

# **The participation of organised youth civil society interests in the Open Method of Coordination**

## **A new avenue for enhancing EU input legitimacy?**

### **Abstract**

*This paper analyses the challenge of involving organised youth civil society interests in the decision-making process of the European Union through Open Method of Coordination (OMC) and the possible contribution of this method to increase the EU input legitimacy. It starts out from a short discussion of input legitimacy and legitimate criteria. This is followed by a brief analysis of general participation of the civil society interests in OMC process and the critical remarks towards this method. This serves as a background for designing a framework for a more detailed examination of OMC in the youth field and of the participation of youth organised interests in the decision-making process. The legitimate criteria help to assess to what extent the application of OMC in this field might enhance EU input legitimacy. The aim of this paper is thus not to immerse in a theoretical discussion of 'EU democratic legitimacy' but to analyse and evaluate whether the OMC can provide the (practical) opportunities for the young people and youth interest to participate in the decision-making process and through this, if OMC can contribute to the EU legitimate problem. Although the paper highlights possibilities for the active civic engagement within the OMC, especially within the social dialogue, it argues that in the youth field, until now, it is mostly of limited application. Therefore, the potential contribution to EU input legitimacy is also restrained. However, there are also some good signs and new prospects for OMC and the recommendations formed in the end of this paper could hopefully contribute to the further debate on the reform of this method in the youth field.*

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## Introduction- OMC as a new mode of governance

In 2000 the Lisbon strategy was launched, establishing strategic goals for the European Union and introducing a new tool to achieve them - the Open Method of Coordination (OMC). The origins of this new regulatory method can be found already in the Maastricht Treaty and in the Luxembourg process with the European Employment Strategy.<sup>1</sup> The OMC was supposed to be complementary to the so-called Community method and other already existing instruments.<sup>2</sup> It is often called the "new mode of governance"<sup>3</sup> or the "soft governance" as it uses mainly the non-obligatory regulations. Also it is called the "third way" between the obligatory Community method (supranational governance) and the loose intergovernmental cooperation.<sup>4</sup>

One of the purposes of introducing OMC was to strengthen the involvement of the Member States in the policy/decision-making process. Objective 4 of the Lisbon Summit Conclusion concerning the OMC states that this method should "mobilise all relevant actors" on all levels.<sup>5</sup> J. Goetschy calls it "iterative process" involving top-bottom and bottom-up relations between various levels (local, national, EU)".<sup>6</sup> Such new relations could not only increase the involvement of institutionalised political but also the civil society actors<sup>7</sup>. The new Modes of Governance like OMC were designed to increase the contribution of civil society in European governance, and thereby to make a contribution to the widely perceived and discussed 'EU legitimacy problem'.<sup>8</sup> Has the OMC really increased the involvement of civil society in the decision-making process? In way, if at all, have organised youth interests found their place within it? Can the OMC actually help to strengthen the involvement of organised youth interests in the decision-making process and therefore contribute to the enhancement of EU input legitimacy?

In this paper I argue that although this method in general does provide new *possibilities* to involve organised civil society interest in the decision-making process and therefore to enhance the EU input legitimacy, in the youth field, until now it is mostly of limited success. In order to develop this argument I will, first, briefly discuss the EU input legitimate problem and I establish the criteria of legitimacy. Then, I

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<sup>1</sup> P.Bursens, S.Helsen, The OMC, a legitimate mode of governance, University of Antwerp, paper presented at the EUA 9th Biennial Conference, Austin, Texas 31.03-2.04.2005, <http://aei.pitt.edu/3008/>, p.3, 20.03.2006

<sup>2</sup> J.Goetschy, The European Employment Strategy and the Open Methode of Coordination: lessons and perspectives, CNRS, University of Nanterre and ULB, 2002, p.1.

<sup>3</sup> New Modes of Governance, Integrated Project 24, Citizens and Governance in the Knowledge-based Society, University of Amsterdam, 2005, [http://www.eu-newgov.org/database/PUBLIC/P24710-01-P2401\\_Project24\\_Outline.PDF](http://www.eu-newgov.org/database/PUBLIC/P24710-01-P2401_Project24_Outline.PDF), 18.03.2006.

<sup>4</sup> David M. Trubek; Radealli, Zeitlin, quoted in the P.Bursens, S.Helsen, op.cit., p.5

<sup>5</sup> J.Greenwood, The significance of citizens interests organisations for Europe's economic and social model, EPC, Issue 13, <http://www.theepc.be/en/ce.asp?TYP=CE&LV=177&see=y&t=42&PG=CE/EN/detail&l=3&AI=418>, 07.11.2006 .

<sup>6</sup> J.Goetschy, The open method of coordination and the Lisbon strategy: the difficult road from potentials to results, CNRS-IDHE, paper presented at the IIRA7th European Congress, Estorill, 7-11.10.2004, Portugal, p.5.

