

Report on the results of the open consultation

Green Paper on the role of civil society in drugs policy in the European Union (COM(2006) 316 final)

Brussels, 18 April 2007

The Commission Green Paper (GP) on the role of civil society (CS) in drugs policy in the European Union (EU) was published on 26 June 2006¹. All interested stakeholders were asked to submit their comments by the end of September 2006.

The objective of the GP was to bring "those most directly concerned by the drugs problem more closely into the policy process on drugs at EU level ... by launching a wide-ranging consultation on how to organise a **structured** and **continuous** dialogue ... between the Commission and civil society". This has been requested repeatedly by CS organisations and was one of the key conclusions to emerge from the conference with CS organised by the Commission in January 2006. The GP proposed two options for organising the dialogue, namely (1) a CS Forum on Drugs and (2) thematic linking of existing networks. These could be seen either as alternatives or as complementary approaches.

CS in the drugs field is very diverse in terms of both subjects covered and ideology. This diversity needs to be reflected in any platform set up for dialogue. Any proposed platform must be inclusive rather than exclusive and open to CS representatives that fulfil transparent selection criteria, bearing in mind that participation needs to be limited in order to keep the dialogue manageable. Also, compared with many other areas, such as HIV/AIDS or smoking prevention, CS is not as well organised on drugs at EU level, which creates challenges for setting up any platform.

The GP emphasised that the structure chosen should be a "**practical instrument** to support policy formulation and implementation". There is no intention of setting up a platform for competing ideologies. This approach has two important implications. Firstly, CS representatives need to be able to organise themselves within the proposed Forum in a constructive manner in order to come up with specific and feasible proposals with wide support among them. Secondly, the main framework for the dialogue has to be the EU Drugs Strategy for 2005-2012², the EU Action Plan on Drugs for 2005-2008³ and the forthcoming Action Plans. Other issues of general interest may be included to allow the Forum to play a proactive rather than just reactive role.

Building a structured dialogue between the Commission and CS on drugs is part of a wider effort to bring Europe closer to citizens, as called for in the White Paper on European Governance⁴ and reflected in the "Citizens for Europe" programme for 2007-2013⁵. The GP also gave examples of how the Commission has already organised dialogue with CS in some

¹ COM(2006) 316 final.

² Cordroque 77, 22 November 2004.

³ OJ C 168, 8.7.2005, pp. 1-19.

⁴ COM(2001) 428 final.

⁵ COM(2005) 116 final.

other fields. A number of general principles need to be taken into account in any such dialogue:

- Any structure proposed needs to respect the principles of subsidiarity and transparency. It must focus on the European added value, and the European level should in no way replace the dialogue between CS and national, regional or local authorities. Any criteria and selection process must be fully transparent.
- The institutional balance of the EU must be respected. Dialogue with CS takes different forms with different EU institutions to take into account their individual roles and mandates. The GP was about building a dialogue between CS and the Commission.

Open consultation

The Commission received 65 replies to the open consultation that followed publication of the GP. In comparison, in 2004 the Commission received 35 replies to its informal consultation on the EU Action Plan on Drugs. The table below gives a rough classification of the types of respondent⁶. A full alphabetical list of respondents is given in Annex I.

	Number of respondents
National networks/organisations	26
Transnational networks/organisations	21
Local/regional networks/organisations	7
Individuals	7
Member State authorities	4

Geographically, replies were received from 14 Member States plus one from Switzerland. However, these figures should be interpreted with caution, since many replies represented the views of EU-wide networks that happen to have either offices or their chairperson in a particular Member State. Only a few replies were received from the new Member States and none from the candidate countries. In many of these countries CS and CS networks are still being developed and the representativeness of CS organisations is more difficult to establish than in EU-15. Although many CS organisations in these countries are participating in European networks, special attention needs to be paid to ensuring that the views of CS in the new Member States and candidate countries are taken into account at EU level.

All the respondents agreed to have their contributions published. They are therefore available in the original language, together with this report and the annexes to it, on the Commission's Europa website at:
(http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_public_en.htm).

The responses offer very different levels of detail and representativeness. They fully reflect the diversity of CS, but there is also some overlap and repetition. Some individuals and organisations expressed their opinions both as part of a wider network and as individuals, and some opinions were echoed by more than one network. Also, a few umbrella networks

⁶ It is not always clear from the replies if a particular opinion is that of the individual, of the CS organisation for which the individual works or of a network to which the organisation belongs.

collected opinions from their member organisations and expressed them collectively, which, of course, is a good example of how CS groups are organised. Any quantitative analysis or comparison of the responses is also made very difficult by the fact that many of them do not include direct replies to the questions asked in the GP or take a stand on possible participation. However, qualitative analysis has singled out the main ideas expressed in the responses.

