultative bodies of local and regional authorities.

The Council works similarly to parliamentary assemblies. Its members are appointed by their respective organisations (NGOs, associations and trade unions) for a 5-year term, with the most recent selection (for the years 2021–2026) having taken place on April 26, 2021. They are then assigned to one of 19 representation groups, according to their socio-professional background, with each group requiring at least three members. Members cannot serve more than two consecutive terms, cannot simultaneously hold seats in the French or European Parliament, and must declare any conflicts of interest to the High Authority for the Transparency of Public Life (*Haute Autorité pour la Transparence de la Vie Publique*, HATVP).

The 175 seats are divided into four groups:

- 52 employee representatives;
- 52 representatives of companies, farmers, craftsmen, liberal professions, mutual insurance companies and consular chambers;
- 45 representatives for social and territorial cohesion and community life (including 8 representatives from overseas territories);
- 26 representatives for the protection of nature and the environment.

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<sup>4</sup> Following those changes the ESEC plans to organise a Citizens’ Convention in late 2022 which will mobilise a panel of citizens’ representatives.

<sup>5</sup> The signatures must be collected within a one-year period.

**Table 2. Council groups and their respective designating organisations (as of April 2023)**

Group	Designating organisations
<p>Employee representatives (52)</p>	<ul style="list-style-type: none"> <li>• French Democratic Confederation of Labour (CFDT)</li> <li>• French Confederation of Christian Workers (CFTC)</li> <li>• General Confederation of Labour (CGT)</li> <li>• General Confederation of Labour-Force Ouvrière (CGT-FO)</li> <li>• French Confederation of CGC Management (CFE-CGC)</li> <li>• National Union of Autonomous Trade Unions (UNSA)</li> <li>• Union Syndicale Solidaires</li> </ul>
<p>Representatives of businesses, farmers, craftsmen, liberal professions, mutual insurance companies and consular chambers (52)</p>	<p>Businesses:</p> <ul style="list-style-type: none"> <li>• French Business Movement (MEDEF)</li> <li>• Confederation of Small and Medium Enterprises (CPME)</li> <li>• Federation of performing arts, music, audiovisual and cinema companies (FESAC)</li> <li>• Union of Employers of the Social and Solidarity Economy (UDES)</li> <li>• Federation of Individual Employers (FEPEM)</li> </ul> <p>Cooperatives, mutual insurance companies and consular chambers:</p> <ul style="list-style-type: none"> <li>• CGI France</li> <li>• Permanent Assembly of Chambers of Agriculture (APCA)</li> <li>• CMA France</li> <li>• National Federation of French Mutual Funds (FNMF)</li> <li>• General Confederation of Cooperative Societies (CG Scop)</li> <li>• National Federation of HLM Cooperative Societies (COOP HLM)</li> </ul> <p>Farmers:</p> <ul style="list-style-type: none"> <li>• National Federation of Farmers' Unions (FNSEA)</li> <li>• Young Farmers (JA)</li> <li>• Peasant Confederation</li> <li>• Coordination Rurale</li> <li>• National Federation of Agricultural Mutual Funds (FNMA)</li> <li>• Agricultural Cooperation</li> </ul> <p>Artisans and liberal professions:</p> <ul style="list-style-type: none"> <li>• Union of local businesses (U2P)</li> <li>• National Chamber of Liberal Professions (CNPL)</li> </ul>
<p>Representatives for social and territorial cohesion and community life (45, including 8 representatives from overseas territories)</p>	<p>Representatives of social and territorial cohesion:</p> <ul style="list-style-type: none"> <li>• French Youth Forum (FFJ)</li> <li>• France Digital</li> <li>• Committee for national and international youth and popular education relations (Cnajep)</li> <li>• All in training</li> <li>• National Convention of Child Protection Associations (CNAPE)</li> <li>• Our Neighbourhoods Have Talent (NQT)</li> <li>• National Advisory Council for Persons with Disabilities (CNCPL)</li> <li>• Mozaik HR</li> <li>• Alert collective</li> <li>• UFC-What to choose?</li> <li>• Caregiver Company</li> <li>• Agency for entrepreneurial diversity (ADIVE)</li> <li>• French Red Cross</li> <li>• Association of Gay and Lesbian Parents and Future Parents (APGL)</li> <li>• France Third Places</li> <li>• France Assos Health</li> <li>• Possible Citizenship</li> <li>• France Victims</li> <li>• Disability group</li> <li>• National Women's Solidarity Federation (FNSF)</li> </ul>

	<ul style="list-style-type: none"> <li>• French Confederation of Pensioners</li> <li>• National Union of Family Associations (UNAF)</li> <li>• French National Olympic and Sports of Committee</li> <li>• National Union of Students of France (UNEF)</li> <li>• Federation of General Student Associations (FAGE)</li> </ul> <p>Representatives of community life:</p> <ul style="list-style-type: none"> <li>• The French Center for Funds and Foundations</li> <li>• The Associative Movement</li> </ul>
<p><b>Representatives for the protection of nature and the environment (26)</b></p>	<ul style="list-style-type: none"> <li>• Sea Foundation</li> <li>• Institute for Sustainable Development and International Relations (IDDRI)</li> <li>• Institute for Climate Economics (I4CE)</li> <li>• WWF</li> <li>• National Federation of Transport User Associations (FNAUT)</li> <li>• French Association of Companies for the Environment (EpE)</li> <li>• Fransylva – Federation “Private Foresters of France”</li> <li>• Federation of regional natural parks of France</li> <li>• France nature Environment (FNE)</li> <li>• Humanity and Biodiversity</li> <li>• Foundation for Nature and Man</li> <li>• Bird Protection League (LPO)</li> <li>• Friends of the Earth</li> <li>• Climate action network – France (RAC-France)</li> <li>• Surfrider Foundation Europe</li> <li>• National Federation of Hunters</li> <li>• National Federation of Fishing in France and the Protection of the Aquatic Environment (FNPF)</li> </ul>

Source: Le Conseil économique, social et environnemental (ESEC, 2021).

The Council elects the ESEC President and Bureau (made up of the President and 10 vice-presidents, 2 quaestors and 7 secretaries) by secret ballot. The Bureau is the collegial decision-making body of the Council, gathers at the request of the President or half of its members, and ensures that the Council is working smoothly. It sets the plenary meeting agenda, receives requests for advice or studies from the Government or Parliament (National Assembly or Senate), proposes the sections to be entrusted with the preparation of reports and studies and the preparation of draft opinions, determines the items to be covered and sets the deadlines for their completion. It is also in charge of deciding whether or not to create a temporary working group in cases where several work groups are involved in the same subject. The quaestors, together with the President, are also responsible for preparing and implementing the budget.

The working groups' responsibilities include the preparation of studies and drafting of opinions within their field of competence and defined by decree. Moreover, temporary working groups may be created within the Council (at its request and by Bureau appointment) to study problems or address questions that fall outside the field of competence of a given group. Other than through its own initiative, the ESEC can be approached by the Government, National Assembly, Senate or citizens (via the aforementioned petition).

The ESEC Bureau process starts with drafting an opinion or study and passing it on to the working groups, who then appoint rapporteurs, conduct hearings and draft the final opinion, which they then present at a plenary assembly. Plenary assemblies take place four times a month and gather members of the Council, who vote on the presented opinions. Ministers for whom a given opinion is relevant also attend the assembly and participate in the debates.

In the case of petitions, the Council first rules on their admissibility (based on the law), after which it has six months to formulate an opinion, addressed to the Prime Minister, President of the National Assembly and President of the Senate.

As Padovani (2022) points out, all the aforementioned reforms can be seen as separate parts of the same reform and considered jointly. They all share the same goal: **ensuring that individual citizens' voices and aspirations are listened to and represented more explicitly, and addressing the "crisis of representative democracy"**. However, whether or not these reforms have amplified the voices of citizens remains the subject of debate. One of the reasons for this is the fact that many view the ESEC as an institution whose voice carries little weight; historically, it has always been limited to the role of a body of consultative democracy with no real power and, at its core, was meant to represent groups rather than individual citizens.<sup>6</sup> As a result, these reforms do not grant citizens any real power (the ability to actively participate in public decision-making), since they are always placed within the confines of the powers of the ESEC. Moreover, by entrusting the ESEC (which is not a governing body) with taking the initiative in consultations of citizens by lot, the reforms actually end up removing direct dialogue between citizens and the government (Baranger, 2020; Padovani, 2022). Furthermore, the reforms never properly define who this hypothetical citizen is, switching between restrictive and extended notions of citizenship.

Nevertheless, the ESEC remains committed to **testing a participatory model of co-constructing its opinions directly with citizens**. The methods of participation used by the Council include deliberative workshops, citizens' groups, integrating citizens into working groups and digital consultations (Box 6.)

#### **Box 6. Methods of participation used by the ESEC**

##### **Deliberative workshops**

This is a one-off consultation of a group of citizens. It involves obtaining feedback from the field, ensuring a strengthened link with the territories, and exchanges with the public.

##### **Citizen group**

A group of randomly selected citizens works alongside the ESEC's working group. Its opinion is appended to that of the Council. The citizens' opinion is independent and complementary to the opinion of the working group.

##### **Integration of citizens into a working group**

Citizens selected by lot are included in a working group from the start of the work undertaken following a referral. Mutual enrichment between citizens and members through exchanges.

##### **Digital consultation**

A platform is put online to consult citizens and establish a collective diagnosis, collect new ideas, prioritise or enrich recommendations. It involves collection of a large number of contributions, testing of proposals.

Source: ESEC (2022).

Between 2017 and 2022, the ESEC's working groups issued 14 opinions and resolutions involving citizens' views. These opinions were obtained through 10 petitions (9 million signatures), 5 digital consultations (126,000 contributors) and 3 citizens' groups drawn by lot (ESEC, 2022).

The ESEC consults citizens on issues that affect their daily lives, such as gender equality, tensions in the labour market and energy transition infrastructure, as well as those related to future challenges such as climate change or challenges relating to the digital transition. One of the most successful examples of involving citizens in recent years was related to the Citizens' Convention on Climate (*La Convention Citoyenne pour le Climat*, n.d.) in 2019, when 150 people, all drawn by lot, debated and submitted a

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<sup>6</sup> The original NEC was meant to represent corporate and union groups in the Parliament (Padovani, 2022).

report with 48 objectives and 149 proposals. Another example is the involvement of citizens in providing opinions on COVID-19 vaccinations in 2021 (ESEC, n.d.-a). In this case the ESEC set up a citizens' group of 35 drawn by lot for 7 working sessions in order to regularly collect citizens' feedback for a nine-month period. The group produced recommendations that were presented to Prime Minister Jean Castex; in addition, more than 110,000 people gave their opinions on the vaccine passport via online consultations. Last but not least, while working on its opinion on the democratic participation of young people, the ESEC tested for the first time the inclusion of citizens selected by lot in one of its working groups: a temporary "Democratic Participation" committee was established and 12 citizens worked alongside it to co-develop the recommendations.

