

UNI Europa reply to the public consultation on the stakeholder consultation guidelines 2014

1. Do you think the Stakeholder Consultation Guidelines cover all essential elements of consultation? Should any of these elements receive more attention or be covered more extensively?

Under Article 154 TFEU the Commission has the obligation to consult social partners in the field of social policy. UNI Europa believes that all legislative acts having social implications should be subject to a formal social partner consultation as foreseen under Article 154 TFEU.

Social partner consultations must not be replaced with public stakeholder consultations. The Commission has repeatedly issued public consultations rather than carrying out a social partner consultation (public consultation on Quality Framework for Traineeships and the public consultation on Green Paper: Restructuring and anticipation of change: what lessons from recent experience?) Such processes skew the policy information process and limit the room of manoeuvre of the European Commission in presenting legislation. Legislative acts with significant social impact need to be assessed firstly by the social partners and their viewpoints must be taken into due account.

2. Do you think the guidelines support the identification of the right target audiences? If not, how would you improve them?

European social partners are not mentioned specifically in the stakeholder mapping. The identification of the right target audience can be improved if Article 154 TFEU is followed appropriately.

The process of targeting the audience at the outset of public consultations, especially if it is a restricted audience, often excludes the possibility of having a holistic view on the subject matter. The targeted audience must include proponents and opponents to the subject under consultation so as to obtain thorough and holistic information to base one's policy choices.

UNI Europa does not support 'narrow' stakeholder events as they polarise the information retrieved and provide privileged access to participating groups. UNI Europa is strongly supporting open consultations that include both recognised social partners and do not invite one group to 'closed' events without automatically including the other respective side of industry in a particular sector.

Another consultation tool mentioned is the use of Commission expert groups and other similar entities. UNI Europa strongly objects the use of this tool, as those groups have a very unbalanced representation of interests and often give privileged access to corporate interests, which continue to dominate expert groups, particularly economically and politically important ones. Many experts are often appointed to a group in their personal capacity. They are assumed to be acting independently but often there are clear conflicts of interest and some of those experts act as paid lobbyists for a particular industry.

3. Participation by stakeholders in open public consultations is often disappointingly low. How can the Commission encourage or enable more stakeholders to take part? How can the Commission better reach and engage underrepresented groups of stakeholders and assist them in replying to complex issues?

The aim of consulting external parties is to increase the legitimacy, and therefore the quality and credibility of Commission proposals. The legitimacy of a policy proposal can be minimal if participation is very low or very one sided. One main reason explaining low participation is the lack of information. Information about the different consultations must be made available largely and the consultation period must allow enough time for opinion formation. Consultations could be translated into different languages to enable stakeholders to participate in the consultation process. One good way of raising awareness about consultations is through sectoral social dialogue committees for a given industry as enshrined in Article 154 TFEU.

5. Do you see a need to explain the limits of consultations in this guidance document?

To render consultation documents clear and concise it is important to emphasise possible pitfalls and problems. Consultations which are unclear and biased undermine the credibility of the Commission and the legitimacy of legislative proposals.

6. Do you think the guidelines provide enough guidance on how to analyse the results and assess the representativeness of respondents and how to provide feedback to stakeholders participating in a consultation? If not, how could this process be improved?

UNI Europa believes that each individual stakeholder response should be taken into due account. However, answers from organisations representing millions of members cannot be put on equal footing with the answer of an individual or a company. UNI Europa is concerned with the identification of duplicate responses. If European citizens organise themselves to provide a single message to the Commission, the Commission services need to be able to weigh those submissions and must not count them simply as one possible answer. Identified 'duplicate' responses should be counted as the predominant message stakeholders wish to convey and must not be dismissed or under-counted just because they convey a similar message as other stakeholders. One possible way to improve the process is to personalize the feedback given by the Commission directly to the stakeholders, with explanations/justifications, in addition to the subsequent publication of replies and consultation submissions.

9. Do you have any other comments or suggestions, which could help make these Guidelines as comprehensive and clear as possible?

Consultations could include open questions allowing open answers on the timing, scope, and quality of the consultation. If such feedback is allowed, then the Commission can subsequently improve the quality and relevance of future consultations.