

ICPS newsletter[®]

The EU consults with its citizens: lessons for Ukraine

In response to diminishing confidence among EU citizens towards EU policy, the European Commission committed itself to carrying out its policy-making process more openly by using broadbased consultations with all interested parties. The standards and norms developed by the European Commission can be useful for the Ukrainian Government, community organizations, and other participants in the social dialog to improve the quality of policy-making in Ukraine

A crisis in confidence in EU policies triggered governance reform

From the earliest days of the European Commission, the EU state machine found itself facing a crisis in confidence: Europeans did not trust their government. Europeans often say the EU is both too intrusive and, at the same time, out of touch with itself. Overly obscure procedures make it impossible for different interest groups to influence the institution of policies that are important to them. At the same time, people expect the EU government to respond to new challenges: to cope with the latest enlargement, to take the lead in seizing opportunities for economic and human development offered by globalization, and to solve environmental challenges, unemployment, concerns over food safety, crime and regional conflicts. Above all, however, Europeans would like to know that the EU government is acting as transparently as its members—their national governments—are.

In 2000, the European Commission, the EU's top executive body, identified reform of governance as one of its four strategic development objectives. The goal was to open up policy-making to make it more inclusive and accountable. The EU government put down its view of the public governance problem and proposals to tackle it in a White Paper on European Governance publicized in July 2001. The Paper included a set of recommendations to strengthen EU democracy and increase the legitimacy of European institutions.

To introduce more democratic governance, the White Paper proposed five principles of

good governance: openness, participation, accountability, effectiveness, and coherence. Embodying these principles is expected to bridge the gap in confidence in the EU government. Of course, good governance principles should apply to all levels of government—world, European, national, regional, and local.

Public consultation is commitment #1

The commitment to involve stakeholders, which was declared by the European Commission in the White Paper on European Governance, was instituted in 2002 by a European Commission Communiqué (resolution) on the general principles and minimum standards for the consultation of interested parties.

"The Commission must consult widely before proposing legislation and, wherever appropriate, publish reports on the consultations."

Public participation in shaping and implementing policy in the European Union is ensured in several ways: through the election of representatives of Member States to the European Parliament, through institutionalized advisory bodies, and through less formalized direct contacts with stakeholders. In terms of institutionalized consultation mechanisms, the Commission is assisted by special advisory bodies, such as the Economic and Social Committee (ESC) and the Committee of the Regions (CoR). These committees play an important part in the public consultation process.

The purpose of consultations is to gather comments, proposals or remarks from stakeholders. According to the

Policy centers could help stop AIDS

Despite growing donor funding for programs to prevent the spread of HIV/AIDS, the virus's rate of infection is not only not slowing down but is reaching an uncontrolled scale. Using tools such as educational programs or programs for medical and legal aid, which were applied earlier, has not produced acceptable results. The main cause of these unsatisfactory results is the lack of a clear common policy that is supported by all stakeholders involved.

A presentation by ICPS experts at a 9–11 September 2004 meeting of the Network Public Health Program coordinators of the Open Society Institute in Istanbul was dedicated to opportunities for increasing the effectiveness of community programs by increasing influence on government policy.

To view materials from the presentation, "Using Public Policy Tools to Create Public Support for Harm Reduction Initiatives" (in English) go to: <http://www.icps.kiev.ua/eng/library/show.html?21>. For additional information, contact Andriy Bega by telephone at (380-44) 236-4477 or by e-mail at abega@icps.kiev.ua.

Commission's definition, such stakeholders include:

- regional and local administrations;
- entrepreneurs;
- NGOs and think-tanks;
- associations;
- academic circles;
- technical specialists;
- representatives of third countries;
- individual citizens.

