

The European Association: Still an undefined European object

The European Civic Forum (ECF) has been in the front line of a wide civil society campaign, coordinating the European Alliance for the Statute of the European Association – EASEA¹. Together with the colleagues within the EASEA Alliance, the European Foundation Center and the International Association of Mutual societies, the European Civic Forum was actively advocating towards MEPs and managed to bring the European statutes issue back on the agenda.

With the most recent Proposal for a Council Regulation on the Statute for a European Foundation (FE)², an initiative by the European Commission based on the provisions of the Single Market Act³ but limiting it to foundations only, also the debate on a European statute for associations is gaining a new momentum.

A statute for the European association – what for?

Associations promote active citizenship within Member States and act as key service providers in the field of social economy. Their role in shaping Europe's democratic life, culture and the European social model is widely recognized, whereas the freedom of association is incorporated in the Charter of Fundamental Rights. The wording of article 11 of the Lisbon treaty reflects the need for a Europe that enjoys the participation of its citizens and representative associations in its building process.

If the European dimension is to be taken seriously, it appears necessary to recognize at European level a reality all Member States are already recognizing at national level, i.e. a tool enabling citizens to give practical substance to the freedom of association at the European level. EASEA has put together the 5 key arguments for the initiative for a European Association Statute:

1. Building European active citizenship

The freedom of association at European level is a key element of a democratic society and of an active European citizenship. Giving citizens from different Member States the possibility to gather together within a transnational organization duly recognized by public authorities would encourage and facilitate transnational exchanges. Transnational cooperation is crucial in building a common political culture.

¹ <http://www.easea.eu/>

² http://ec.europa.eu/internal_market/company/eufoundation/index_en.htm

³ http://ec.europa.eu/internal_market/smact/index_en.htm

2. Political recognition

By its symbolic outreach, this statute would represent an official recognition of the legitimacy and the relevance of European associations' collective voice within the European civil dialogue and a more participatory European democracy, along with the provisions of article 11 of the Lisbon Treaty.

3. Administrative simplification

A European statute would fully respect the principle of subsidiarity, as it would be optional by nature. European associations could continue registering their statutes according to their specific national legislation. Those willing to develop transnational activities would be able to adopt, beyond the national legislation, a European legal standard.

4. Associations and NGO transparent functioning

Putting aside unjustified and repeated critics, the statute for European association would establish a common framework facilitating democratic functioning, an equal access to responsibilities as well as an accurate evaluation of public subsidies. At the same time, this statute would mainly provide the relations between European institutions and European associations with the necessary coherence and the sustainability at a European level.

5. Another way of being an economical actor

Beyond their civic and social functions, many associations and NGO's are important employers in many Member States and have an important place in the field of Social Economy or Third Sector. The statute for European associations would give them, as it has been the case for co-operatives, the legal personality making easier their economic activity in the social market economy, next to traditional companies. The setting up of a European statute for the European association is needed to ensure that social economy enterprises benefit from equal treatment in internal market law.

Where do we stand?

For over twenty years, European associations call for the creation of a European statute allowing them to develop transnational activities. The European Parliament recently adopted a written declaration⁴ calling on the European Commission to submit three proposals for the creation of European statutes for associations, foundations and mutual societies. The successful passing of the written declaration, as well as the current debate on the Single Market Act confirm the importance of creating a level playing field and a proper legal framework for associations, foundations and mutual societies to develop transnational activities.

⁴ Written Declaration 84/2010 on establishing European Statutes for mutual societies, foundations and associations, 10 March 2011.