<sup>7</sup> The civil society will be understood here as: "Interest organisations which are not part of government, sometimes referred to as NGO's (...) in colloquial usage it is often meant to refer to citizen organisations." J.Greenwood, Interest Representation in the European Union, Palgrave MacMillan, New York, 2003.

<sup>8</sup> K.A.Armstrong, Inclusive governance? Civil Society and the Open Method of Coordination, University of London, ESRC Seminars Series, 2005, p.4.

examine in general terms in what *ways* and to what *extent* this method does provide channels for the participation of the Civil Society interests on the different levels of the policy-making process. Second, I examine and evaluate how the OMC works in the area of youth policy. Using the previously established criteria, I evaluate the OMC contribution to the legitimate problem. Hereby, I show that although the OMC opens a new avenue for the EU input legitimacy, the *organised* youth interests still look for their place within this process and do not and cannot fully exploit the exiting possibilities. I will end by showing new prospects and forming some recommendation towards the possible improvement of involvement of the youth interests in the decision-making process.

## **1 "Government by the people"- input legitimacy and civil society**

Increased involvement in the decision-making process by a diverse set of stakeholders is a central normative demand of any conception of participative democracy – and thus constitutes one of the key issues concerning the question of “EU input legitimacy.” Legitimacy is a complex concept, which can be conceived of as being constituted by different dimension, such as input legitimacy, output legitimacy, procedural legitimacy, democratic legitimacy, substantial legitimacy. So why does this paper only address input legitimacy? Until the 1990s, the European Community derived its legitimacy largely through its output (performance and results). As to the support by the people, one took the existence of what is known as the “permissive consensus” for European integration for granted. Since the Treaty of Maastricht, however, this consensus seems to be breaking up. Criticism of the EU is voiced for its paucity in “government by the people” (input legitimacy), often discussed under the label of the EU’s “democratic deficit”. According to the theories of input legitimacy “the more citizens are involved in the decision making process and its control, the more likely it is they will accept the resulting political outcomes.”<sup>9</sup> “The principle of input legitimacy claims that a democratic system of rule achieves its legitimacy by the way decisions are made (and not by the results these decisions produce).”<sup>10</sup> Thereby, the will of “the people” –or the principle of popular sovereignty - is mainly achieved through participation and consensus-building. It is therefore important that the European system guarantees that the citizens’ preferences are taken into account during the policy-making process. Does it really enhance the legitimacy of the EU ?

In the literature there are many different criteria to evaluate whether the political system is legitimate- for example participation (citizens who are affected by the decision should be involved in the decision-making process) (part of ‘input’), representation (how much the interests area taken into account in the outcome) (also part of ‘input’), transparency (access to the relevant information), accountability (participants accountable for their actions), delegation (subsidiary and decision taken

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<sup>9</sup> M.Horeth, No way out for the beast, *Journal of the European Public Policy*, 6/2, 1999, p.258.

<sup>10</sup> Frank Schimmelfennig, *Legitimate Rule in the European Union, The Academic Debate*, Point 3.2.1. Input legitimacy. Tübingen, 1996, Available at: <http://www.uni-tuebingen.de/pol/taps/tap27.htm#h18>, 07.11.2006.

as close to the citizens as possible) and deliberation (constant negotiations to find the decision, which would be to most profitable to the larger number of citizens)<sup>11</sup>. For my purposes, I would like to evoke a slightly different set, which was used already to the OMC analysis by Caroline De la Porte and Patrizia Nanz: *transparency, public debate, participation, learning and responsiveness*.<sup>12</sup> I will use them to discuss whether the OMC in the youth field can contribute the EU input legitimacy.

## **2 Participation of civil society in OMC process- towards an actual influence**

How does the OMC feature in light of the question of improving the legitimacy of the EU? Research shows that since the launch of the OMC participation of civil society interests in the policy making process has been extended.<sup>13</sup> However, some important reservations with regard to this statement are to be noted. First, there is the difference between the involvement of the *social* and *civil* dialogue. *The social dialogue* is here understood as the Commission's dialogue with representatives of management and labour organised at the European level and the *civil dialogue* as the Commission consultations with the Civil Society organisations other than the one represented by the social dialogue (non-profit organisations).<sup>14</sup>

Second, the intensity of this participation differs. The role of social dialogue is more influential and institutionalised on all levels of the decision-making process (law-making, coordination, implementation and consultation). The highest number of avenues for the organised civil society interests is opened on the level of coordination while the best-established participation is the one in the employment or social inclusion. As an example of OMC good practice can serve the European Employment Strategy. It is the oldest and the most developed OMC, introduced by the Luxembourg Jobs Summit on 1997 and in the Amsterdam Treaty "to achieve employability, development of entrepreneurship, adaptability and equal opportunities in the EU"<sup>15</sup>. Within the process the Commission and the European Council set and approve the Integrated Employment Guidelines, determining thereby the priorities, that become the objectives of the National Action Programmes which are implemented on the national level and are the subject of Employment Committee deliberation, reviews, screenings, monitoring and annual reports, as well as the Council recommendations.<sup>16</sup> In the EES the social partners have many possibilities to be involved in every level of the decision-making process. There is a regular and institutionalised coordination and consultation between social dialogue and the EU and national institutions. The role of civil dialogue is rather limited. The analysis of the role of the social partners in the

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<sup>11</sup> P.Bursens, S.Helsen, 2005, op.cit., p. 6-7.