Key results of the open consultation with stakeholders

- Most respondents (48 out of 65) agreed with the GP on the importance of setting up a structured dialogue and are willing to participate in it.
- The same number supported the idea of a Civil Society Forum supplemented by thematic networks.
- Ten respondents expressed no opinion either way or supported strengthening the existing networks, organising seminars and conferences, etc.
- The Health Forum, the HIV/AIDS Civil Society Forum and the European Network for Smoking Prevention (ENSP) were quoted as good examples. Some respondents referred to international examples of organising dialogue with CS (e.g. the UN). Other examples of dialogue between CS and local/regional authorities were given.
- Seven respondents, all from Sweden (three national NGOs and four individuals), objected to any idea of CS dialogue at EU level and felt that drug policies should be left to governments and elected politicians.
- Many felt that an entirely open medium like the Internet should be included in any proposed structure, but that Internet dialogue is not sufficient in itself. Internet consultations could be held with selected networks on specific issues, backed up by open consultation of all interested stakeholders on more general topics.

Six main conclusions on the Forum and networks can be drawn from the replies:

1. The Forum should represent a wide spectrum of views in a balanced way.
2. The Forum should be inclusive rather than exclusive, with transparent selection criteria.
3. The Forum should have a clear mandate, well defined agendas, transparent procedures and achievable work plans with real input into the policymaking process.
4. The Forum should be able to ensure continuity of the work and at the same time be flexible enough to adapt to changing CS and policy challenges. Therefore, membership should be for a limited duration, possibly renewable.
5. The Forum should have adequate financial and human resources.
6. Thematic networks could be organised as subgroups of the Forum or separately.

It was generally agreed that the EU Drugs Strategy and the EU Action Plan on Drugs could provide a useful framework for the discussion. Many respondents stressed the need to cover the whole of the Action Plan, including the external dimension, research and supply reduction, while some also saw a need to discuss issues outside the Action Plan.

Some respondents felt that the Forum should have a formal role in decision-making on drug policies in Europe. Concerns were voiced about how the Forum could influence and not merely implement policies. A specific role in evaluating the EU Drug Action Plans was also proposed. Some argued that the Forum should have links with the Council, in particular the Horizontal Working Party on Drugs (HDG)⁷. Links should also be established with the European Parliament, Europol and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). There was support for the Council, the European Parliament, the EMCDDA and Europol to attend the meetings.

Most respondents made no comment on the proposal in the GP that the Commission should chair the Forum. The idea was explicitly supported mainly by networks outside the drugs field with experience of working in the EU framework, notably through their Brussels offices. Some felt that a strong role for the Commission might affect the independence of CS.

Many comments were made on the selection criteria and selection process put forward in the GP. One key issue was the requirement that the organisation's core activities should focus on drugs. There were arguments for a limited, drug-specific Forum plus a more general Forum covering topics such as health promotion, mental health, social/family policies, drug distribution in pharmacies and groups representing medical professionals, religious and faith-based groups, etc. Some wanted the Forum also to cover legal drugs, especially tobacco.

Many respondents agreed that priority should be given to organisations taking the form of transnational networks covering a number of Member States and/or candidate countries. However, many felt that it was unfair to prioritise transnational networks and that regional and local networks/organisations should be included and also less organised, marginalised groups. The position of semi-governmental bodies and government authorities in both the selection process and composition of the Forum was also raised.

The eligibility criteria put forward in the GP on credibility and representativeness were seen as somewhat problematic and needing fine-tuning. Some respondents felt that using the proposed criteria in an open call for membership could lead to "rounding up the usual suspects" and argued that newly created networks with members who have proven merit should also be accepted. Some felt that membership should be more clearly connected to the expected agendas of the Forum meetings and outcome of the work of the Forum, with clear reference to what a particular network can contribute to the discussions in practice.

The selection process proposed in the GP, with the Commission itself making the selection, attracted some criticism. It was argued that the Member States should play a role in the selection process. Some respondents felt that the National Focal Points (NFP) of the EMCDDA have expertise in assisting in selection. Another proposal made was to have a two-level selection process, first in Member States and then at EU level.

As for the working methods of the Forum, proposals were made on how to divide the places between networks representing different ideological views, e.g. on international drug conventions, voting rules, etc.

Some interesting specific proposals were made on the role of the Forum. One respondent said that the Forum could draw up a code of ethics applicable to the work of civil society in the

⁷ The HDG is the main Council Working Group discussing and coordinating the Council's work on all drug-related issues.

drugs field. It could also plan information campaigns to foster debate on drugs. The Forum could provide a link between research, decision-making and practice and make recommendations for EU policy-makers. Another proposal was to set up think-tanks with limited duration and tasks.

The importance of building closer links between networks in different thematic areas was widely acknowledged. Some respondents preferred developing cooperation between networks to setting up a Forum, whereas the majority felt that these two dimensions are complementary.

Networks' special role in developing innovative approaches and new solutions to drugs issues was mentioned. Most respondents agreed that effective linking of networks needs moderating and resources, but no specific proposals were made on how this could be done. Alternative proposals included setting up thematic networks within the framework of the Forum as working groups or sub-groups. As in the comments on the Forum, it was felt that networks should in any case cover every area of the Action Plan, including research, supply and external relations. New networks should be taken into account to avoid over-concentration on prevention, treatment and harm reduction, where networks have traditionally been active.

The Commission's conclusions and next steps

The comments received on the GP have been very useful for the Commission in considering how to organise a structured and continuous dialogue with CS.