The Commission carries out its broadbased consultations with various interest groups on the basis of consultative documents, such as Green and White Papers, and Communiqués. Using a Green Paper, the EC draws the attention of interest groups to a problem or suggests a new policy. Through a White Paper, the EC extends the dialog with interest groups that was started in the Green Paper. The purpose of the White Paper is to help the Commission familiarize interest groups with policy options or opportunities worth applying to the problem.

Standards for consulting with the public

The Communiqué on general principles and minimum standards for consultation of interested parties established certain requirements:

The content of consultation. All discussions relating to such consultations should be clear and concise, and should include all the necessary information to facilitate responses.

Any information that is intended for the public and consultation documents should include:

- an outline of the context, scope and objectives of the consultation, including a description of the specific issues that are open for discussion or questions of particular importance to the Commission;
- details about any hearings, meetings or conferences that focused on the issues related to this consultation;
- an explanation of how the Commission will make use of stakeholder contributions during the next phase of policy development;
- information about where relevant supporting documentation that is not attached can be found.

Publicity. The Commission has committed itself to ensuring adequate awareness-raising campaigns and to adapting its communication channels to meet the needs of all target groups. Without excluding other communication tools, open public consultations should be established on the internet. To address the broader public, a "single access point" for consultation has been set up where those who are interested

can find information and relevant documentation. The website is called "Your-Voice-in-Europe" and is at <http://europa.eu.int/yourvoice/>.

More traditional alternatives for distributing information, such as press releases and mass mailings, should also be actively used. As much as possible, the Commission is to provide consultation documents in a variety of formats (internet, hard copy, and so on) so as to make them more accessible to all interest groups.

Timeframes. The Commission must always provide sufficient time for planning and responses to invitations and for receiving written contributions. According to its internal rules, the Commission is supposed to collect responses and comments for at least six weeks for written public consultations, and 20 working days for consultations that took place in the form of hearings.

Consultation periods should strike a reasonable balance between the need for adequate input and the need for timely decision-making. In urgent cases, or where interested parties have already had sufficient opportunities to express themselves, the period can be shortened. On the other hand, a longer consultation period might be required under existing binding instruments (for instance, notification requirements for consultations involving WTO agreements), or the specific nature of a particular proposal.

Feedback. The receipt of contributions from stakeholders should be acknowledged. The results of open public consultation must be posted on websites that are linked to the "single access point" on the internet.

Depending on the number of comments received and the resources available, acknowledgement can take the form of:

- an individual response (by e-mail or confirming fax), or
- a collective response (by e-mail or on the Commission's "single access point" for consultations on the internet).

Contributions must be analyzed carefully to see whether, and to what extent, the views expressed can be accommodated in the policy proposals. The Commission will

provide adequate feedback to responding parties and to the general public.

Procedures for focused consultations.

Where it engages in focused consultations, the Commission should ensure that all interested parties have an opportunity to express their opinions. To avoid discriminatory treatment, the Commission should ensure adequate coverage of key groups in the focused consultation process:

- those affected by the policy;
- those who will be involved in carrying out the policy, and;
- institutions that have stated objectives that give them a direct interest in the policy.

In determining key stakeholders for a consultation, the Commission should also take into account the wider impact of the policy on other policy areas, the results of previous consultations, the need for a proper balance between representatives of large and small organizations, social and economic players, wider constituencies and so on.

Where a formal or structured consultation body already exists, the Commission should ensure that its composition properly reflects the interests of the sector it represents. If this is not the case, the Commission should specifically select other interest groups so that all interests are taken into account (e.g. through other forms of consultation). ■

The report on European standards for public participation in policy-making was presented by ICPS's "Ukraine's European Choice" Program Manager Olha Shumylo at a roundtable "The Government and civil society: social partnership and effective cooperation," which took place at Ukraine House (Kyiv) on 8 September 2004. Materials from the presentation and the text of the European Commission Communiqué on the general principles and standards for consultations with stakeholders (in Ukrainian) can be viewed in the "European Integration" section of the ICPS internet library at <http://www.icps.kiev.ua/library/>.

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