In order to assess the effectiveness of the latter participation mechanism, the ESEC commissioned its **evaluation**. Conducted by the University of Paris 8 this revealed that citizens are not always bold enough to speak out, or often rally around somebody who takes on the role of spokesperson. What is more, the fact that the working groups were led by ESEC members also highlighted the differences in institutional experience, political capital and knowledge between citizens and ESEC members. The avenues for improvement outlined in the evaluation encompass better supervision of citizens' groups, prior training in the issues under discussion, longer deliberation times and changes to the deliberation process.

In June 2022 the ESEC created a **Directorate for Citizen Participation**. It is responsible for the design, framework, monitoring and evaluation of the citizen participation mechanisms developed at the Council. Its mission is to supervise the organisation of citizens' conventions, the involvement of citizens selected by lot within working groups, the organisation of online consultations and referrals by means of citizens' petitions.

### 3.2 The National Economic and Social Council, Ireland

The National Economic and Social Council (NESC, *Bunaíodh an Chomhairle Náisiúnta Eacnamaíoch agus Shóisialta*) is a deliberative body that was established in 1973 and advises the Taoiseach (Prime Minister) on strategic policy issues relating to sustainable economic, social and environmental development in Ireland – either on its own initiative or at the request of the Taoiseach. As it is chaired by the Prime Minister's department and funded through the Department of the Taoiseach, NESC is rather close to government and submits its reports to it prior publication. Its Terms of Reference and composition are set out in the National Economic and Social Development Act of 2006, and in the National Economic and Social Council (Alteration of Composition) Order of 2010. The former established the NESC corporate body, the National Economic and Social Development Office (NESDO), which is responsible for administrative support and submits the results of NESC's research (reports, recommendations and conclusions) to the government, as well as publishing the reports online on the NESC website.

In 2012, NESC subsumed the functions of the Comhar Sustainable Development Council (SDC), which had been established in 1999 as the forum for national consultation and dialogue on issues relating to sustainable development, and played a key role during the social partnership period in Ireland.<sup>7</sup> By doing so, it made a commitment to integrate sustainable development issues into its work programme more fully, which has been supported by the Department of Environment, Climate & Communications since 2016. To achieve this goal, NESC takes sustainable development issues into account in its analysis of significant national challenges, and carries out research on specific areas of interest in sustainable development. Moreover, NESC is also a member of the European Environment and Sustainable

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<sup>7</sup> The Comhar Council, now inactive, consisted of 25 members, drawn from five sectors; the State sector, economic sectors, environmental NGOs, social/community NGOs and the professional/academic sector. It was supported by a full-time Secretariat and had an independent Chairperson. Its mandate was to advance the national agenda for sustainable development; evaluate progress on achieving sustainable development in Ireland; research and make recommendations, tailored to national conditions, on specific approaches to, or instruments for sustainable development; advise on means of raising public awareness of sustainable development and environmental issues, and encouraging positive behaviour at individual, community and sectoral levels; and contribute to the formation of a national consensus on sustainable development (NCSDS, n.d.).

Development Advisory Councils (EEAC)<sup>8</sup> and an associate member of the European Sustainable Development Network (ESDN).<sup>9</sup>

The Council holds quarterly meetings to discuss reports drafted by the NESC Secretariat, which are chaired by the Secretary General of the Department of the Taoiseach. The NESC agenda is set by the Council for a three-year period and takes into account input from the Department of the Taoiseach. Besides work on a national level, the Council also collaborates with national economic, social and environmental councils of other EU Member States, and is a member of the International Association of Economic and Social Councils (AICESIS).

Members of the Council are appointed by the Taoiseach for a three- to five-year term, with the most recent term starting in June 2022. Initial members of the NESC were employers, trade unions, farm organisations, academic experts and five government departments; in mid-1990 the participation was widened to embrace social NGOs, and in 2011 environmental NGOs.

Currently, the Council comprises a Chairperson and Deputy Chair from the Department of the Taoiseach, 15 people nominated as representatives of organisations, 4 public servants (including one representing the Minister of Finance) and 7 experts appointed by the Taoiseach based on the possession of skills, knowledge and experience deemed relevant to the Council. The represented organisations belong to one of five groups: business and employers' organisations; The Irish Congress of Trade Unions; agricultural and farming organisations; community and voluntary organisations; and environmental organisations. Each group consists of three organisations, with one nominee per organisation. Organisations represented in the current term are listed in the table on the next page:

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<sup>8</sup> The EEAC is a network of advisory bodies established by national or regional governments, and the NESC hosted its 2020 annual conference.

<sup>9</sup> The ESDN is an informal network of public administrators and other experts dealing with European sustainable development (SD) strategies.

**Table 3. Organisations currently represented in the Council, by group (as of April 2023)**

Organisation group	Organisations
Business and employers' organisations	<ul style="list-style-type: none"> <li>• Ibec</li> <li>• Chambers Ireland</li> <li>• Construction Industry Federation</li> </ul>
The Irish Congress of Trade Unions	<ul style="list-style-type: none"> <li>• Fórsa</li> <li>• ICTU</li> <li>• SIPTU</li> </ul>
Agricultural and farming organisations	<ul style="list-style-type: none"> <li>• Irish Creamery Milk Suppliers Association (ICMSA)</li> <li>• IFA</li> <li>• ICOS</li> </ul>
Community and voluntary organisations	<ul style="list-style-type: none"> <li>• Social Justice Ireland</li> <li>• INOU</li> <li>• Age Action</li> </ul>
Environmental organisations	<ul style="list-style-type: none"> <li>• The Environmental Pillar</li> <li>• Feasta</li> <li>• Friends of the Earth</li> </ul>
Public servants (departments)	<ul style="list-style-type: none"> <li>• Department of Finance</li> <li>• Department of Public Expenditure and Reform</li> <li>• Department of Enterprise, Trade and Employment</li> <li>• Department of Housing, Local Government and Heritage</li> </ul>
Independent nominees	<ul style="list-style-type: none"> <li>• University College Cork</li> <li>• University College Dublin</li> <li>• Dublin City University</li> <li>• Maynooth University</li> <li>• University College Dublin</li> </ul>

Source: The National Economic and Social Council (NESC, n.d.-b).

The nature and goal of NESC's activity has evolved from consultation to seeking agreement in analysis and grounds for agreements with government, and recently back to **consultation**. An example of NESC's consultation and research activities is its involvement in the Shared Island initiative, which was launched in late 2020 by the Taoiseach Micheál Martin. It involves, among other things, the fostering of constructive and inclusive dialogue and a comprehensive programme of research to support the building of consensus around a shared future in Ireland (Government of Ireland, n.d.).

At the request of the Department of the Taoiseach, NESC has been conducting a programme of research to produce a comprehensive report on the Shared Island to inform the development of the Shared Island Initiative as a whole of Government priority. The NESC Comprehensive Report "Shared Island: Shared Opportunity" was launched by the Taoiseach Micheál Martin in April 2022. It is the culmination of research on the Shared Island that NESC undertook throughout 2021. This involved more than 100 meetings with practitioners, policy makers, academics and experts from a diverse range of institutions across the whole island, detailed work in the North West including four focus groups, and a **public consultation** on climate and biodiversity (NESC, n.d.-c).

Another interesting example of public consultation is given by the Agriculture and Climate Action project (NESC, n.d.-a). NESC was requested by the Government in 2021 to undertake research and engage in how to support a climate just transition in agriculture. The project's aim was to identify and



support people impacted by transition, while focusing on the just transition in the area of agriculture and land use in Ireland. Farmers and other stakeholders in rural communities were invited to participate in workshops and share opinions on the impact of climate change as well as their views on measures for reducing emissions. According to the NESC Director, Larry O' Connell, the response among those involved was really positive, and the project strived to engage farmers not represented by stakeholders' groups, so that they could have the opportunity to have their voice heard in the discussion. NESC held four focus groups around the country, with around 25 people invited, and 18–20 eventually taking part in each of them. The inputs and concerns that were collected in the workshops by the facilitator that organised the events were later presented to a working group of stakeholders (that included farming as well as environmental organisations and government departments), responsible for compiling a report to present to the Prime Minister on the matter. The report is to include the issue, a discussion of the workshops, and potential responses proposed by the working group. According to the Director, the biggest challenge in organising the workshops lay in engaging farmers not linked to farming organisations or groups, and for this purpose NESC is working on improving and enhancing its ways of communicating with the general public. Currently, the main channels used to **inform** the general public are their website and traditional media in Ireland.

It is also worth noting that Ireland has already an established the practice of organising **citizens' assemblies**. These bring together citizens for discussing and considering key national legal and policy issues. Each assembly has the freedom to set its own rules and procedures, on the condition that its meetings follow six key principles to ensure fairness and avoid bias.<sup>10</sup> An assembly may invite and accept submissions from people who are interested in any of the issues being discussed, such as expert advisory groups. When a given assembly finishes considering each issue, it draws up a series of draft recommendations and votes on each. Furthermore, it reports to the Houses of the Oireachtas (the Parliament) and formulates recommendations. The next step for the government is to provide a response to each recommendation and arrange for a debate in the Oireachtas. If the government accepts a recommendation that the constitution should be amended, its response in the Oireachtas will include a timeframe for the holding of a referendum.

In February 2022 two new citizens' assemblies were established, one dealing with biodiversity loss and the other with the type of directly elected mayor and local government structures best suited for Dublin (Citizens' Assembly, n.d.).

Academics specialising in social dialogue pointed out during their interviews that an example of good practice is the fact that the road map for social inclusion in Ireland was subjected to public consultation with the community and third sector organisations.

### 3.3 National Council of the Economy and Labour (CNEL), Italy

Italy has a long experience of bilateral – and partly tripartite – social dialogue, with well-established institutions, actors and practices. However, in Italy there is no formal, legally based infrastructure for social dialogue. The only formal body in which social partners are institutionally involved is the CNEL (*Consiglio nazionale dell'economia e del lavoro*, National Council for Economics and Labour) created by the 1948 Constitution (Art. 99), and reformed in 1986 (Law No. 936) and on later occasions (Bordogna, 2021).

During the 1990s, the CNEL's activities focused on changes in the Italian economic system at the time. The inclusion of third parties, initiated by the territorial pacts, made it possible to improve organised civil society within Italy (Pedersini, 1997). The 2016 Italian constitutional referendum attempted to abolish it, but the reform was rejected. Now the CNEL is an advisory body to parliament and the government on economic and social matters, with the power of legislative initiative and the right to contribute to the drafting of legislation on the same matters.

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<sup>10</sup> These are: openness, fairness, efficiency, respect and collegiality.

In accordance with Law no. 214 of 2011, the CNEL is composed of 65 members. In addition to the President, the CNEL governance structure consists of ten experts on economic, social and legal affairs, 48 representatives of public and private sector producers of goods and services (both workers and employers), and six representatives of social associations (NGOs), nominated through a decree of the President of the Italian Republic taking into account the numerical and qualitative importance of these categories. Social partners and civil society organisations are therefore included in the works of the CNEL.