<sup>12</sup> C.De la Porte and P.Nanz 'The OMC – a deliberative-democratic mode of governance? The cases of employment and pensions', *Journal of European Public Policy*, 11/2, 2004.

<sup>13</sup> *New Modes of Governance*, op.cit.,p.16.

<sup>14</sup> *New Modes of Governance*, op.cit.p.7.

<sup>15</sup> Goetschy, 2002, op.cit.p.3.

<sup>16</sup> [http://europa.eu.int/comm/employment\\_social/employment\\_strategy/index\\_en.htm](http://europa.eu.int/comm/employment_social/employment_strategy/index_en.htm), consulted on 22.03.2006

employment policy shows that OMC opens the new possibilities within the process for the civil society organisations.<sup>17</sup>

### **3 OMC critics- too good to be true?**

There are positive tendencies, like the EES example shows, but also there are some critics addressed to this method. In 2004 European Economic and Social Committee in the Opinion on 'Improving the Implementation of the Lisbon Strategy', stated that "an effective implementation of the Lisbon Strategy does demand a Community-wide recognition of the interaction of many people, governments, agencies, organisations and the European institutions", however, in fact, the Lisbon process and OMC as its mechanism *failed* to "adequately involved the civil society players."<sup>18</sup> Why was the opinion so pessimistic?

The critics put forward some main problems. First is an increased asymmetry in interest representation, meaning the differences between the social and civil partners. Some actors are stronger or have more resources than others, which biases the legitimacy of the input side of the decision-making process. Moreover, rather well established and well-organised interest representations are considered in the decision-making process.<sup>19</sup>

Secondly, there a risk of potential "misuse" of the OMC for domestic purposes. OMC seems to strengthen the interests, which were influential already before. The social actors are much more autonomous than the civil society ones. This may be the result of their role, especially in the countries with strong tripartite dialogue traditions like in Scandinavia or Benelux. In addition, the Commission is more willing to privilege them as their well-established position within the states can be a key to bring into line the Commission policy toward the States. Other civil society organisations can be helpful but not essential, this inequality existed already before introducing the OMC and it persists.<sup>20</sup>

Thirdly, there is a lack of institutionalised participation inside the OMC framework and there are no clear rules. Who can participate, who shall be consulted? On which base? The choices can be therefore arbitrary.

Also, there is a weak contribution of the European Parliament to the process. This European institution is one of the main sources of EU democratic legitimacy as it

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<sup>17</sup>J. Goetschy, 2004, op.cit., p.1., There are also number of other authors working on the civil society participation in the OMC process in the field of social inclusion and employment, for the references please see for example: C.De la Porte and P.Nanz, 'The OMC – a deliberative-democratic mode of governance? The cases of employment and pensions', Journal of European Public Policy, 11/2, 2004, K.A.Armstrong, Inclusive governance? Civil Society and the Open Method of Coordination, University of London, ESRC Seminars Series, 2005; P.Bursens, S.Helsen, The OMC, a legitimate mode of governance?, University of Antwerp, paper presented at the EUA 9th Biennial Conference, Austin, Texas 31.03-2.04.2005, <http://aei.pitt.edu/3008/>;

<sup>18</sup> European Economic and Social Committee: Opinion on 'Improving the Implementation of the Lisbon Strategy', October 2004, paragraph 6.1 and 6.3., [http://www.esc.eu.int/lisbon\\_strategy/docs/ces1438-2004\\_ac\\_en.pdf](http://www.esc.eu.int/lisbon_strategy/docs/ces1438-2004_ac_en.pdf), 5.04.2006.

<sup>19</sup> Some actors have a privileged access to the given DG in the European Commission like for example European-Anti Poverty Network to the GD Employment (example given by the J.Greenwood, The significance of citizens interests organisations op.cit.,)

<sup>20</sup> New Mode of Governance, op.cit., p. 44.

is directly elected, thereby representing the EU citizens' will. In the OMC structure its role is limited to consultations.

Finally, there is also an issue of "capacities" of the civil society organisations, (or sometimes lack of them) which can create obstacles for the greater participation. Member States are reluctant to give more powers to the organised civil society interests as research revealed that the negotiations led by the interests groups tend to be concentrated more on the self interests than the "common good"<sup>21</sup>. Furthermore, the implementation of the law by the civil society actors can pose problems due to the difference in national regulations and relations, technical capacities etc. At last, the higher participation of the European organised interests is not very desired even by the civil society actors themselves<sup>22</sup> because not all national organisations are associated in the European umbrellas. The last argument seems however only partly convincing as more powers for the organised interests on the European level could be an incentive to apply for a membership of such organisations and therefore it could strengthen their participation and influence in the decision-making-process.

