

# THE EUROPEAN ASSOCIATION, AN UNIDENTIFIED SOCIAL OBJECT

## Towards a legal recognition of the freedom of association at European level

FOR OVER TWENTY YEARS, EUROPEAN ASSOCIATIONS HAVE BEEN CALLING FOR THE CREATION OF A EUROPEAN STATUTE ALLOWING THEM TO DEVELOP TRANSNATIONAL ACTIVITIES.

TEXT BY JEAN-MARC ROIRANT, PRESIDENT OF THE EUROPEAN CIVIC FORUM AND FOUNDING MEMBER OF THE EUROPEAN ALLIANCE FOR THE STATUTE OF THE EUROPEAN ASSOCIATION



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### A EUROPEAN STATUTE FOR THE EUROPEAN ASSOCIATIONS: 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.

### BUILD EUROPE THROUGH ACTIVE CITIZENSHIP!

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, transnational level. The freedom of association at European level is a key element of a democratic society and of an active European citizenship. Giving citizens from differ-

ent 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.

### FOSTER A CIVIC AND POPULAR OWNERSHIP OF EUROPE AND HELP CREATING THE EUROPEAN PUBLIC SPACE!

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.

Two years after the coming into force of the Lisbon treaty, we have to draw a state of play

of its implementation. While strengthening the outreach of representative democracy, the new treaty also foresees very important advancements regarding citizens' participation in democratic life, setting out, along with the provisions of its article 11, the possibility for one million citizens to take the initiative and ask the European Commission to make a legislative proposal, as well as the obligation for all the European institutions to lead 'an open, transparent and regular dialogue with civil society and representative associations'.

We are still facing a wide gap between the European Union and its citizens, as revealed by the turnout in the latest European elections, by recent surveys which show the citizens of Europe's lack of awareness of European citizenship and identity. The EU's impossibility to give a strong political and institutional response to the different crisis it has been facing - financial, economic, social and political - and the predominance of the intergovernmental method in the European process can partly account for this civic disaffection. In this context, it is more critical than ever to foster a civic and popular ownership of Europe and to promote the collective engage-

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ment for a common project and the emergence of a European public space where the role and influence of organised civil society are fully recognised by the institutions.

## RECOGNISE THE ROLE OF SOCIAL ECONOMY ACTORS!

Associations and NGOs across Europe represent an important part of the social economy, as providers of social services or charities involved with 'impoverished public', defenders of cases of public interest involved in the democratic life: 84% of social economy enterprises in France are associations, while associative employment represents 78% of employment in the social economy field.

Of course, the situation is rather contrasted in the Member States of the European Union, because of their historical and cultural specificities. Associative life is particularly developed in Member States such as Finland (20 associations per 1,000 inhabitants), but less in countries such as Luxembourg, Malta, Latvia and Romania (less than one association per 1,000 inhabitants). Countries of Rhine Associative model, like Germany, Austria, Belgium and the Netherlands are characterized by high professionalism of the voluntary sector, with a significant proportion of employees (even if volunteering is important in the Netherlands).

According to a report of the European Economic and Social Committee on the Social Economy in the European Union, associations play a very dynamic role in creating jobs. These organizations are showing great talent for creativity on the job market, by developing 'employment trajectories leading from volunteering to remunerated activity, exploring new services they structure on the professional level, for example by recognizing the new professions or piloting the establishment of collective agreements.'

## EUROPEAN PARLIAMENT PLEDGES SUPPORT FOR EUROPEAN STATUTES FOR ASSOCIATIONS, FOUNDATIONS AND MUTUAL SOCIETIES!

Following a wide civil society campaign carried out by EASEA members, the European Parliament recently adopted a resolution calling on the Commission to take the necessary steps to introduce proposals for European

statutes for mutual societies, associations and foundations, to propose a feasibility study and an impact assessment for the statutes for associations and mutual societies and to complete the impact assessment for the statute for foundations in due course.

The wide cross-party support to this Declaration is a strong political signal from the European Parliament, highlighting the need for a 'level playing field' that provides associations, mutual societies and foundations with instruments and opportunities giving a European dimension to their organisation and activities.

So the first milestone - getting the support from European Parliament - has been reached. The most difficult is ahead of us. The next awaiting challenge is to push the European Commission to use its legislative power to take up the initiative, particularly when there is no reference to the statute for European associations among the final 12 projects for 2012 Single Market Act that the Commission calls 'Twelve levers to boost growth and strengthen confidence'. The current European Year of Volunteering should be a good opportunity to launch the process towards an official recognition of the legitimacy and the relevance of European associations' collective voice in a more participatory European democracy.

[www.uia.org](http://www.uia.org)

<sup>1</sup> Cf. *Guide de la liberté associative dans le monde 183 législations analysées*, coordinated by Michel Doucin, Haut Conseil de la Coopération internationale, La Documentation française, April 2007.

<sup>2</sup> ICP's nonprofit sector initiated by the University Johns Hopkins: cf. Lester M. Salamon, Helmut K. Anheier et al, *Global Civil Society : dimensions of the Non-profit Sector*, The Johns Hopkins University Institute for Policy Studies (Baltimore), 1999.

<sup>3</sup> N° CESE/COMM/05/2005 (CIRIEC - Centre international de recherches et d'information sur l'économie publique, sociale et coopérative).