



THE CATHOLIC CHURCH
IN THE EUROPEAN UNION

DIALOGUE WITH THE EU INSTITUTIONS

EU'S COMPETENCES
CHURCH'S VISION
COMECE'S CONTRIBUTION

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EU's competence

Legal Basis

In a first phase, the Dialogue between the European Union and Churches has developed over various years, and in particular from the 90's, on the basis of initiatives of EU officials and organisations representing Churches based in Brussels, although without enjoying a legal basis. It was sustained by the Churches' and religious associations or communities' dynamism and by the good will and availability of representatives from the EU institutions.

The entry into force of the Lisbon Treaty in 2009 created legally binding grounds, for the first time in the history of the EU, for the Dialogue between the EU and Churches and religious associations or communities, on the basis of Article 17(3) of the Treaty on the Functioning of the EU (TFEU). Article 17(3) TFEU offers both to the EU and to Churches and religious associations or communities the chance to build on and to enhance the consolidated dialogue practices. Article 17 TFEU provides that:

- 1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.**
- 2. The Union equally respects the status under national law of philosophical and non-confessional organisations.**
- 3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.**

The provision entails a clear distinction between the Dialogue of the EU with the Churches and religious associations or communities referred to in Article 17(1) TFEU; and the one of the Union with philosophical and non-confessional organisations within the meaning of Article 17(2) TFEU. The necessity for separate dialogue channels and processes for Churches and religious associations or communities on the one hand and for philosophical and non-confessional organisations on the other naturally derives from the formulation of the provision, which requires a Dialogue that allows the different actors to bring their specificity into it and to fully express their own identity. It is also important to note that Article 17(3) TFEU does not provide the EU institutions with any legal basis for them to organise either dialogue between the actors of paragraphs 1 (i.e. inter-religious dialogue) or between the actors of paragraphs 1 and 2 of Article 17 TFEU. It is exclusively up to the Church to decide if, when and how to enter into dialogue with any religious or non-religious actor.

A clear distinction is also drawn between Article 17 TFEU Dialogue and the one between the EU and civil society (Article 11 TEU). The distinctly different nature of the entities involved in the two separate Dialogues already derives from a reading of paragraphs 1 and 2 of Article 17 TFEU (with regard to the status of the organisations covered by it) compared with the formulation of Article 11 TEU.

Within the European Commission and the European Parliament, two Vice-presidents (at the moment, Mr. Frans Timmermans and Ms. Mairead McGuinness) are expressly responsible for

Dialogue *ex* Article 17(3) TFEU. The Adviser responsible for the Dialogue within the Commission has recently been relocated from the former BEPA (*Bureau of European Policy Advisers*) to the Directorate General for Justice and Consumers.

Structure of the Dialogue

Article 17(3) TFEU requires an **open, transparent and regular** Dialogue. Its formulation clearly points at an obligation on the EU's side, not to a mere 'option'. The development and build-up in the interpretation of these concepts contributes to the enhancement of the meaningfulness of the Dialogue. In 2010, COMECE and CEC-KEK published a position on "*General considerations on the implementation of the dialogue in the implementation of the dialogue foreseen by Article 17 Para 3 TFEU*". The European Commission issued in 2013 Guidelines on the implementation of Article 17 TFEU.

An Open Dialogue

The element of the *openness* of the Dialogue can be seen as referring to the partners in its process, as well as to the content of the Dialogue. The position of COMECE and CEC-KEK on the topic specifies that the notion of "open" refers to good governance, topics of dialogue and its frankness and that "*All policy fields within the EU's legislative and governmental competence come under the remit of an open dialogue*". The text also underlines that "*...the openness of the dialogue... refers to its quality... It should be sincere and allow for the critical engagement of all parties*". All this is valid with particular regard to the fact that Article 17(3) TFEU aims at strengthening the 'specific contribution' made by Churches and religious associations or communities to the European integration process.