There are various bodies of the CNEL that ensure its proper functioning. The CNEL is headed by the President, who is elected from outside CNEL members and appointed by the President of the Republic. They perform a representative function and also coordinate the CNEL's activities. They are assisted in this by two vice presidents, who together form the Board of Presidents. This provides guidelines for accomplishing the Council's mission, its programme of activities, and performing the administrative tasks of the General Secretary. The Committee of Presidency oversees the coordination of Council bodies with the President. It also develops the draft annual program of CNEL activities.

Another body is the Assembly, which collectively expresses the will of the Council. It analyses and approves documents prepared by the Commissions, as well as issues presented by the President. In a special session, it approves the CNEL's annual programme of activities. It also elects two vice-presidents.

The CNEL is organised in Committees and Commissions that are determined and established every time the council is reappointed. In addition to the bodies that guarantee its internal functioning, there are currently four commissions (CNEL, n.d.). These are:

- Commission *Information and work*,
- Commission I *Economic Policies*,
- Commission II *Social Policies and sustainable development*,
- Commission III *EU Policies and cooperation*.

**Table 4. Composition of CNEL since 20.01.2012**

Category of members	Description
The President of the CNEL	<ul style="list-style-type: none"> <li>• Nomination by the President of the Italian Republic</li> </ul>
Experts on economic, social and legal affairs (10)	<ul style="list-style-type: none"> <li>• members nominated by the President of the Republic on their own initiative (8)</li> <li>• members chosen by the President of Italy after nomination by the Prime Minister following a decision of the Council of Ministers (2)</li> </ul>
Representatives of public- and private-sector producers of goods and services (48)	<ul style="list-style-type: none"> <li>• Representatives of trade unions (19)</li> <li>• representatives of public and private management (3)</li> <li>• representatives of self-employed workers (9)</li> <li>• representatives of industry (17)</li> </ul>
Representatives of NGOs (6)	<p>Currently these are the representatives of:</p> <ul style="list-style-type: none"> <li>• ANCI</li> <li>• Movimento Cristiano Lavoratori</li> <li>• ACLI</li> <li>• Compagnia Delle Opere – Opere Sociali</li> <li>• MOVI</li> <li>• Confederazione Nazionale Misericordie</li> <li>• AVIS</li> </ul>

Source: CNEL (n.d.).

The literature points out that Italy's reform process has been characterised by limited civic participation and a limited view of citizens' critical capacity. However, it is also emphasised that the idea of participatory democracy has significant support in civil society, as well as among some of the political opposition (Blokker, 2022).

In order to engage citizens in the democratic process, the CNEL uses various forms of activity, such as **consultations** (e.g. the 2022 CNEL Public Consultation for young people on Europe, the effects of the pandemic and the PNRR and the modalities of representation (CNEL, 2022) ) or **surveys** (e.g. the survey on intermediate bodies and representation (CNEL, 2020) ).

The idea behind the project related to consultations among young people (GenerazioneEU, n.d.) is to make the CNEL's role known to new generations of Italian citizens. A questionnaire was made available to young people on topics covered by the CNEL, especially the economy and labour, and topics such as Europe and the pandemic that could interest them and serve as a stimulus to inform and engage them interactively (Felici, 2022). The preliminary results of this ongoing survey pointed, in turn, to the important role of intermediary institutions in engaging the public in democratic processes, which lies in "the fundamental function of linking institutions and citizenship in representing otherwise unheard interests" (ConfProfessionisti, 2020). These results are confirmed by statistics on the people who took part in consultations organised by the CNEL. In the Economic and Social Councils of European countries, participation in public consultations generally involves around 4,000–5,000 people. In the preliminary consultation on the future of the European Union organised in Italy by the CNEL in 2019, some 13,500 citizens participated, filling out a questionnaire consisting of 44 questions (CNEL, 2019).

The *Generation EU* consultation was preceded by a publicity campaign: since the objective was to engage young people, especially high school students, it involved the Ministry of Education and various entities including the Presidency of the Council. The survey is still ongoing, and the CNEL aims to keep the consultation permanent. It is carried out via an online questionnaire, and is advertised on Instagram, the channel preferred by young people.

Another interesting campaign addressing young people concerns the issues of road safety and sustainable mobility. In 2021, the Italian Government incentivised the purchase of electric scooters with a bonus, which boosted the demand and usage of electric scooters in cities, and led to various road safety issues. The CNEL, together with the Ministry of Education and the Police, conducted a public campaign using a commercial<sup>11</sup> that was shared on social media and on television, targeting young people as the main users and encouraging the proper usage of this means of mobility.

To increase and enhance the instruments of participatory democracy, the CNEL is currently considering a pilot project that would allow National Economic and Social Councils to collaborate with each other, formulate joint opinions and increase integration. By doing so, citizens would have a stronger feeling of having a say in discussions on the European reforms. The CNEL believes that the dialogue among ESCs and the exchange of *best practices* should be increased, allowing NESCs to have a stronger impact on citizen engagement.

### 3.4 The Social and Economic Council of the Netherlands (SER), the Netherlands

The Social and Economic Council of the Netherlands (SER) is an advisory body in which employers, employees and independent experts (Crown-appointed members) work together to reach agreement on key social and economic issues. The Council advises the Dutch Government and Parliament on social and economic policy, and also facilitates agreements – as for the creation of the Dutch Energy Agreement for Sustainable Growth and various agreements on international responsible business conduct.

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<sup>11</sup> Available on: CNEL (2021).

Although it was established by law, the SER is not a government institution, is substantively and financially independent and is funded indirectly by industry through the General Unemployment Fund (Algemeen Werkloosheidsfonds – Awf).

The objectives of the SER concern the creation of “a strong and sustainable economy in which as many people as possible are in work, and a fair distribution of income”. The Council, in order to draw and provide good-quality advice and recommendations, engages in **dialogue with all stakeholders**. As a matter of fact, its motto is “*Denkwerk, voor Draagvlak door Dialoog*” (Thinking, for Support through Dialogue) (SER, n.d.-c).

The main task of the SER is that of advising the Dutch Government and Parliament on the main aspects of social and economic policy, with recommendations concerning a wide variety of subjects, such as the labour market, pensions, education, healthcare, the environment and energy. In doing so, the Council brings together various organisations in society: the parties represented in the SER, but also many others. A good example of consultations is represented by the Dutch Energy Agreement for Sustainable Growth (Energieakkoord), that saw the involvement of more than 40 companies, civil-society organisations and the government working to reach agreements on reducing CO2 emissions. In addition, the SER facilitates agreements relating to International Responsible Business Conduct: various stakeholders conclude agreements to tackle abuses in international production chains.

The SER has a total of 33 members: 11 employer members, 11 employee members and 11 independent experts – the Crown-appointed members. The Council will soon be expanded by 3 seats, one for each section, in order to strengthen the position of the self-employed. Council members are appointed for a term of two years. Each member votes “without instructions or consultation” and has a deputy. Workers and business owners are part of the SER through their central organisations: the distribution of their seats depends on the size of each organisation. Meanwhile, Crown-appointed members are independent experts, often professors in the fields of economics, finance, law or social sciences. They are appointed by the King of the Netherlands on the recommendation of the government, and contribute with their knowledge and by defending the public interest.

When appointing crown-appointed members, the balanced representation of the different disciplines is considered. Attention is also paid to the political movements in the country. Crown-appointed members include representatives of the Dutch Central Bank and the Netherlands Bureau for Economic Policy Analysis, as well as the president of the SER. In addition, in preparing its recommendations, the SER works together a great deal with other stakeholder organisations within society. These include municipalities, nature-conservation and environmental organisations, patient organisations and the Consumer Association (Consumentenbond).

**Table 5. Organisations currently represented in the Council, by group (as of April 2023)**

Organisation group	Organisations
Employer organisations	<ul style="list-style-type: none"> <li>• VNO-NCW (Confederation of Netherlands Industry and Employers) – 7 seats</li> <li>• MKB-Nederland (Small &amp; Medium-Sized Enterprises in the Netherlands) – 3 seats</li> <li>• LTO Nederland (Dutch Agriculture and Horticulture Organisation) – 1 seat</li> </ul>
Employee organisations	<ul style="list-style-type: none"> <li>• FNV (Dutch Federation of Trade Unions) – 8 seats</li> <li>• CNV (National Federation of Christian Trade Unions in the Netherlands) – 2 seats</li> <li>• VCP (Trade union federation for Professionals) – 1 seat</li> </ul>
Independent experts (Crown-appointed members) <sup>12</sup>	<ul style="list-style-type: none"> <li>• Prof. Kim Putters, chairman</li> <li>• Prof. Geert ten Dam</li> <li>• Dr Pieter Hasekamp</li> <li>• Prof. Ruben Houweling</li> <li>• Prof. Femke Laagland</li> <li>• Luce van Kempen</li> <li>• Prof. Maarten Lindeboom</li> <li>• Dr Ed Nijpels</li> <li>• Prof. Olaf Sleijpen</li> <li>• Prof. Romke van der Veen</li> </ul>

Source: SER (n.d.-d).

The SER works to ensure that recommendations enjoy strong support in society. For this reason, in arriving at its recommendations the SER engages in dialogue with stakeholders. The Council focuses on **consultations with social partners in the public sector** (employers and trade union organisations in education and local government) and with **social partners in the market sector** (Dutch employers, and employees of Dutch companies). While public sector organisations perform politically determined tasks, parties in the market sector work on their own account at their own risk, and look at the issues as entrepreneurs, resulting in all parties bringing in a broader set of interests, advantages and disadvantages (SER, 2019).

In 2015, the SER set up the platform “SER Youth Platform” (SER Jongerenplatform) to **actively involve young people** in the Council’s work (SER, n.d.-b). The platform consists of a number of youth organisations, and meets several times a year to discuss and provide solicited and unsolicited advice on current themes. The Youth Platform is a good example of engagement of young people in the discussion; in 2019 and later in 2021, the Platform released exploratory studies to illustrate the opportunities and obstacles faced by young people in terms of the “milestones” of learning, working, housing, and starting a family (SER, 2022). The study received a great deal of attention in the media and in political circles, allowing young people to express their concerns, and it gave rise to ideas and recommendations on the matter.

Moreover, in 2022 the Youth Platform set up a Council for the Future, advising the cabinet and the National Growth Fund on how to take the interests of young people and future generations into account when allocating resources (SER, 2023b). It consists of members of the SER Youth Platform, plus a

<sup>12</sup> Composition of the Social and Economic Council, 1 April 2022 – 31 March 2024 (SER, n.d.-a).

number of young people from the Future Images of Technology Foundation (Young STT) and the Young Innovators of The Netherlands Academy of Technology and Innovation (AcTI).

Recently, the SER released a draft *Concept for meaningful stakeholder dialogue* addressed to companies (SER, 2023a). The document contains considerations, core values, preconditions and suggested actions that a company can take to conduct a meaningful dialogue with stakeholders who are directly or indirectly affected by the consequences of their business activities.