The process of OMC, therefore, varies from field to field. In the EES it has been developing from mid-90s and it has increased the involvement of social dialogue actors in the decision-making process (even if there are some accusations of weak concrete results of the OMC, in terms of output legitimacy)<sup>23</sup>. From 2001 and the adoption of White Paper on European Governance, it has been slowly introduced to the other, more 'sensitive' areas, also in the European cooperation in the youth field.

#### **4 OMC in the youth field – limited scope of action**

Development of the youth policy on the European level took a new pace in the beginning of 2000, when the Youth Community Programme was established<sup>24</sup>. It was not a new instrument but a combination of existing instruments, while nevertheless going beyond the previous actions by adding new objectives (one of them was the development of cooperation in the youth field). Simultaneously to the adoption of the Youth Programme, the European Commission launched consultations on the national and European level "the results of which provided the basis for the White Paper *New Impetus for Youth* in 2001. This document set new *goals* for youth policies and introduced the Open Method of Coordination (OMC) into this field.<sup>25</sup>

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<sup>21</sup> New Mode of Governance, op.cit., p.45

<sup>22</sup> Ibidem.

<sup>23</sup> For example: J.Greenwood in the: The significance of citizen interest organisations for Europe's economic and social model, in: Working Paper of the European Policy Centre, available at:

<http://www.theepc.be/en/default.asp?TYP=SEARCH&LV=279&see=y&PG=CE/EN/directa&AI=418&I>

<sup>24</sup> Decision No 1031/2000/EC of the European Parliament and of the Council establishing the "Youth" Community action programme, OJEC L/ 117, Brussels, 13.04.2000.

<sup>25</sup> European Commission, *White Paper New Impetus for European Youth*, op.cit.

The Commission proposed the following structure for the OMC:

Decision-making process	Level of decision-making process
1. A proposal from the Commission (Commission consults Member States)	European and national
2. The Council of Ministers, acting on the Commission proposal, periodically decides on priority areas of common interest.	European
3. Each Member State (MS) appoints a coordinator for youth-related issues, to act as the Commission's interlocutor,	National
4. The various coordinators submit to the European Commission details of policy initiatives, examples of best practice and other material for consideration on the chosen topics.	National
5. The European Commission submits a summary and an analysis of this information to the Council of Ministers, accompanied by proposals for common objectives.	European
6. The Council of Ministers sets out common guidelines and objectives for each of the topics and lays down monitoring procedures, and where appropriate, benchmarks based on indicators.	European
7. The European Commission is responsible for periodic monitoring and evaluation, and reports on progress to the Council of Ministers for Youth.	European
8. The European Parliament must have an appropriate role in this process and in the monitoring arrangements. The Economic and Social Committee and the Committee of the Regions also have to have the opportunity to give an opinion.	European
9. Young people are consulted on the priority themes and on their follow-up	National, regional and local

**Table 1. Structure of OMC in the youth field<sup>26</sup>**

The Commission set up in the youth field a looser methodology than the one described in the Lisbon European Council Conclusions, or the one in the European Employment Strategy. It limited also the "scope for action" of OMC to the participation, voluntary service, information and greater understanding of youth<sup>27</sup>, the priorities which were established as the objectives in the Youth Programme 2000.

After introducing OMC in the White Paper on youth, the European Commission gathered the opinion of the interested parties (European Economic and Social Committee, the European Parliament and the Committee of Regions). On this basis, it adopted the Resolution regarding the framework of European co-operation in the youth field<sup>28</sup>, which addressed in practical terms the issues of OMC and restated the call to

<sup>26</sup> Source: European Commission, *White Paper New Impetus for European Youth*, op.cit. p.21-22.

<sup>27</sup> Ibid., p.22-25.

<sup>28</sup> Resolution of Council of European Union of 27 June 2002 regarding the framework of European cooperation in the youth field, OJ L 168, Brussels, 13 July 2002.

attribute greater importance to the youth policy in other policies. The Resolution invited the Commission to consult the Member States (MSs) and on this basis, to prepare reports and present the draft for the objectives which could be later approved by the Council. With regard to the *consultations*, the Resolution invited the MSs to set up the appropriate consultations with young citizens and youth organisations and to respond on this basis to the questionnaires.

From July 2002 the Commission started the first round of consultation. It created and sent out the questionnaires concerning the first two priorities: *information* and *participation*, then issued the Communication proposing the objectives concerning these two priorities<sup>29</sup>. After being discussed on both the European and national level and revised, the Council approved *final objectives* on information and participation in November 2002.<sup>30</sup>

The second round of consultations concentrated on *voluntary activities and greater understanding of youth*. It started in 2003, was followed up by the Commission proposal of the objectives<sup>31</sup> and finalised in the Resolution on common objectives for voluntary activities of young people adopted in November 2004.<sup>32</sup> After approving the common objectives of OMC, the MSs started the process of implementation, which is the "crucial phase"<sup>33</sup> of the OMC process. The special role in collecting information about the OMC progress (besides the Member States) had also the working groups established by the Council Youth Working Party.<sup>34</sup>