All further planning in this regard is conditional on the adoption by the Council and the European Parliament (co-decision procedure) of the formal legal basis of the "Drugs Prevention and Information Programme 2007-2013", and of the subsequent adoption of the relevant Annual Work Programmes setting out the way the funds are to be spent under that programme.

All the proposals received have been carefully studied by the Commission, which will now fully explore the practical scope for setting up a CS Forum on Drugs with the mission statement set out below. Such a Forum would take full account of the six main conclusions from the open consultation presented earlier in this report.

Mission statement

The Civil Society Forum on Drugs will serve as a platform for informal exchanges of views and information between the Commission and civil society organisations in the EU, candidate countries and, as appropriate, European Neighbourhood Policy countries.

The aim is to increase informal consultation and the input of civil society on drug-related activities, policy proposals, policy implementation and priorities of the EU Drugs Strategy and the EU Action Plan on Drugs.

Detailed rules and procedures of the Forum will be discussed and agreed with CS representatives at a preliminary meeting, to be held in any event and irrespective of the approval of the Drugs Prevention and Information programme, (around late 2007). However, some ground rules based on the GP and open consultation can already be set out.

Applicants will have to fulfil the following criteria to be eligible to join a future Forum:

1. The organisation has to *correspond to the concept of civil society* as set out in the GP⁸
2. The organisation has to have its main base of operation in an EU Member State or a candidate country. Organisations from European Neighbourhood Policy countries may also participate, when appropriate⁹.
3. Priority will be given to those organisations that are established in the form of transnational networks covering a number of Member States and/or candidate countries¹⁰.
4. The organisation has to have drug related activities as the core focus of its activities¹¹.
5. *Credibility*: The organisation should have a clear track record of its activity¹².
6. *Representativeness*: The organisation should be recognised as being able to speak on behalf of those it claims to represent¹³.
7. The organisation must be legal and registered in a Member State or candidate country. Membership of the organisation must be open to those that fulfil transparent criteria and the organisation must be financially accountable¹⁴.

Organisations interested in participating in the Forum should complete the form annexed to this report and available on the Internet together with this report. The Commission¹⁵ will select the participating organisations, applying the criteria set in this report.

Membership will be for a period of two years which may be renewed to ensure both flexibility and continuity. The maximum size of the Forum will be 30 members, excluding observers. Representatives from the Council Presidency, European Parliament, Committee of the Regions and European Economic and Social Committee may participate as observers. The Commission may also invite other observers, as appropriate (e.g. representatives from the EMCDDA and Europol). The Commission will make sure that any observers are transparently informed of all the activities of the Forum.

⁸ Civil society is defined as "the associational life operating in the space between the state and market, including individual participation, and the activities of non-governmental, voluntary and community organisations".

⁹ Special attention will be paid to ensuring representation of CS organisations from the new Member States and candidate countries.

¹⁰ These networks should cover the largest possible number of Member States/candidate countries. They should allow an effective flow of information between them and their local/regional representatives. Local and regional networks will not be excluded, but any involvement by them must pay due regard to the principle of subsidiarity.

¹¹ Although this idea was contested by some respondents to the consultation, the Commission feels that an effective and integrated approach or other forums for dialogue with CS (such as the Health Policy Forum and the HIV/Aids Civil Society Forum) can be an appropriate addition to the CS Forum on Drugs and vice versa.

¹² The Commission will draw up a form containing detailed questions on the track record of each individual organisation, including the contribution and added value which the organisation can offer the Forum. Newly established networks will be eligible provided most of their members fulfil the eligibility criteria.

¹³ The same form will establish whether the organisation is able to speak on behalf of those it claims to represent. Special attention will be paid to how the networks are able to communicate with their representatives/counterparts at national, regional and local levels.

¹⁴ This is an addition to the criteria listed in the GP.

¹⁵ In practical terms, the work will be carried out by the Drugs coordination unit of the Directorate-General Justice, Freedom and Security

The Commission will chair the Forum, prepare the agendas and follow up the meetings, with the cooperation of the participants. The Commission will, subject to the outcome of the above mentioned co-decision procedure, decide on the scope for providing financial support for covering the expenses of participants and for setting up a secretariat for the Forum in the future.

Thematic linking of networks will be organised via working groups or subgroups of the Forum. If deemed necessary, in the future alternative ways of organising such links in the most efficient way may be discussed in the Forum.

The first meeting of the Forum will be held before the end of 2007. Interested organisations are requested to fill in the attached form and send it **before 17 August 2007** to:

e-mail: JLS-drugspolicy@ec.europa.eu
Postal address: European Commission
Directorate-General for Justice, Freedom and Security
Unit C2 – Anti-Drugs Policy Coordination Unit
LX 46 – 1049 Brussels, Belgium
Fax: +32-2-2953205

The Commission will select a maximum of 30 CS organisations for the Forum. If more organisations are interested, the list of those eligible will be made public. The next round of selection will be in 2009, at which time those selected in 2007 would also have to re-apply for membership of the Forum. No preference will be given to those already in the Forum at that stage.

Finally, the Commission will make information on the Forum available to all interested, notably on the Internet. The Internet may also be used, for example, for setting up discussion groups.