### 3.5 The Economic and Social Council (ESS), Slovenia

The establishment of Western-style social dialogue came in the early 1990s with the redefinition of economic policy in Slovenia. This began with the conclusion of the first collective bargaining agreement between workers and employers in 1990, followed by the development of tripartism. The initiation of tripartism was triggered by a group of economic experts who proposed the negotiation of a social contract to define the primary policies in the European social sphere. The goal was to ensure an equitable distribution of burdens during the transition to an economic and social state. After several years of negotiations, an agreement on wage policy for 1994 was reached (Kavčič, 2004).

During its first phase, social dialogue in Slovenia was marked by a significant diversity of interests among its participants, including government, chambers, and trade unions. The lack of a social agreement during this period was indicative of the situation being unripe for such an agreement, and the positions of the government and individual social partners not being conducive to achieving one (Vodovnik, 1998). The proposals and demands put forth by all three parties were too disparate to reach a consensus (Kavčič, 2004).

One notable outcome of these negotiations was the establishment of the Economic and Social Council (*Ekonomsko-socialni svet, ESS*) as a permanent institution for facilitating mutual consultation and coordinating interests between the government and social partners.

The ESS is a tripartite body of social partners (representatives of employers and employees) and the Government of the Republic of Slovenia, and was established to discuss matters and measures related to economic and social policy and other issues concerning specific areas of agreement between the partners. At the same time, it monitors and discusses the situation in the economic and social fields, and formulates positions and proposals in these areas and in areas of broad interest to all three partners.

Its decisions are binding for the bodies and working groups of all three partners, and must be reached by consensus.

The ESS acts as a consultative forum on economic and social policy issues and is involved in the development, implementation and revision of the social contract. It prepares initiatives, proposals, recommendations and reports for the government, the National Assembly and the State Council.

To date, the ESS has focused on the wage system and policy in relation to the country's fiscal, tax, economic and social policies. It has also played an important role in the successful implementation of fundamental economic and social reforms in the transition process, in Slovenia's integration into the EU, and in its integration into the international economic space. Finally, it has contributed to strengthening social justice and social peace, which are key to the country's socio-economic development. The ESS's main areas of activity are in particular the following: the social contract; social and compulsory insurance rights such as pensions, annuities, social assistance, and benefits, etc.; employment and labour relations issues; the collective bargaining system; prices and taxes; the economic system and economic policy; legal security; cooperation with the International Labour Organization and the Council of Europe and related institutions in the European Union and EU member states; co-management of workers; and trade union rights and freedoms.

In addition to the areas covered by the tripartite agreements, the ESS may also deal with other matters not covered by them, but which are related to the area of economic and social affairs. As part of its work, the ESS participates in the preparation of legislation and issues opinions and recommendations on it, initiates the enactment of new laws or amendments to existing laws, formulates views and opinions on working documents, drafts and proposals for regulations, decrees and laws, and formulates views and

opinions on the budget memorandum and the state budget. The ESS conveys its proposals, recommendations and opinions to the National Assembly, the State Council and to professional bodies and the public.

The tripartite composition of the ESS reflects the equal representation of the three partners: representatives of workers, employers and the government. Each partner appoints its representatives to the ESS, up to a maximum of 8 members, each of whom may also have an alternate.

Workers' representatives are appointed by trade union federations and confederations representative of the national territory, with each representative federation or confederation having at least one member, and employers' representatives are appointed by employers' associations and chambers of commerce operating in the country. The composition of the representatives of each partner must ensure that the interests of each partner participating in the tripartite social negotiations are represented. The chairperson and vice-chairperson are appointed by the ESS from among its members or alternates, so that each partner serves a one-year term as chairperson and vice-chairperson. However, within each partner, members may agree to divide the one-year term into shorter individual terms. The chairperson and vice-chairperson shall be from the same partner group for each term. The Secretary of the ESS is appointed at the request of any of the partners, is not a member of the ESS, and has the status of an official.

The ESS's expert services are organised by the government, which also provides appropriate working conditions. In order to prepare the expert base for decision-making in the ESS, it may establish permanent or ad hoc expert groups, which usually consist of independent experts.

**Table 6. Current organisation of the Council (as of April 2023)**

Category of members	Members
<b>Employer organisations</b>	<ul style="list-style-type: none"> <li>• Marjan Trobiš, The Association of Employers of Slovenia (alternate: Kristina Barič Prelogar)</li> <li>• Miro Smrekar, Secretary General, The Association of Employers of Slovenia (alternate: mag. Tatjana Pajnkihar Napret)</li> <li>• TIBOR ŠIMONKA, President Chamber of Commerce and Industry of Slovenia alternate: URŠKA SOJČ</li> <li>• MITJA GORENŠČEK, Executive Director Chamber of Commerce and Industry of Slovenia alternate: VESNA NAHTIGAL</li> <li>• BLAŽ CVAR, President Chamber of Craft and Small Business of Slovenia alternate: DANIJEL LAMPERGER</li> <li>• DRAGO DELALUT, Vice President Association of Employers in Craft and Small Business of Slovenia alternate: NATAŠA CVETEK</li> <li>• MIJA LAPORNIK, Executive Director Slovenian Chamber of Commerce alternate: BARBARA KRIVIC</li> </ul>
<b>Employee organisations</b>	<ul style="list-style-type: none"> <li>• Lidija Jerkić, President Association of Free Trade Unions of Slovenia</li> <li>• Andrej Zorko, Association of Free Trade Unions of Slovenia (alternate: Anton Rozman)</li> <li>• Jakob Počivavšek, Confederation of Trade Unions of Slovenia PERGAM (alternate: Aljoša Čeč)</li> <li>• Peter Majcen, Trade Union Confederation 90 of Slovenia (alternate: Bojan Ńívikart)</li> <li>• Evelin Vesenjajk, Confederation of New Trade Unions of Slovenia (alternate: Miroslav Garb)</li> <li>• Zdenko Lorber, Slovenian Association of Trade Unions, (alternate: Bojan Goljevšček)</li> <li>• Albert Pavlič, Trade Unions of Slovenia SOLIDARITY, (alternate: Slavko Pungersič)</li> <li>• Branimir Štrukelj, Confederation of Public Service Trade Unions of Slovenia (alternate: Bojan Hribar)</li> </ul>
<b>Government</b>	<ul style="list-style-type: none"> <li>• Luka Mesec, Minister, Ministry of Labour, Family, Social Affairs And Equal Opportunities (alternate: Dan Juvan, State Secretary)</li> <li>• Klemen Boštjančič, Minister, Ministry of Finance (Alternate: Tilen Božič, State Secretary)</li> <li>• Matjaž Han, Minister, Ministry of The Economy, Tourism And Sport (alternate: mag. Dejan Židan, State Secretary)</li> <li>• Sanja Ajanović Hovnik, Minister, Ministry of Public Administration, (alternate: Urban Kodrič, State Secretary)</li> <li>• Dr Igor Papič, Minister, Ministry of Higher Education, Science And Innovation, (alternate: Dr Matjaž Krajnc, State Secretary)</li> <li>• Danijel Bešič Loredan, Minister, Ministry of Health (alternate: mag. Tadej Ostrc, State Secretary)</li> <li>• Dr Aleksander Jevšek, Minister, Ministry of Cohesion And Regional Development, (alternate: mag. Marko Koprivc, State Secretary)</li> <li>• Dr Alenka Kajzer, Deputy Director, Institute For Macroeconomic Analysis And Development, (alternate: Mitja Perko, Secretary)</li> </ul>

Source: ESS (n.d.).



**Citizens' suggestions** for ESS activities and operations can be submitted through the [predlagam.vladi.si](http://predlagam.vladi.si) platform. It was developed in November 2009 to facilitate the submission of proposals to the Government of the Republic of Slovenia, with the aim of influencing policy-making processes at the governmental level and changing current regulations. Its primary objective is to encourage Slovenian inhabitants to **engage in the policy-making process by exchanging opinions**. The tool allows users to exchange individual views and opinions on public topics of their choice, which may not be adequately regulated by law. Users can also present proposals for regulation on these issues. All proposals made through the online tool are publicly announced and open to comment and correction by other users. The final proposal, prepared by the author of the original proposal, is subject to a vote. If the proposal receives more votes in favour than against, and at least 3% of active registered users participate in the voting, it is sent to the competent body of the Slovenian government, which must provide an official response. The administrator and moderator of the online tool [predlagam.vladi.si](http://predlagam.vladi.si) is the Office of the Government of the Republic of Slovenia for Communication. As of April 2023, there were 87 active proposals on the platform.

### 3.6 The Economic and Social Council (ESC), Portugal

The growth of participatory experiments in Portugal has occurred alongside significant changes due to the decentralisation of state competencies. This generational shift of local authorities has brought new perspectives on how to involve citizens more effectively in public affairs and implement a new style of governance that engages all individuals, not just those represented by larger movements or organisations. There is also a growing consideration for Art. 2 of the Portuguese Constitution, which views deepening participatory democracy as a central duty of the state (Allegretti, 2021).

The focus on enhancing participatory democracy is also granted by Article 92 of the Portuguese Constitution, which grants the Economic and Social Council two roles: consultation and social concertation. The Council provides opinion reports on policy documents, such as economic and social policies and regional development policies, by collaborating with organisations that represent Portuguese society and economic agents, either on its own initiative or when requested by the government or other organs of sovereignty. The social concertation role is fulfilled through tripartite negotiations with social partners, including trade unions and employer representatives, to appraise legislation proposals and form social concertation agreements. The Social and Economic Council consists of several legal entities, including the Social Concertation Standing Committee, which operates independently but receives logistic and administrative support from the Council.

The Council in Portugal is made up of various representatives who serve for the duration of the legislative period of the Portuguese parliament.

**Table 6. Current organisation of the Council (as of April 2023)**

Category of members	Number of members
The President	1
Representatives from the government	8
Representatives from employers' associations	8
Representatives from trade union confederations	8
Representatives from trade union confederations	2
Representatives from trade union confederations	2
Representatives of the liberal professionals	2
Representatives from the state-owned enterprise sector	1
Representatives from the autonomous regions (Madeira and Azores)	4
Representatives from local government	8
Representatives from the national associations for environmental protection	1
Representatives from the national associations for consumer protection	1
Representatives from solidarity and charity institutes	2
Representatives from family associations	1
Representatives from universities	1
Representatives from associations of young entrepreneurs	1
Representatives from organisations representing family farming and the rural world	2
Representatives from associations representing the field of equal opportunities for women and men	1
Representatives from women's associations with generic representativeness	1
Representatives from women's associations represented in the Advisory Board of the Commission for Citizenship and Gender Equality (CIG)	1
Representatives from organisations representing people with disabilities	1
Representatives from organisations representing the financial and insurance sector	2
Representatives from organisations representing the tourism sector	1
Individuals of renowned merit	5

Source: ESC (n.d.).

The President of the Council is appointed by the national parliament with a two-thirds majority of the members of parliament present, as long as this is greater than the majority of MPs in office. The President's mandate corresponds to the legislative period of parliament and is renewable without limitations. The President and four Vice-Presidents are in the Coordinating Board.