The Commission Guidelines underline that as for the interlocutors "*Dialogue partners can be churches, religious associations or communities as well as philosophical and non-confessional organisations that are recognized or registered as such at national level and adhere to European values*" although "*There is no official recognition or registration of interlocutors at a European level*". As for topics of discussion "*All relevant topics related to the EU agenda can be addressed*" and "*...be raised both by the European Commission and its interlocutors provided both parties agree*". The Commission adds that "*The topic and format for a specific initiative are chosen jointly by the Commission and the respective interlocutor in a spirit of constructive mutual understanding*".

A Transparent Dialogue

Transparency is a significant feature of democratic societies and is necessary for all members of society to be able to take part in the political decision-making process and to ensure democratic decisions. For this reason alone, the requirement for a *transparent* Dialogue between the EU and Churches and religious associations or communities, as laid out in Article 17(3) TFEU, deserves the unreserved backing of the Church. In their common position, COMECE and CEC-KEK refer in particular to their transparency towards the wider public on the positions they raise in the meetings with EU institutions, as "*...the transparency of the dialogue as called for in Article 17(3) TFEU does not amount to a burdensome obligation, but rather a good opportunity to communicate the churches' stance on EU issues to an interested public*". The Commission Guidelines refer to the fact that "*...the European Commission conveys to the public all relevant information about the activities within the dialogue. Press releases and press conferences as well as other communication tools may complement these*

efforts when appropriate". Churches' representations to the EU provide all interested parties with information on the topics and content of their Dialogue. For instance, they publish regular reports on their websites and newsletters (e.g. Europeinfos).

A Regular Dialogue

In this regard, traditional cornerstones are the annual meeting of religious leaders with the Presidents of the European Commission, Parliament and Council and biannual Dialogue Seminars between the European Commission and Churches (represented by COMECE and CEC-KEK). Also, on the occasion of each EU Presidency's term, Church representatives meet government officials of the Member State holding the Presidency. In addition, organisations representing Churches regularly organise conferences at the European Parliament. COMECE and CEC-KEK stressed that "...a regular dialogue goes above and beyond sporadic ad-hoc meetings between representatives of churches and EU institutions" and that "With regard to the high-level meetings, the churches have suggested the need for common content preparation prior to the events as well as any subsequent follow-up". The Commission Guidelines (non-exhaustively) refer to elements such as written exchanges, meetings or specific events, contributions to consultation processes launched by the Commission itself, informal meetings hosted by the President of the European Commission, bilateral meetings with Commission representatives at all levels and, in particular, meetings with the responsible Adviser for the dialogue, dialogue seminars and ad-hoc consultation procedures on specific and timely policy issues.



Church's vision

The Church has stressed the importance of Dialogue, including with civil authorities, in a number of documents. See, for instance, the following statements: "*The good of people and human communities is served by a structured dialogue between the Church and civil authorities, which also finds expression in the stipulation of mutual agreements. This dialogue tends to establish or strengthen relations of mutual understanding and cooperation, and also serves to prevent or resolve eventual disputes. Its goal is to contribute to the progress of every people and all humanity in justice and peace*" [[Compendium of the Social Doctrine of the Church](#), § 445]; "*It is of course true that the purposes of the Church and the State are of different orders, and that both are perfect societies, endowed therefore with their own means, and are autonomous in their respective spheres of activity. But it is also true that both the one and the other undertake to serve the good of the same common subject, man, called by God to eternal salvation and put on earth so that he might, with the help of grace attain unto salvation through his work, which brings him well-being in the peaceful setting of society*" [Paul VI, [Apostolic Letter Sollicitudo Omnium Ecclesiarum](#): AAS 61 (1969), 476].



COMECE's contribution

In 2010, COMECE and CEC-KEK issued a common position on “*General considerations on the implementation of the dialogue in the implementation of the dialogue foreseen by Article 17 Para 3 TFEU*”. It contains a reflection on the interpretation and implementation of the provision on the Dialogue on the part of Churches. Many of the elements of the text have been highlighted above. It is to be noted that the document also briefly refers to paragraph 1 of Article 17, underlining that this provision “...*acknowledges the variety of State-Church systems in the Member States and underlines the exclusive national competence for determining the relations between Church and State and the non-interference of the EU in these relations*”. COMECE contributes to the Dialogue at the various levels that are pertinent to it and through all the instruments at its disposal, striving to contribute to its enhancement.



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