#### **4.1 Youth OMC in practise - meeting high expectations**

Why was the OMC chosen as the main policy option in the youth field? As it was said already in the beginning of this paper, the OMC gives new possibilities in respect to its complementary and non-regulatory character. Paragraph 38 of the Lisbon Council conclusion states that "a fully decentralised approach will be applied in line with the principle of subsidiarity in which the Union, the Member States, the regional and local levels, as well as the social partners and civil society, will be actively involved, using variable forms of partnership."<sup>35</sup> Taking into consideration the flexibility of this

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<sup>29</sup> European Commission, *Communication from the Commission to the Council Follow-up to the White Paper on a New Impetus for European Youth. Proposed common objectives for the participation and information of young people, in response to the Council Resolution of 27 June 2002 regarding the framework of European cooperation in the youth field*, COM(2003) 184 final, 11 April 2003.

<sup>30</sup> Council of the European Union, *Resolution on common objectives for participation by and information for young people*, 2003/C 295/04, 25 November 2003.

<sup>31</sup> European Commission, *Communication from the Commission to the Council of 30 April 2004 - Follow-up to the White Paper on a New Impetus for European Youth. Proposed common objectives for a greater understanding and knowledge of youth*, in response to the Council Resolution of 27 June 2002 regarding the framework of European cooperation in the youth field, COM(2004) 336 final, 30 April 2004.

<sup>32</sup> Council of the European Union, Representatives of the Governments of the Member States, *Resolution of the Council and the Representatives of the Governments of the Member States meeting within the Council on common objectives for voluntary activities of young people*, 13996/04, Brussels, 15 November 2004.

<sup>33</sup> Anna Sellberg, Katy Orr, 'Recent youth policy developments in Europe' in: *Education, Employment and Young People in Europe*, Youth Report, European Youth Forum Report, Brussels, 2004, p. 14.

<sup>34</sup> Ibid.

<sup>35</sup> Par.38, Ibid.



method, the absence of formal constraints and the area of action and the delicate subject of the division of competences, the OMC was perceived as the most appropriated to be used in the youth field. As the Grainne de Burca and Johnatan Zeitlin wrote: "this mechanism is particularly well suited to identifying and advancing the common concerns and interests of the Member States while simultaneously respecting their autonomy and diversity".<sup>36</sup>

It seems, however, that currently this method in the youth field does not meet the expectations in almost all levels of its application. The evaluation of the OMC revealed the following deficiencies. Firstly, as the consultations are set and organised by the MSs as they "deem appropriate" (par.11b of the Council Resolution), but no common standards or rules were developed. The actual practise of the consultation differed significantly between the MSs: some consulted the interested parties (youth councils, youth organisations, individuals) but mainly on the national level, thereby much neglecting the regional and local level.<sup>37</sup> Other filled in the questionnaires without consultations and some did not replied at all.<sup>38</sup> The consulted parties revealed in the evaluating report prepared by the European Youth Forum, that they were not properly informed about the purpose of the consultations and that the time and resources for their realisation were limited.<sup>39</sup> It is also hard to say which countries did not participate and which were the overall results of the consultations, as simply this information was not revealed by the Commission. This was justified as an effort not to "blame and shame" any of the Member States, as this could negatively impact on future cooperation.<sup>40</sup> None withstanding, it diminishes the transparency and accountability of national authorities toward their citizens, as well as responsiveness of the legislative proposals because it is hard to state to what degree the needs and postulates of citizens are taken into account.

Moreover, the whole process has a voluntary character, the indicators are "defined as appropriate" (par.11d) and the implementation of the common objectives is based on the measures which the MSs "deem appropriate" (par.11c)<sup>41</sup> therefore rarely they became the subject of national action plans. In addition, the countries can not benefit from the process of mutual learning- the benchmarks, indicators and index are rarely used, the objectives are not concrete and therefore the results are hard to measure. Furthermore, not all countries eligible under Youth Programme 2000 can participated in the process of OMC; these were only EU 25 countries.<sup>42</sup>

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<sup>36</sup> Grainne De Burca, Jonathan Zeitlin, *Constitutionalising the Open Method of Co-ordination – What should the convention propose?* Centre for European Policy Studies (CEPS), CEPS Policy Brief no 31, March 2003, p.2. Available at: [http://shop.ceps.be/BookDetail.php?item\\_id=1010](http://shop.ceps.be/BookDetail.php?item_id=1010), 30 April 2006.

<sup>37</sup> Interview with Alix Masson, Policy Officer, European Youth Forum, Brussels, 5 April 2006.

<sup>38</sup> Interview with Mr.V.Guerreiro, op.cit.

<sup>39</sup> Report cited in the: A. Sellberg, K.Orr, 'Recent youth policy developments in Europe', op.cit., p.16-17.

<sup>40</sup> Interview with Mr. D.Rometsch, op.cit.

<sup>41</sup> Council Resolution of 27 June 2002 regarding the framework of European cooperation in the youth field, op.cit., p.4.