The Social and Economic Council's work is carried out via the legal entities that constitute it, namely the President, the Plenary, the Specialised Standing Committee on Social and Economic Policy, the Specialised Standing Committee for Regional Development and Land Planning, the Specialised Interdisciplinary Standing Committee for Fertility, the Coordinating Board, the Administrative Board, and the Social Concertation Standing Committee.

The Council conducts **public consultations**. An example is the RRP's Public Consultation – the Reconstruction and Resilience Plan of 2021 (Portugal2020, 2021). The consultation was conducted via the ConsultaLex platform (ConsultaLEX, n.d.), where anyone could submit opinions after registering. According to the data presented on the consultation page, 1,951 community representatives and organisations took part in the action (ConsultaLEX, 2021).

The Council, as part of its consultation activities and social dialogue, also **introduces organisations in its own work and engages in discussions** at the Council. For example, during one of the sessions the White Paper “More and better jobs for young people” – co-authored by the José Neves Foundation, the Youth Employment Observatory and ILO Lisbon – and the “More and Better Jobs for Young People Pact” were presented (ESC, 2023). At the end of the presentations, the Councillors asked several questions to the entities responsible for the documents, launching several discussion points for the debate that followed. As a consequence, launched at the end of 2022, the White Paper offers a diagnosis of the youth labour market, identifying the major challenges ahead, and elaborates a set of recommendations in various areas in order to contribute to the increase in suitable and quality jobs among young people. These recommendations include labour market policies, but also the transformation of the country's economic structure in order to strengthen the most promising sectors. As a follow-up to the White Paper, which had the high patronage of the Presidency of the Republic, the “More and Better Jobs for Young People Pact” was created, bringing together major Portuguese companies and the government in a commitment until 2026. The Pact, which was presented to the ESC at the same session, was launched on 15 January 2023 (OEJ, 2023).

## 4. Comparative analysis

### 4.1 The impact of the different ideological foundations of the various NESCs on their predisposition to implement the mechanisms of participatory democracy

The research has revealed that the potential of individual NESCs (and, respectively, transnational councils such as the EESC) to evolve into facilitators of participatory democracy depends on the ideological and political foundations underlying them.

Firstly, the potential of highly specialised councils dedicated to specific technical issues, and of councils of a more general nature and the broader range of issues that come under their purview, differs:

*We have a number of specialised economic and social councils that have the absolutely traditional role of social partnership. (...) I am talking about the German Minimum Wage Commission, the British and the Irish Low Pay Commissions. (...) These types of council, they have this role and you cannot expect them to go in a different direction. It's a mediation between labour and capital with a lot of expertise inside. (Igor Guardiancich, Università degli studi di Padova, 23.12.2022)*

Nevertheless, most NESCs in EU Member States – as well as the EESC itself – have a more general mandate, potentially placing them in a position well suited for taking the role of facilitator of participatory democracy mechanisms. How this potential is realised, however, depends on how the councils in question are anchored in the broader social system. In this respect, academics point out the difference between councils created as anchors of capitalism, and those that were created as anchors of democracy.

The former – among which are the majority of Western European Councils, including the French and Italian – have a mission primarily to conduct inter-class mediation, which may to some extent limit (though not exclude) their ability to promote participatory democracy. The latter – established with the support of, among others, the ILO or the EESC in the wake of the transition after the fall of the Berlin Wall, or after the Iberian transition – are, because of their importance in strengthening democracy per se, in a very good position to introduce mechanisms of participatory democracy.

However, experts point out that regardless of the existing ideological foundation of the various Councils, they must **adapt to changes that occur in societies and labour markets**:

*Employers and trade unions are key actors, but we know and we are witnessing that the labour market is changing very rapidly (...) I agree that trade unions and employers should be the core of any of these institutions and should be key actors. But at the same time, I believe that in the current context, not having other civil society organisations in these institutions will not be particularly helpful for the institution itself. It needs to represent all important groups of society, as that is the role it has. (Oscar Molina Romo, Universitat Autònoma de Barcelona, Centre d'Estudis Sociològics sobre la Vida Quotidiana i el Treball, 08.02.2023)*

Thus, the problem of institutional reform and transition towards a guarantor of participatory democracy posed by this project is a universal problem to some extent, facing both the EESC and NESCs.

### 4.2 The EESC in the above-mentioned context

In the context of the ideological and political foundations of the various councils cited above, the EESC may definitely be classified as a body with a more general mandate. Deciding whether this general mandate is carried out by the EESC being an anchor of capitalism, or rather an anchor of democracy, is more challenging.

One could point out that the EESC has features of both types. On the one hand, its long history indicates that it is more firmly rooted in a mission related to inter-class mediation between labour and capital. On the other, the EESC's current position – both formal and informal – within the structures of the European Union (as the legal analysis described in the Comparison of EESC set-up section reveals), and its role in facilitating the formation processes of national councils in countries undergoing political transition, would seem to suggest that the democratic mission is at least equally strong today.

Some experts argue that the EESC should be considered a **platform for diverse voices and perspectives to be heard and integrated into policy decisions**, thereby advancing democratic principles and values:

*The mission of any social and economic council should be to complement existing mechanisms for democracy, and in particular to allow the participation of interests other than political parties, in a policy process. That's the main reason for the existence of this type of institution. (Oscar Molina Romo, 08.02.2023)*

This points to the need for the broad inclusion – both thematically and geographically – of diverse social partners in the EESC's work:

*Their overarching mission is to give a voice to civil society and social partners – not necessarily Brussels based, but rather based in the relevant countries – at the European level. It is a way to bring diverse voices and not just those of social partners, but also of a really diverse group of civil society organisations. To bring those perspectives onto the table. (anonymous expert from the European Trade Union Institute, 08.02.2023)*

The importance of the EESC as a representative of civil society and a pillar of participatory democracy is also indicated by the results of research conducted on the future of the committee, as one of the authors of the study confirmed to us in an interview:

*The general idea behind the EESC is to represent civil society. So it is seen as a bridge between the EU level and what is happening on the ground and this is where it is relevant and represents a great added value. It's really an important mission today and should be further developed. (Katharina Schöneberg, wmp consult, 20.12.2022)*

In interviews conducted for this report, academics specialising in social dialogue and participatory democracy indicated an interesting and complex relationship between democracy and those councils that function as its anchors. On the one hand, it is these councils and their position that depend on the state of democracy in which they operate:

*If it's created for capitalism, for this intermediation, then it will depend on the existence of alternative forms of this intermediation; if it's created for democratic reasons, it will very much depend on the status of democracy in a specific country. (Igor Guardiancich, 23.12.2022)*

In this context, interviewees pointed to the importance of the European Union's struggle as a whole with the so-called democratic deficit, the decline in trust in EU institutions, and the declining interest in European affairs among the public. On the other hand, however, they acknowledged that the relevance of the mission to promote democracy increases when democracy is put to the test:

*We found also that this promotion of participatory democracy is even more important now than ever as there are challenges to the rule of law or the freedom of speech, there are some tendencies in some European countries that you might become afraid of. So it's an important task. (Katharina Schöneberg, 20.12.2022)*

Academics agreed that their research suggests the EESC's potential in this area is not yet being adequately exploited.

#### 4.3 Preference for alternative forms of dialogue

A significant problem identified both concerning the national economic and social councils and the EESC itself is the preference for alternative forms of dialogue expressed by the social partners and sometimes also representatives of civil society.

Experts suggest that trade unions and employers believe they can have a greater influence on policy-making by using informal channels instead of relying on formal institutions such as the Social and Economic Councils. A consequence of this is that other civil society actors who do participate in the work of NESCs or the EESC may end up having very little impact on policy decisions. This is because trade unions and employers, who often represent more powerful economic interests, may have a greater

influence on policy-making outside of those formal institutions, leaving less room for the voices of other civil society actors to be heard.

*Trade unions and employers feel that if they want to have influence, they have to make their voices heard independently, through these more informal channels rather than through the Social and Economic Council. (...) At the end of the day what it means for those other civil society actors that are represented in these Councils, is that they end up having very little impact. (Oscar Molina Romo, 08.02.2023)*

With regard directly to the EESC, experts suggest that the European Economic and Social Committee should try to **establish stronger linkages with organised civil society** that is represented in the EU through lobbying activities, for example by enhancing the activity of bodies such as the Liaison Group with European organisations and networks established in 2004 (EESC, n.d.).<sup>13</sup> They point out that the EU is a diverse and complex political entity with numerous interest groups and lobbies that are active in shaping policy decisions. These interest groups often organise themselves into umbrella organisations that represent a particular sector or issue area at the EU level. For example there are umbrella organisations for environmental groups, human rights groups, and industry groups, among others.

As the EESC is a platform for social partners, civil society organisations, and other stakeholders to engage in dialogue with EU institutions and contribute to policy-making processes, it needs to establish stronger linkages with the organised civil society represented by these umbrella organisations to ensure that their voices are also heard and integrated into policy decisions.

The experts suggest that many EESC members come from national organisations that are part of these umbrella organisations and are active at the European level. However, there are currently limited linkages between these umbrella organisations and the EESC, which means that the EESC may not be fully engaging with the diverse perspectives and interests of organised civil society at the EU level:

*It makes sense for the EESC to try to strengthen its role regarding real organised civil society in the Member States. But it should also reach out more to organised civil society as it is represented in the EU and active via the normal roots of lobbying. Well, the EU is of course a very rich polity in terms of all the lobbies which are active there. And there are these European-wide umbrella organisations which are most important for the Commission when the Commissioner is developing proposals. They have also become more important for the European Parliament, but what I don't see is these linkages between the organised umbrella lobby organisations and the EESC. For example, I'm thinking of the environmental groups, all the European Women's lobby and then, of course, the automobile industry, the European Trade Union, so we have them in all fields of economic activity, but also there are environmental, human rights groups, etc. So we have a number of umbrella organisations, and national organisations which a lot of the EESC members come from are often part of these umbrella organisations and active at the European level. Yet I don't really see these linkages. (Gabriele Abels, 15.02.2023)*

In trying to answer this problem in the context of the EESC reform under consideration being a guarantor of participatory democracy, two questions must be raised. First, how will such a reform increase the EESC's attractiveness vis-à-vis alternative forms of dialogue and lobbying within the EU – and thus would such a change be a good answer to the problem? Secondly, what can social organisations currently gain by relying on the EESC as an institution to support their dialogue and lobbying within the EU – and so is such a change possible at this time?

In the context of the first question, experts note the complexity of the problem based on the existence of a difficult trade-off between inclusivity and effectiveness in institutional decision-making processes. While more inclusive institutions are better for democracy because they represent a broader range of interests, they can also be less effective because of the challenges involved in reconciling those interests.

*Having more inclusive institutions of course means that the range of interests within them is wider and that makes it difficult to find any kind of consensus. So should we make them more inclusive? From the*

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<sup>13</sup> For more information please consult: <https://www.eesc.europa.eu/en/sections-other-bodies/other/liaison-group-european-civil-society-organisations-and-networks>.