The debate over the European statute has been led for the last years especially after the Commission withdrew from its work programme in 2005 the draft provision on the statute, motivating some reluctance coming from some Member States like Germany, Austria and Finland. Coming back to the eventful history of the statute issue, the report of Genewefa Grabowska MEP on the perspectives for developing civic dialogue under the Treaty of Lisbon adopted in 2009 was also an important step towards drawing back attention to this issue. However, after the European Parliament elections in 2009 the topic has not been followed up. In 2010, civil society organisations members of the EESC Liaison Group reached a common position towards “A structured framework for a European civil dialogue”, defining European civil society organizations and civil dialogue as provides along the treaties and established within current practices of European institutions. This document, publically presented within the above mentioned “Civil Society Day”, drew some key recommendations to institutionalize the dialogue with European civil society organisations and give it a more permanent and structured framework. The creation of a European statute for European associations was among the recommendations of this position paper and public conference. In this context, these organizations naturally gathered together once again and created an informal Alliance in order to raise awareness and collect as much signatures as possible to support the Written Declaration launched in November 2010 by 5 MEPs: Regina Bastos (EPP), Marc Tarabella (S&D), Pascal Canfin (Greens/EFA), Marie-Christine Vergiat (GUE/NGL) and Renate Weber (ALDE). An intense campaign had been running for four months on national and European level. Thanks to the active involvement of numerous associations, foundations and mutual societies, the campaign resulted with 386 MEP signatures collected and the official support⁵ given by the European Parliament on 10 March 2011.

On 18 November 2011 the Conference “Social entrepreneurship & social economy”⁶ was held at the European Commission. As a follow-up to the Commission’s Social Business Initiative (SBI), the objective of the Conference was to gather the main EU policy makers and stakeholders of Social business in the EU to take stock of the potential for development of social business, but also the barriers within our Single market. Many social entrepreneurs do not fully benefit from the growth potential the internal market could provide. The day revolved around four main questions: How to make entrepreneurship work with social innovation?, How to design an appropriate financial framework for social entrepreneurship in the European Union?, How to promote social entrepreneurship, ensure better capacity building and foster entrepreneurs’ education?, and How to develop an adequate regulatory & economic framework for socially-driven ventures?

⁵ European Parliament pledges support for European Statutes for Associations, Foundations and Mutual Societies, 10.03.2011 http://www.easea.eu/pdf/EASEA_EN.pdf

⁶ http://ec.europa.eu/internal_market/social_business/index_en.htm

The European Commission also tackled the pending issue of European statutes for social economy actors like mutual societies, associations and foundations. Some progress is to be noticed in Commission's discourse regarding the associations as important actors of social economy and the internal market. Whereas associations were not mentioned in the Communication for a Single Market Act issued by the Commission in April 2011, after intense advocacy efforts of EASEA members within DG International Market and DG Enterprise and the involvement of some MEPs actively engaged on this issue, associations are now referred to in the Social Business Initiative issued in October 2011, and the Commission undertakes to give further consideration to "the need for a possible European statute for other forms of social enterprise such as non profit-making associations and/or a possible common European statute for social enterprises."

As a result of the our participation in the EYV2011 Alliance working groups⁷, the call for a European statute for a European Association has been taken up as a recommendation within the final paper of the Alliance, the P.A.V.E. – Policy Agenda on Volunteering in Europe⁸: "Adopt a European Statutes of Associations". This will support the creation of a European-level volunteering infrastructure by allowing the legal and institutional recognition of European volunteer-involving organizations enabling volunteering to be a truly European activity which can promote and support mobility".

Members of EASEA urge the institutions to take on board such recommendations to ensure recognition at the European level of European associations as a tool enabling citizens to give practical substance to the freedom of association. The European dimension of civil society organisations must be truly taken seriously. We will continue taking all the political and institutional opportunities ahead us to put forward this issue and the forthcoming European Year of Citizens 2013 should encourage us to keep up the momentum.

Alexandra Najmowicz is Coordinator of the European Alliance for the Statute of the European Association (EASEA) at the Civic Forum in Paris.

Kontakt: anajmowicz@civic-forum.eu

⁷ <http://www.eyv2011.eu/>

⁸ http://www.eyv2011.eu/images/stories/pdf/EYV2011Alliance_PAVE.pdf