<sup>42</sup> A. Sellberg, K.Orr, 'Recent youth policy developments in Europe', op.cit., p.16.

## 4.2 Youth OMC and the EU legitimacy- more involvement wanted!

Having such a loose structure, can the OMC enhance the involvement of the organised youth interest in the decision-making process and therefore contribute to the EU input legitimacy? The following criteria will be helpful again to evaluate the OMC input.

**Transparency :** The criterion of transparency requires that decision-makers work in an open manner and that the citizens have an access to the respective documents and information. This is indispensable for ensuring trust of the people in the political institutions<sup>43</sup> and for the political accountability of these institutions. In the current shape of OMC, the fulfilment of these criteria is found wanting: neither the results of the consultations nor the annual report are published. Furthermore, one can observe a certain 'obscurity' with regard to the countries results, as there are no indicators and benchmarks. In return, transparency could be strengthened provided there are such common rules and standards. Currently, the standards of such transparency differ significantly from country to country, the Scandinavians being "the leader."

**Public debate :** "Transparency is a necessary condition for a broader public debate and (...) is crucial for democratic governance".<sup>44</sup> Public debate requires that the information obtained in the report on OMC progress become public and that the different policy options are analysed. Currently, as already mentioned above, this is not a case as the countries do not want to be "blamed and shamed" and the Commission therefore tries to avoid such an approach. Thus, the public debate must concentrate on the good practises rather than on pointing out shortcomings. As on the national level the public debates are often politicised and monopolised by certain actors, there is little room for concrete discussion and civil society involvement. The democratic public debate must be a forum in which all possible policy options can be discussed with all relevant stakeholders. Currently, however, the range of actors involved in the decision-making process in the youth field, is limited. The open and concrete public debate is also an incentive for the civil society to participate in it.

**Participation :** This criterion requires that all stakeholders affected by the decision-making are involved in the process. "The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain."<sup>45</sup> When talking about the participation of the civil society, it must be stressed once more that the open method of coordination was introduced with the declared aim to strengthen the participation of all relevant players on all levels. However, the OMC in the youth field seems to fail with regard to the involvement of the organised youth interests. In particular, there is weak input of regional and local actors as well as the European Parliament and other European consultation bodies.

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<sup>43</sup> European Commission, *White Paper - European governance*, COM(2001) 428, Brussels, 25 July 2001, p.10.

<sup>44</sup> C. De la Porte, P. Nanz, op.cit., p. 272.

<sup>45</sup> European Commission, *White Paper -European governance*, op.cit. p.10.

**Learning :** Learning is the ability to draw conclusions from the outcome of actions and using them for further policy and decision-making.<sup>46</sup> European cooperation in the youth field touches upon the issues which were until now reserved mainly for the states and which were not the subject of multilateral cooperation. The process of exchanging the good practise and experience is also a key for its development. However, taking into account all described features of current model of OMC it becomes clear that the process of learning is impeded because there is small level of transparency and weak public debate. Again, the lack of common standards, benchmarks and indicators makes this process almost impossible because it is hard to measure the results.

**Responsiveness:** Finally, if youth organisations and young people from the regional and local levels have limited impact on the decision making process, the responsiveness, as the ability to involve the stakeholders in the decisions, is also limited. Moreover, the objectives do not become the subject of the action plans, the results of the consultation, annual reports are not published. Although one can assume the utilitarian role of the European Commission, all this causes that it is hard to say if the objectives established are responsive to the citizens' needs.

The proceeding discussion can be summarised in the following table:

	<b>OMC in the youth field checked with the legitimacy criteria</b>
<b>Transparency</b>	- the results not published, the data not available, objectives general and hard to measure
<b>Public debate</b>	- no discussions as no data available
<b>Participation</b>	+/- now regional and local level much neglected; the question of democracy and legitimacy (EP and EESC only a consultative role)
<b>Learning</b>	+/- no indicators and benchmarks, no measurable and comparable results, reports unpublished
<b>Responsiveness</b>	+/- Weak consultation on the regional and local level, reports are not published

**Table 2. Contribution of youth OMC to the EU input legitimacy**

<sup>46</sup> C. De la Porte, P. Nanz , op.cit., p. 273.

## **Prospects and recommendations- OMC as a potential for use**

If, as I tried to argue so far, this method do not produce satisfactory results in the field of youth policy and thereby also in enhancing the EU legitimacy, one has to wonder about the reasons. An answer can only be complex. The choice of OMC, as a mode of governance for the youth field, was well justified, because it left much space and liberty for the Member States, not forgetting the regional and local level. Introduced and recommended by the Lisbon strategy, tested in the employment field, this flexible tool could offer new possibilities for common action in such areas, where EU does not have explicit competences, such as youth policy.

Member States are traditionally reluctant to give the Commission more competences. Also youth policy is traditionally perceived as a part of education policy and it was reserved, until recently, for the sole competence of Member State. This is an area of great sensitivity, it touches upon the delicate issues of sovereignty and division of competence but also it is very important for the EU political and economic integration, central to the process of political construction of the European Union.