*point of view of democracy, that is better because there are more interests represented. But at the same time, from the point of view of effectiveness, it is undermining the effectiveness of this situation because you have a very broad range of interests that you have to reconcile and that's difficult. So that's a difficult trade-off to solve and there is no easy solution. (Oscar Molina Romo, 08.02.2023)*

According to experts, the EESC is not perceived as being influential in legislative terms, meaning that its opinions and advice do not have a significant impact on the actual laws and policies that are implemented by the EU. As a result, lobbyists and civil society organisations may not see the value in engaging with the EESC as a means of influencing EU policy.

*The EESC is not perceived to be influential in legislative terms, and that's of course what matters for policy or lobbyist interest in policies. I don't actually see the kind of activity in the EESC that would have real value for the organised civil society lobby to go to the EESC. Nothing for them to get some advantage, to have a benefit from establishing these relations. (Gabriele Abels, 15.02.2023)*

The experts suggest that there is a lack of meaningful activity in the EESC that would provide tangible benefits for organised civil society groups or lobbyists who engage with it. This could include, for example, opportunities for networking or access to decision-makers that could help advance their policy agendas.

#### 4.4 Importance of input and output legitimacy for implementation of the mechanisms of participatory democracy

A preliminary comparative analysis of NESCs and the EESC, as well as interviews conducted with academics, also indicated the relevance of both output and, above all, input legitimacy to the potential of being a facilitator of participatory democracy mechanisms.

Output legitimacy refers to the impact on the output of the processes that take place within individual institutions. Thus, whether the solutions developed are then taken into account by the relevant decision-makers (or whether the institution itself is entrusted with such a role). This type of legitimacy depends primarily on the systemic legitimacy of the council in question, which, concerning the EESC, was mentioned in the Comparison of EESC set-up section and will be elaborated on in the final report.

Input legitimacy, on the other hand, was an issue frequently mentioned in the interviews as being extremely important. It refers to who participates in the various operations of the Economic and Social Council and whether they are sufficiently representative of the categories that the Economic and Social Council strives to represent.

From this angle, the current situation in both the selected NESCs and the EESC raises some questions for academics. Their research reveals that these concerns are not unfounded:

*What always comes back is this question of representativeness and composition of the EESC and it's really a major concern for interview partners and also our survey respondents because that is where the literal legitimacy of the EESC is based. (Katharina Schöneberg, 20.12.2022)*

They consider the most important problems in this regard to be:

- inadequate gender composition, where women are underrepresented,
- inadequate age composition, where the average age is often well over 50,
- urban vs rural,
- difficulties in incorporating relevant NGOs and civil society representatives into the work of the councils,
- inadequate feedback and information flow mechanisms between the councils and their national (in the case of the EESC) and field (in the case of the NESCs) representations,
- inadequate representation and low inclusiveness within the organisations participating in the work of the councils.

However, experts have different opinions on how to ensure that the EESC is **inclusive of all age groups and represents a diverse range of interests**, particularly those of younger and older people, and

different genders. Some suggest that it may not be the best approach to include specific organisations in the EESC representing each age group, such as pensioners' associations or youth groups, as it may be difficult to define representativeness and ensure that all groups are adequately represented.

*They [the EESC] should be inclusive for all ages. To make sure that all these groups are represented, I don't think it will be the best way to include them as organisations. I mean, how do you define representativeness of pensioners, of youth associations? There are so many of them! So it's hard, but in terms of agenda, I agree that they should be more sensitive to issues like young people, gender issues, and older people who are also sometimes not very well represented, so they should improve that. But not necessarily involving groups representing those interests. (Oscar Molina Romo, 08.02.2023)*

Nevertheless, experts agree that the EESC should be **more sensitive to issues affecting different age groups and genders**, and should work to improve the representation of these groups. This could be achieved through a range of measures such as outreach to different communities, consulting with relevant experts and stakeholders, and ensuring that the EESC's agenda reflects the concerns and needs of a diverse range of groups.

#### 4.5 Consensus

The comparative analysis revealed the ambivalent nature of consensus as a method of achieving results, both at the level of the National Economic and Social Councils and the EESC itself. On the one hand, experts point out that in the process of reaching a consensus, many views that individuals or groups want to express may be left out, leading to a narrowing of perspectives and a lack of diversity in the final decision. They suggest that while consensus-based decision-making may be useful in some contexts, it may not be the best approach for ensuring that a diversity of voices is represented in the EESC or NESCs, particularly when dealing with complex and multi-faceted issues:

*For the diversity of voices being represented, this compromise consensus decision-making is in the end unfavourable. For example, in the opinions that are being prepared lots of points that people wanted to say just fall away just because you want to have a consensus-based decision (...). And in the end, I don't think they manage to encapsulate an adequate breadth of the viewpoints. So if you're trying to include different viewpoints, I think a consensus-based decision doesn't really do that. (anonymous expert from the ETUI, 08.02.2023)*

On the other hand, experts point to the role of consensus in raising the importance of EESC and NESCs' activities, suggesting that achieving a broad consensus is necessary to ensure that decisions are not only made but also implemented and recognised by relevant stakeholders:

*There is always a question about the role of minority positions, and how they can be represented as well. But to have some kind of even limited impact, you have to have this broad consensus, otherwise, it won't get recognised. (Gabriele Abels, 15.02.2023)*

Skilfully balancing these two sides of the coin appears to be crucial in ensuring the proper functioning of both the EESC and the NESCs. Experts are advocating for a more flexible approach that balances the desire for consensus with the need to reflect a diversity of views and perspectives:

*I think consensus can obviously be a goal, but I think it also has a kind of paralysing effect, it kind of blocks sometimes. So it should be an endeavour, it should be a goal to reach a consensus but I think at the end of the day it is also good to reflect the different views that are in the body even if it is difficult in many issues to reach consensus. So I see the body more like a mechanism to express views to reach consensus if possible, but not necessarily a body that should only work based on consensus, because that will be the end of it of course. (Oscar Molina Romo, 08.02.2023)*

Overall, the experts suggest that while **consensus** is an important goal, it **should not be the only basis for decision-making in the EESC** and that other approaches may be necessary to ensure that a range of perspectives is represented and considered. This may involve finding alternative ways to express dissenting or minority views, or acknowledging that consensus may not always be possible or desirable (e.g. collaborative decision-making and chosen voting-based methods could be applied in certain situations).



## 5. Further findings

### 5.1 Communication

In the typology adopted for this study, we distinguished five different ways of involving the general public in deliberative and participatory mechanisms (see: Introduction) – informing, consulting, involving, collaborating, and empowering. The results of our analysis indicate that there is a relationship of dependency between these forms, i.e. it is not possible to involve without first informing or to empower without first involving.

Our research, apart from the information obtained from interviewees, also indicates far-reaching deficiencies in the usage of participatory mechanisms by NESC and the EESC, which begin at the level of providing information. Experts suggest that the EESC and national councils need to improve their communication strategies to better inform the public about their roles, responsibilities, and opinions:

*I think that they should be much more effective in communicating what they do, what their roles are, why they are important, and also showing to the public the opinions of this body, whether it's in favour of or against some of the proposals that have been discussed (...) I think this is a key problem for them at the moment, not being able to inform properly, not been able to use adequate channels to reach the majority of the population, that's a major issue. (Oscar Molina Romo, 08.02.2023)*

Experts point out that the EESC is not doing enough to promote itself and its work to the general public. Many people, including those who work in Brussels, are not aware of the EESC and the opinions it issues. It has been suggested that the EESC should make a more proactive effort to reach the public, for example by having representatives speak at conferences and get involved in NGO alliances. This would help to increase awareness and understanding of the EESC's work, and ultimately help the public better appreciate the importance of the EESC's opinions and recommendations:

*It's an old body, but advisory and hardly ever anybody knows about it. I mean, even in the Brussels bubble, you would find people who haven't heard about the EESC and that already tells a lot about that. (Gabriele Abels, 15.02.2023)*

*A person who's not in Brussels, or maybe even a person who works in Brussels, they don't really know what the EESC is. People should at least be reading the opinions. Of course, I do come across opinions, but only when I'm looking for them. I think the EESC should try to have a few more people who speak at conferences, to have representatives in a few of the NGO alliances. I think they're trying a bit, but in terms of reaching the general public, I think unless someone follows them on Twitter, there is very, very little knowledge and awareness of the work of the EESC. (anonymous expert from the ETUI, 08.02.2023)*

Improving communication between the EESC and other EU bodies and organisations operating in Brussels does not mean that experts have ignored the national level. On the contrary, the need to spread awareness of EESC activities among local civil societies was highlighted as crucial:

*I think that the channels of communication are restricted. People would not go and search for information on the EESC website to start with. And the question is how much the Members, which are of course part of national civil society activities, actually communicate the position of the EESC (...) at the national level. I mean, I've been to many EU-related events in Germany, and I never hear anybody speaking about the EESC. (Gabriele Abels, 15.02.2023)*

The communication problems pointed out do not change the fact that, at the same time, the potential that the EESC has for communicating with the societies of member states is recognised:

*It could be an EU translator. So, to explain a bit about what the EU is, and what are we talking about within this EU bubble, to make citizens understand what this is all about. But I think they [EESC] are not there yet, so for the coming years that could be a solution but there are resources needed and know-how on how to do this. (Katharina Schöneberg, 20.12.2022)*

To fill in the potential, it is **necessary to think about the communication capacity of the various EESC activities**, including the most important form at the moment, which is the EESC opinion. Experts have very different views on its current nature and the role it may play in the future. Some suggest that

the opinions and recommendations issued by the EESC and National Social and Economic Councils are written in technical and legal language that is difficult for the general public to understand. The use of this kind of language in these documents can create a barrier for people who do not have a background in law or economics, as the terminology and writing style may be unfamiliar or confusing:

*When you see the opinions and the recommendations that are issued at the moment by the EESC and National Social and Economic Councils, they are written in this very technical legal language that is really hard to access. So making it more accessible is key. (Oscar Molina Romo, 08.02.2023)*

Other experts seem to have a positive view of the accessibility and usefulness of the opinions issued by the EESC. They appreciate the fact that these documents are written in a language that can be understood by a wide audience, while still providing detailed and informative content:

*The quality of the opinions, that's another issue, but it can be read by my mom and she will understand more or less what this means. I think that's quite nice because I think very often there's nowhere else that you can really find information that's both detailed enough (...) and not too technical. (anonymous expert from the ETUI, 08.02.2023)*

The difference in opinions may also be caused by the fact that – in addition to the use of different accessibility standards by individual experts – the critical views referred to opinions issued by both the EESC and NESCs, while the positive ones referred only to EESC opinions. It is worth noting, however, that experts are calling for a greater focus on the quality of opinions rather than their quantity, and we strongly support this call:

*Are more opinions better? I don't think so. I think fewer opinions would be better, but with better quality and more time devoted to them. (anonymous expert from the ETUI, 08.02.2023)*

Nevertheless, an extremely important recommendation is to improve the flow of information and the EESC's communication strategy at multiple levels – internal, European and national. Only then can one move on to the next steps within the spectrum of public engagement invoked in the project. In December 2022 the EESC adopted a communication strategy for the period 2022–2027 (EESC, 2022). The document defines communication as a core function of the EESC and focuses on governance, target groups, channels and activities, metrics, resources as well as improving the format of opinions. As such, the document provides a solid basis for introducing measures to address the problems discussed above.

## 5.2 Involvement of the general public

If we accept that general public involvement is, in principle, a value and the right path for the EESC and NESCs, the question arises about the boundary conditions for this involvement. One issue to consider is the point in the decision-making process at which this engagement can have the best effect.

This moment varies, of course, for the different manifestations of the spectrum of public engagement distinguished in the typology we have adopted. For example, informing may occur at a much earlier stage than the other forms, while empowering implies placing actual decision-making in the hands of participants, and thus their engagement until the final stages of the entire process.

Nevertheless, for the mid-point manifestations of the spectrum – consulting, involving, collaborating – certain consistent conditions emerged from the research, conditions that were also mentioned by the academics interviewed. With regard to reactive activities, it is important that the proposal being worked on is properly concretised and can therefore be communicated well to the general public:

*That phase that comes before the formulation of policy solutions. When you can give the plateau of alternatives that then one should decide upon. This is where you should give policy alternatives that are well explained, well presented, and balanced so the public can actually assess a difference. The public has to be extremely well informed about the questions that are being asked. (Igor Guardiancich, 23.12.2022)*

At the same time, all of the experts consulted for this project indicated that to improve the functioning of the EESC and NESCs, as well as to increase the effectiveness of their operations, they must adopt a more proactive attitude. They suggested that it is difficult for the EESC's opinion to have a significant influence on the final decision-making process as by the time the EESC provides its opinion on a proposal, other stakeholders, as well as the European Commission, have already established their positions and priorities:

*Nobody cares about EESC opinions because they come at the point where the Commission has already come out with its proposal, (...) when all of the other stakeholders kind of already decided what they want. The frame is already set (...) and I think the EESC opinion just kind of gets lost in all of that. Whereas if you could really put something on the table of the person drafting the legislation in the Commission, then maybe they would say: OK, this is kind of interesting. (anonymous expert from the ETUI, 08.02.2023)*

However, if the EESC could engage with the Commission earlier in the legislative process, its opinions may have more impact, and it could be seen as a more valuable partner for civil society organisations in terms of representing their interests in the EU forum:

*If you want to have an impact, you have to have it early on, to have your voice heard (...). That's the way the policy process works. Therefore, you simply have to focus on that. But then of course, at that stage, the problem is that the EESC does not have an official position then – because they have not adopted an opinion because they have to wait until there is a formal proposition on the table. That is why for civil society groups it is better to go to the European Commission as early as possible or use the online consultations provided by the Commission. By the time the EESC officially gets involved the main structure is already laid out. (Gabriele Abels, 15.02.2023)*

Experts see the significant amount of time and effort being invested in producing EESC opinions, but that resources could be better utilised in more proactive activities, as the opinions may not have a significant impact on the policy-making process. Concerns have also been raised about the inefficiency of the EESC's current bureaucratic structure – partly because it is understaffed for the work that needs to be done:

*There's all this staff and whole machinery that goes around this. It takes a lot of people's time and then the opinion is there but at most someone will read it, and then maybe they'll put it in a footnote somewhere. I think these resources could be going towards something which is much more interactive. I think it's a very bureaucratic structure. A huge amount of money is being paid for this, and a lot of time and effort from the administration of the EESC as well. But my impression is they're understaffed for the amount of bureaucratic work that has to happen (...). I think the secretariat is really overwhelmed workwise. (anonymous expert from the ETUI, 08.02.2023)*

The activities of the Committee of the Regions of the European Union are cited as an example of the more effective use of the body's limited resources:

*A good example is the subsidiarity network organised by the Committee of the Regions., The CoR does have even fewer resources than the EESC, but I think they creatively use them to create networks and to bring in their constituency as early as possible. (Gabriele Abels, 15.02.2023)*

The mission of the CoR's Subsidiary Monitoring Network (SMN) is to enable local and regional authorities to be active in monitoring the application of the subsidiarity and proportionality principles. It does so by facilitating the exchange of information between local and regional authorities and the European Union level “through the whole policy cycle regarding various documents and legislative proposals” (European Committee of the Regions, n.d.)

In addition to arguments raising the increased effectiveness of activities based on a more proactive stance, experts also point to the greater inclusiveness of such activities. Earlier in the process, there is a greater diversity of actors that can be involved.

*Let's try to be a bit more proactive by bringing in reports on key matters decided among social partners trying to see if we can affect the policy process in a different way than just by issuing opinions or being*

*proactive by doing workshops and inviting representatives from political parties to try to shape their views on specific issues. This proactive stance has to be precisely aimed to bring input from all the actors that are involved. Being proactive, e.g. doing this type of report and studies to influence public opinion and policymakers is more inclusive. (Oscar Molina Romo, 08.02.2023)*

Hence, we strongly recommend utilising these suggested moments in the decision-making process when implementing participatory democracy mechanisms at both the NESCs and EESC levels (see more in the Recommendations section).

### 5.3 EESC structure

Thinking about the future of the EESC and related potential changes to the committee structure, there are two paths: a more radical one, related to moving away from the tripartite structure, and a more conservative one, which – while preserving the structure – relies on reforms related among other things to the way members are selected or the decision-making procedures.

Following the latter, in the context of the EESC's position as a guarantor and facilitator of participatory democracy, it is important to consider what is currently **the position of the Civil Society Organisations' Group**, a group representing civil society in the broadest sense. Some experts note that it could be the one that could tip the scales in the case of a decision-making process based on the opposing interests of employers and employees:

*The workers' group and the employers' group, kind of have their fixed goals and they are trying to get Group 3 on their side. As a result, civil society is given more space than in other social dialogue processes, as there is close attention being paid to its interest and the views expressed there, (...) also the ones that are more progressive, and even maybe on the more radical side. (anonymous expert from the ETUI, 08.02.2023)*

At the same time, the need for reform is recognised. Concerns about the process by which members of national civil society organisations are delegated to serve on the EESC are often raised. Experts point out that the current set-up may make it difficult for some organisations to communicate to their constituents about the work of the EESC and the role that they are playing in representing national civil society interests at the EU level. As a result, these organisations may not be able to effectively engage with the broader public:

*The criteria based on which members of national civil society organisations get delegated to the EESC are often quite unclear. Sometimes it's a rather small organisation, which at the national level might be marginalised or might not be considered to be a strong voice. And that makes it difficult for them to inform people, and communicate what the EESC is doing. (Gabriele Abels, 15.02.2023)*

A practical idea worth considering is a more targeted approach to representation where different individuals or organisations are involved in different processes based on their expertise, so that they can contribute most effectively:

*It needs a different communication strategy for sure and different engagement patterns, and I think a different way of selecting membership as well. (...) It would be nice if different members of civil society, so different people, were involved in the different processes, where they might be relevant, rather than being representatives that are elected for some years (...). So more targeted representation, kind of deliberately reaching out to certain organisations or people. (anonymous expert from the ETUI, 08.02.2023)*

Some experts question whether there is any lasting impact of having a delegate from a national civil society organisation serving on the EESC – both for the organisation itself and for the policy-making process, European and national. It is therefore important to create broad, reliable feedback and evaluation mechanisms that would monitor the benefits and costs of participation in the EESC's work and serve as a basis for possible reform of the way committee members are appointed:

*Does it make a difference to the national organisation if they have a delegate in the EESC? Does that have a long-term impact in terms of Europeanisation? We don't even know if it [membership in EESC]*

*can translate to its national field or if it's more this one person that is delegated and enjoys being in Brussels for some time, buys some chocolates and then goes back home and that's it, it does not have any real policy impact. (Gabriele Abels, 15.02.2023)*

The more **radical path would involve abandoning the tripartite structure**, as it reflects a more homogeneous civil society landscape than what exists today. Alternative solutions could be to shift the focus to the EESC Sections, which would then also require reform, or even structures created in a more ad hoc and targeted manner, linked to the specific challenges and problems facing European Union society.

*The tripartite structure in the EESC creates some problems because it was conceptualised in the 1950s and it reflects the kind of civil society that was in the 1950s. Today (...) Europe has expanded and become more, much more differentiated. Some associations, you could imagine them being part of one of the other groups, and they are part of a Civil Society Organisations' Group, say, for example, a farmers' association. It's not always clear who is in which group. Nevertheless, the Civil Society Organisations' Group is well underrepresented in terms of just being 1/3 of the members, even though this is the part of civil society which has flourished most and which has more potential to bring in new initiatives. (Gabriele Abels, 15.02.2023)*

Whether the decision is made to follow a more radical or more conservative path, it should not be a purely political decision. Large-scale implementation of the evaluation and feedback mechanisms we mentioned should precede any commitment on this issue, and the information obtained through this route should form the basis of the decision to be made.

## 6. Conclusions and recommendations

Citizens who took part in the CoFoE had many opinions about the EESC, and regarding participatory and deliberative activities. Many believed that there needed to be **more civil society voices in the EU's law-making and that the EESC could play a major role in this**. Proposals were made to encourage citizens, including vulnerable and marginalised groups, to prioritise what they saw as the key European challenges.

Out of all the proposals made, three groups were identified: those that can be implemented under the current legal framework, those that require Treaty amendments, and those that require a major remodelling of the EESC's role in the EU. The **proposals to better inform citizens about EU activities and to improve existing mechanisms for spreading citizens' views** can generally be implemented under the current legal framework without requiring major changes, but more influence could be gained by anchoring them in the Treaties. The second category of demands from civil society proposes that **civil society should be formally involved in certain decision-making processes of the European Union, including by giving them a mandatory consultative role**. This would require changes to the Treaties and other essential elements of the existing EU legislative and decision-making process, such as increased transparency. These changes could be more significant if new bodies were to be given the right to initiate legislation. The third category includes suggestions for **improving citizen involvement in EU affairs**: the creation of a new EU Charter with legal weight, and the introduction of regular citizens' assemblies into the EU legal system. While both of these proposals would require significant changes to the EU structure, smaller-scale activities such as citizen lobbying and petitioning could be implemented to partially achieve the desired outcomes.

As discussed in previous parts of this study, the EESC, as well as Councils in EU Member States, have the **potential to facilitate participatory democracy**. This potential is determined by how the Councils are connected with the wider social system, and whether they were established to mediate between various groups or to strengthen democracy. It is suggested that **Councils must adapt to changes in society and the labour market, and involve civil society organisations to represent all important groups in society**. This is a universal problem faced by both the European Economic and Social Committee and the NESCs.

In fostering its position as the facilitator and guarantor of participatory democracy activities, the EESC should be used as a platform to allow the participation of interests other than political parties in a policy process. It should give a voice to civil society and social partners, bringing different perspectives to the policy table. The mission of promoting participatory democracy is especially important in light of the current challenges to the rule of law and freedom of speech. Research suggests that this potential is not yet being adequately exploited.

The EESC should **strengthen its linkages with organised civil society groups that are represented in the EU and active in lobbying**. Currently, these groups are not adequately represented in the EESC and there is a lack of meaningful activity that would provide tangible benefits to those engaging with it. To successfully increase the EESC's attractiveness, a difficult trade-off between inclusivity and effectiveness must be achieved.