The European Youth Forum, which is the biggest umbrella of youth organisations on the European level, criticises the OMC in this field for its complete lack of methodology and instruments.<sup>47</sup> It claims that the OMC *could* provide many new channels for increased civil society participation, but until now it has not had this effect because of the very limited *institutionalised* consultation with the youth civil society and therefore their involvement which lead to a very weak contribution of the youth civil society organisations into the policy-making process, mainly on the national and regional level.<sup>48</sup> The players which are involved these are: European Institutions (mainly the European Commission and the Council of Ministers), the European Youth Forum on the European level, Member States (public administrations), National Youth Agencies, sometimes youth Councils and national experts.<sup>49</sup> As the table with OMC structure shows, the decision-making process involves stakeholders mainly on the European and national level.

However, the option to reinforce OMC does not necessarily requires the transfer of more competences on the supranational level but rather it assumes the better alternatives and use of OMC within the existing competences. The Council of Ministers adopted on 31<sup>st</sup> October *the draft resolution on implementation the common objectives for participation by and information for young people in view of promoting their active*

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<sup>47</sup> Interview with Ms. Alix Masson, Policy Officer Youth Policy in Europe, European Youth Forum, Brussels, 5.04.2006.

<sup>48</sup> ETUC Youth Reaction to European Commission White Paper A New Impetus for European Youth, <http://www.etuc.org/a/1194>, 18.03.2006.

<sup>49</sup> Interview with Mr. Victor Guerreiro, Youth Unit, DG Education and Culture, European Commission, Brussels, 3.04.2006.

*European citizenship*<sup>50</sup>. It is based on the conclusions from the assessment of OMC and actions taken so far in the youth field. Resolution was adopted in view of 'creating the conditions of genuine dialogue and partnerships' with young people and 'to enable them and their representatives to be full actors in the policies affecting them.'<sup>51</sup> It aims also in reinforcing the Open Method of Coordination. The reform of this mechanism could be also complemented by the best practices and experience of the Council of Europe. This international organisation, called an "architect of European Youth Policy"<sup>52</sup>, has been acting and setting standards in the youth field from the 1950s.

Firstly, with regard to the consultations, the European Commission introduced new term- a structured dialogue to reinforce the governance of OMC. The change is justified because the consultations, as a term and practise, do not necessarily ensure the equal positions of partners, whereas the dialogue does. Undoubtedly, this 'dialogue' should be more structured- institutionalised and formalised with well-defined system based on guidelines, rules and indications "who and how" should be consulted. It should include the wider public- national administrations, youth councils and organisations, and the most importantly- young peoples on the all relevant levels. Special accent should be put on the regional and local level. Also, the European Parliament should be more involved in the process of consultations as well as the other European consultation bodies. To realise it, maybe the Commission could work on more coherent Guide on Consultations, give the longer but specific time for consultations, as well as it should assign the special resources because the process is time and money-consuming therefore it can exclude the organisations without the appropriate budgets or the young people with fewer opportunities.

Secondly, the results of the consultations and the structured dialogue (as well as the annual reports about the implementation of the common objectives) should be published. This would stimulate the public debate as well as process of mutual learning. The public debates are the incentive to the wider participation and make the issue of the youth policy on the agenda, simply by interesting press and media in these affaires as well as politicians and decision-makers. Consequently, the bigger interest in existing problems and challenges could contribute to the more effective response to the objectives set by the Youth Programme and OMC itself. Promoting development of cooperation in the youth field, the idea of knowledge-based society, active citizenship, European awareness as well as information and participation of youth in the voluntary-activities could therefore become better known to the wider public.

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<sup>50</sup> European Commission, The draft resolution on implementation the common objectives for participation by and information for young people in view of promoting their active European citizenship, Brussels, 14471/06, 31.10.2006.

<sup>51</sup> Ibid. p.2.

<sup>52</sup> A. Sellberg, K.Orr, 'Recent youth policy developments in Europe', op.cit., p. 4.

Thirdly, the benchmarks and indicators must be fixed because there are differences in the development of the national youth policies. This would facilitate comparative research and strengthen the accountability of the actions of the MSs and European institutions. The countries are still reluctant to the strong agenda-setting power of the European Commission, however here, as the model would be taken the process of standards setting used by the Council of Europe. The standard, indicators are fixed there by the "group composed by the individuals from various background, but all with research profile" and they make the recommendations to the Steering Committee and the Advisory Council.<sup>53</sup> Similarly, on the European level, the indicators could be set by the group of experts and be presented to the Youth Council Working Party. This process could be backed up by stronger partnership (consultation and cooperation) with the Council of Europe.