In general terms, the EESC should be **more inclusive and sensitive to issues affecting different age groups and genders**. To achieve this, a range of measures such as outreach to different communities, consulting with relevant experts and stakeholders, and ensuring that the EESC's agenda reflects the concerns and needs of a diverse range of groups is suggested. However, it is also noted that it may not be the best approach to include specific organisations representing each age group in the EESC, as it may be difficult to define representativeness and ensure that all groups are adequately represented.

Experts suggest that consensus-based decision-making is not always the best approach for ensuring that a diversity of voices is represented in the EESC and NESCs, as it may lead to a narrowing of perspectives and a lack of diversity in the final decision. They advocate for a **more flexible approach that balances the desire for consensus with the need to reflect a diversity of views and perspectives**, such as

finding alternative ways to express dissenting or minority views, or acknowledging that consensus may not always be possible or desirable.

Experts are also calling for the EESC to make a **more proactive effort to reach the public**, such as having representatives speak at conferences and get involved in NGO alliances. This would help to increase awareness and understanding of the EESC’s work. Furthermore, the need to spread awareness of EESC activities among local civil societies was highlighted as crucial. Additionally, opinions issued by both the EESC and NESC’s are written in technical legal language that is difficult for the general public to understand, but some experts have a positive view of the accessibility and usefulness of these documents. Lastly, experts emphasise the need for fewer opinions of better quality, with more time devoted to them.

It is also recommended that the EESC and NESC’s adopt a **more proactive approach to public involvement** in order to increase their effectiveness in the policy-making process. This means engaging with the public earlier in the decision-making process, with well-explained and balanced policy alternatives in order for the public to be able to assess the differences. The Committee of the Regions of the EU is cited as an example of the effective use of limited resources. It is also argued that being proactive is more inclusive as it allows for the involvement of a greater diversity of actors.

Potential **changes to the tripartite structure of the EESC** are also being debated. The conservative path would involve reforms such as in the way members are selected or decision-making procedures, while the more radical path would involve abandoning the tripartite structure of the EESC altogether. This structure is seen as outdated and not reflecting the current, more diverse civil society landscape. Last but not least, experts also suggest **more targeted approaches to representation and creating evaluation and feedback mechanisms** to monitor the benefits and costs of participation in the EESC’s work. This should form the basis of any decision made about the Committee’s future.

Basing on those conclusions as well as on the experience of the researched NESC’s (please consult the table below), recommendations in five specific areas can be formulated in order for the EESC to respond to citizens’ needs expressed during the CoFoE process.

**Table 7. Means of participation used by the researched NESC’s**

	Informing	Consulting	Involving	Collaborating	Empowering
Means of participation	Web sites – FR, IE, IT, NL, SI, PT	Public comment – FR Deliberative workshops – FR Digital consultations – FR, IT, SI, PT Focus groups – IR Surveys – IT Public meetings – PT	Citizen group – FR Citizen platforms – NL	Integration of citizens into a working group - FR	N/A

Source: own elaboration, CASE. Please note that this list is not exhaustive and reflects only examples discussed in this study.

**1. Improve communication**

The EESC and national councils need to improve their communication strategies to better inform the public about their roles, responsibilities, and opinions. The following recommendations for improving communication can be highlighted:

- **Proactive outreach:** The EESC should make a more proactive effort to reach the public, for example by having representatives speak at conferences and be involved in NGO alliances.
- **Improved communication with other EU bodies:** The EESC should improve both formal and informal communication between itself and other EU bodies and organisations operating in Brussels.
- **Spreading awareness:** The EESC should spread awareness of its activities among local civil societies to create a more informed and engaged public.

These steps are important for increasing the EESC's visibility and effectiveness as a forum for citizens to voice their concerns and contribute to EU policy-making. This includes rethinking the way the EESC conducts its various activities, such as opinions. Several recommendations have been made for achieving this:

- **Avoiding technical and legal language:** The EESC should use language that is easily understandable for the general public, and avoid technical and legal jargon that may be difficult for people to comprehend.
- **Quality over quantity:** The focus should be on producing high-quality opinions rather than churning out a large quantity of them. This would require more time and resources devoted to each opinion, but the end result would be more effective in reaching and engaging with the public.
- **Balancing content and language:** The EESC should strike a balance between using language that can be understood by a wide audience and providing detailed and informative content. This can be achieved through clear and concise writing, the use of visual aids, and providing explanations of technical terms.

By implementing these recommendations, the EESC and NESC's can improve their communication strategies and better involve citizens in the decision-making process.

## **2. Effectively involving the general public at the best possible stage**

The involvement of the general public is crucial for the legitimacy and effectiveness of the EESC and NESC's. However, it is important to consider when and how to involve the public in EESC activities, whether reactive or proactive.

Two optimal moments can be distinguished – one concerning **reactive activities**, which are currently dominant, and the other concerning **proactive activities**, which are widely seen as desirable. To maximize the impact of public involvement, we suggest the following:

1. **For reactive activities, it is crucial to properly concretise the proposal being worked on so that it can be well communicated to the general public.** This can be done by:
  - Using clear and simple language that is accessible to a wide audience;
  - Providing concise summaries of proposals and opinions that highlight the main points and implications for citizens;
  - Engaging with civil society organisations and other stakeholders to gather feedback and ensure that the public is properly represented.
2. **For proactive activities, it is important to start early, before other stakeholders and the European Commission have already established their positions and priorities.** This can be achieved by:
  - Conducting early consultations with civil society organisations and other stakeholders to identify their interests and concerns;
  - Engaging with the European Commission and other EU bodies early in the legislative process to influence the development of proposals and policies;
  - Providing information and opportunities for public input throughout the policy-making process to ensure that the public is informed and engaged.

By considering the timing and methods of public involvement in EESC activities, the Committee can enhance its legitimacy and effectiveness as a representative of civil society in the EU.



### **3. Fostering the use of digital tools of communication and cooperation**

The demand for digitalisation is obvious if we look at the proposals put forward under the framework of the CoFoE analysed in the comparison of EESC set-up section. We recommend the **far-reaching use of digital tools**, which will facilitate, and sometimes even enable, the implementation of the ideas raised by citizens and civil society organisations.

However, not every activity will benefit from digitisation, as also noted by the interviewed academics. Online forms can increase the involvement of certain groups, individuals, and people who might not have the means to attend in-person meetings. However, there is something special about in-person events that cannot be replicated online; it is much more difficult to come to a consensus and agree when it is done virtually. Therefore, it is important for social and economic councils to **make sure they have the resources to enable the participation of all groups in person**, as this is more likely to result in successful negotiations and reaching a unified opinion.

In the case of the EESC, there are also specific conditions under which representative members operate and which are not conducive for shifting activities into the online sphere. In particular, the rules for financing the work of such people should be mentioned in this context. The EESC members are not compensated for their work, but they do receive payment for travelling and per diems related to attending official EESC meetings. This could be altered so they have more time to focus on topics. Some interviewees reported that many people only travel to get money for their work, so if they stay home there is none. This is an issue that can be remedied.

### **4. Reforming the EESC structure**

Two ways of reforming the EESC structure towards making it a guarantor and facilitator of participatory democracy were distinguished. The **conservative scenario** involves preserving the committee structure while reforming the way members are selected and decision-making procedures, while the **radical scenario** entails abandoning the tripartite structure and creating alternative structures.

The **conservative scenario** involves preserving the tripartite structure of the EESC while making reforms related to the way committee members are selected and to decision-making procedures. The need for reform of the Civil Society Organisations' Group is recognised, and a more targeted approach to representation is suggested where different individuals or organisations are involved in different processes based on their expertise so that they can contribute most effectively. It is also essential to create broad, reliable feedback and evaluation mechanisms that would monitor the benefits and costs of participation in the EESC's work and serve as a basis for possible reform of the way committee members are appointed. To achieve this scenario, the following steps can be taken:

1. Reform the Civil Society Organisations' Group and the selection process for committee members;
2. Introduce a targeted approach to representation;
3. Establish broad, reliable feedback and evaluation mechanisms.

The **radical scenario** entails abandoning the tripartite structure of the EESC, as it reflects a more homogeneous civil society landscape than what exists today. Alternative solutions could be to shift the focus to the EESC Sections, which would then also require reform, or even structures created in a more ad hoc and targeted manner, linked to the specific challenges and problems facing European Union society. To achieve this scenario, the following steps could be taken:

1. Abandon the tripartite structure of the EESC;
2. Shift focus to EESC Sections or create ad hoc structures;
3. Reform the EESC Sections or ad hoc structures to address specific challenges and problems.

While a more conservative approach would preserve the current committee structure, a more radical approach would require significant changes. Whichever path is chosen, it is crucial to **maintain the EESC's ability to represent the interests of civil society organisations and to ensure that it remains a valuable partner for the European Commission in the legislative process**.

## **5. CoFoE proposals**

Thinking about the implementation of specific proposals from the CoFoE, two approaches can be distinguished. One is based on the assumption that **new ideas, institutions and bodies could be a way to enhance the EESC's policy effectiveness by ensuring that it is more closely connected with the needs and interests of civil society**. The mere introduction of new forms of EESC activity, however, is not yet enough to influence the Committee's position as a guarantor and facilitator of participatory democracy. For them to be successful the EESC should carefully consider the goals and structure of such new institutions, bodies or activities, and give them the time, resources, and attention they need to be effective in producing meaningful input. Otherwise, the effect may be counterproductive and they may discourage civil society organisations from working with the EESC and from using the Committee as a channel to influence the policy-making process within the European Union.

For example, in the event of **citizen assemblies** being introduced, it would be important to consider what kind of outcome they create. This would require a major reorganisation of the EESC. The current timeline of three months to formulate an opinion is not enough. If meaningful citizen assemblies are to be held, allowing for proper preparation and input into European discussions, it will take much longer. It is essential that those involved see their effort as worthwhile. The design of the assemblies must be carefully planned in order to make them beneficial to those involved and not a waste of resources. To achieve this, the scope of EESC work should be narrowed, the timeframe expanded, and more resources devoted to national level deliberation prior to the Commission's final opinion.

Given the above, we recommend **implementing only those proposals from the CoFoE for which there is confidence that the time, resources and attention necessary for their implementation can be provided**. Given the special status of the Conference as a forum for the expression of opinions by EU citizens in a way that often requires considerable effort and commitment, proposals developed within its framework should be protected from half-hearted implementation.

Instead of the facade action of creating new instruments, it would be much more effective to **use established instruments and the potential that currently exists in the European Union's vibrant civil society**. Civil society organisations in the European Union countries are strong and organised, although, at the same time, they require constant support to be able to develop and raise their activities to an ever higher level, including the European level. Stronger integration of the EESC – as well as individual NESCs – into the bloodstream of local civil society could be an excellent tool for establishing its role as a guarantor and facilitator of participatory democracy. This is a path of organic work, requiring patience and methodical relationship-building. Its effects, however, could be far more long-lasting.

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