Moreover, the policy objectives should be more concrete and measurable. Until now they are defined by using the special "pedagogy"<sup>54</sup>, established according the countries' capacities. They should become more far-reaching and such issues as mobility and non-formal education should, therefore, become the priority of the EU action. In that way, the political and social value of non-formal activities could be better recognised by the MSs and their societies.<sup>55</sup>

This option could also involve the other good practise taken from the policy-making of Council of Europe- the *system of co-management*. It links the Council of Europe with the governments and youth organisations in the decision-making and implementing process. Although, it would not be advised to introduce such system on the European level, as it would make the decision-making process even more time- and resource-consuming and too difficult, but it could be established with regard to the consultation, implementation and guidelines setting on the regional and local level.<sup>56</sup> In such system young people, local youth workers, researchers, local representatives of municipalities and all other persons working with young people could meet together in the committees. The new Council Resolution from October 2006 introduces some system of partnerships and dialogue which is a good sign for further OMC development.

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<sup>53</sup> Ibid., p.20.

<sup>54</sup> Interview with Mr Dietrich Rometsch, op.cit.

<sup>55</sup> There are some clear signs that European institutions give more attention not only to the process of formal education, but also they recognise its the value and the contribution. Except the Youth Programme, which is almost entirely devoted to the promotion of non-formal education, there are number of other documents issued by the European Commission and other institutions like for example White Paper on Youth: New Impetus for Youth (2001), European Commission Communication: Making a European Area of Lifelong Learning a Reality (2001), Working Paper of the Council of Europe and European Commission Pathway toward validation and recognition of education, training and learning in the youth field (2004), the Council Common Principles for the Validation of Non-Formal and Informal education (2004), Commission Communication: European Pact for the Youth Working together for growth and jobs (2005) , Council is resolution on the recognition of added value of the informal education (2006).

<sup>56</sup> A. Sellberg, K. Orr, 'Recent youth policy developments in Europe' , op.cit., p.18.

## Conclusions – OMC as a new avenue for EU input legitimacy

This paper attempted to demonstrate the challenges of involving organised civil society interests, especially youth interests, in the decision-making process of the European Union through the open method of coordination. By highlighting its potential and limits, it also tried to verify its possible contribution to EU input legitimacy. OMC was created to enable the wide participation of organised Civil Society interest in the decision making process - but, as shown, it is only of limited success. More specifically, it shows quite different degrees of success deepening on the respective fields in which it is employed: the OMC on the European Employment Strategy shows that there are some good possibilities of participation for *organised* civil society interests. The case of youth policy, however, shows that 'these participative aspirations remain to be met'<sup>57</sup>. The reason for the weakness of OMC bringing "results" in the youth field might simply be the relative short time of application of this method. Some authors claim that the OMC process needs time to produce any concrete results<sup>58</sup>. Organised youth Civil Society interests seem to still look for its place within this process. Using the words of Economic and Social Committee, the 'failure is rather to adequately involve civil society players'.<sup>59</sup>

The OMC opens a new avenue for the EU input legitimacy by giving the chance for the civil society organisations to "jump" into the process of policy-making. However, this does not necessarily imply that the legitimacy will be strengthened. The new possibilities provided by this method are often not fully exploited by both *political* institutions and *civil society* actors. However, the OMC gives new opportunities for civil society interests by its decentralised approach, by its relative flexibility, by its focus on wide range of actors, and, finally, by creating the "collegiate culture"<sup>60</sup> between the Member States, European Commission and the Civil Society organisations. It creates the practise of thinking in "common sense" and "in common terms" by joint actions, objectives, screening and peer review.

Undoubtedly, the introduction of OMC into the field of youth policy has given a new pace to the development of a European youth policy. Also, the role and place of youth organisations were recognised by the EU. Therefore, reform of OMC in the youth field should concentrate on a better coordination within the process. It should go in the direction of a tight OMC model. Important is also to fully exploit the existing opportunities.

Finally, there is a significant potential within this process for the organised youth Civil Society interests. The European Union, in their attempt to make the European decision-making process more legitimate, is indeed looking for the input by

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<sup>57</sup> J.Greenwood, The significance of citizens interests organisations for Europe's economic and social model, European Policy Centre, 2005, Issue 13, op.cit.

<sup>58</sup> C.De la Porte and P.Nanz, 2004, Conclusions.

<sup>59</sup> Ibid.

<sup>60</sup> European Commission, *How the eEurope OMC worked: Implications for the Co-ordination of Policy under i2010, The Analysis of Impacts of Benchmarking and the eEurope Actions in the Open Method of Co-ordination*, Final Report, DG Information Society, March 2005, p.5.

diverse civil society actors and especially young people themselves. The multitude of such voices that exist in contemporary Europe makes it very difficult to “hear” all of them in the course of policy formulation. Youth organisations, youth leaders and all who represent youth interests should be more pro-active, should create the networks and mobilize all relevant actors in order to make “their” respective and specific voice to be heard. In order to be effective, they must continue to exercise pressure on governments and seek advocacy on *all* different levels - local, regional, national and European. Only as *organised* interests they will be able to influence the process of decision-making and, as such, will be seen as important actors. Not the least, they will thereby become agents of participatory democracy – and make a contribution that Europe is not merely governed “top-down.”



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