

Article 17 TFEU: Dialogue with churches, and religious and philosophical organisations

SUMMARY

The EU institutions engage in regular structured dialogue with representatives of churches, and religious, non-confessional and philosophical organisations, on the basis of Article 17 of the Treaty on the Functioning of the European Union (TFEU).

This dialogue takes the form of high-level meetings or working-level discussions, is focused on policy issues on the European agenda, and traces its origins to earlier initiatives, such as that launched in 1994 by Jacques Delors – 'A soul for Europe' – which aimed to find ways to build an ethical, moral and spiritual dimension into European integration and policy shaping. The draft Constitutional Treaty of 2004 included provisions on regular, open and transparent dialogue between EU institutions, and representatives of churches and religious communities, and of non-confessional or philosophical communities. Although the Constitutional Treaty was rejected in referendums in France and the Netherlands, its successor, the Lisbon Treaty adopted in 2007 and in force since December 2009, preserved the same provisions in Article 17 TFEU.

The European Parliament has stressed the importance of constant dialogue among, and with, religious and non-confessional and philosophical communities. Following the entry into force of the Lisbon Treaty, it sought to give substance to the provisions of Article 17 TFEU, primarily through organising dialogue on subjects of interest for the EU and its citizens.

This is a further updated version of a briefing last issued in November 2018.



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Background: From 'A Soul for Europe' to Article 17 TFEU

In 1994, with his '[Une âme pour l'Europe](#)' (a soul for Europe) initiative, the European Commission President at the time, Jacques Delors, established the first formal links between the EU institutions and religious and non-confessional organisations. His aim was to move beyond a purely economic and legal understanding of European integration, to reflect its spiritual and ethical perspectives, and to promote the participation of all strands of civil society in the European integration process – including religious and philosophical organisations. Three years later, [Declaration 11](#) of the Treaty of Amsterdam, setting out the EU's respect for the status of churches and non-confessional organisations under national law, gave formal EU-level recognition to religious and philosophical concerns for the first time.

Relations between church and state fall within the domestic competence of EU Member States. While, on the one hand, this means Member States are free to develop their own models in accordance with their history and traditions, on the other, it means that the EU institutions are not defined by a particular national model of secularism or church-state relations. Member States are, however, obliged to respect the fundamental rights guaranteed in the [European Convention on Human Rights](#), including freedom of thought, conscience and religion ([Article 9](#)).

Convention on the Future of Europe and Constitutional Treaty

Starting in 2002, the [Convention on the Future of Europe](#) was tasked with drawing up a draft treaty, which would eventually become the draft constitution for Europe. In the context of incorporating the provisions of Declaration 11 into the draft treaty, debates covered, inter alia, the role of Christianity and religion in shaping European culture and identity, the role of churches in contemporary society, and the issue of whether to include a reference to God or to Europe's Christian heritage in the treaty's preamble, as is the case in a number of Member State constitutions. References to various cultural and philosophical traditions were also proposed for discussion. [Reflection papers](#) on the public role of religions and different models of state and church relations, prepared by the reflection group on the spiritual and cultural dimension of Europe, also informed the debate. Some non-confessional and secular organisations [opposed](#) any explicit reference to a particular religion or God, or even the incorporation of the provisions of Declaration 11. They also opposed establishing any formal dialogue mechanism between the EU institutions and religious or non-confessional organisations, arguing that the Treaty provision for dialogue with civil society was sufficient.

The subsequent intergovernmental conference in 2003-2004 established the final draft of the Constitutional Treaty. France, with long-standing secular traditions, supported by Belgium, strongly opposed any reference to God or Christianity in the treaty's preamble. At the same time, representatives of religious bodies pushed for provisions on the [status of churches](#) and dialogue with the EU institutions. The final preamble contained a general reference to religious heritage and the provisions of Declaration 11 were incorporated into the treaty's [Article 37](#) (in the draft Constitutional Treaty [Article 52](#)) setting out provisions on dialogue with churches, religious, confessional and non-confessional organisations.

Dialogue with religious and philosophical organisations prior to Article 17 TFEU

The European Commission had already opened informal dialogue channels with churches and religious organisations in the 1990s. In 2005, the President of the Commission took the initiative to host an annual high-level meeting with European religious leaders. The Presidents of the European Parliament and the European Council began attending from 2007. According to the Commission, the meetings provide for an open exchange between EU institutions and important sections of European society on EU policies. In 2009, the Commission established an annual high-level meeting between the three EU institutions and philosophical and non-confessional organisations.

Article 17 TFEU dialogue: Partners and guidelines

Partners

After the referendums in France and the Netherlands rejected the Constitutional Treaty, the Lisbon Treaty was adopted in 2007 and has been in force since December 2009. It integrated unchanged the provisions of article 37, which became Article 17 of the Treaty on the Functioning of the European Union (TFEU).

The Commission President continued to organise separate annual high-level meetings with both sets of partners but, for the first time, the EU had a legal basis for regular, open and transparent dialogue between its institutions and churches, religious, philosophical and non-confessional organisations, and an obligation to respect the status of these organisations under national law. EU policy areas discussed in the framework of the Commission's Article 17 dialogue have included the [fight against poverty and social exclusion](#), [democratic rights and liberties](#), [solidarity between generations and demographic challenges](#), the [environment](#) and [artificial intelligence](#). Other Commissioners take part in the dialogue in accordance with their area of policy responsibility.

In addition to the annual high-level meetings, the EU institutions organise regular Article 17 TFEU dialogue working-level sessions, primarily with the EU representation offices of religious organisations, such as [COMECE](#) (the Commission of the [Roman Catholic] Bishops' Conferences of the European Union), the Conference of European Churches ([CEC](#) – including, inter alia, Protestant, Anglican and Orthodox churches), representatives of churches at national level, representatives of the [Conference of European Rabbis](#), and of Muslim, Hindu, Buddhist, Baha'í and other communities. The institutions also meet with visiting delegations of religious leaders from the Member States and non-EU countries.

[Participating](#) philosophical and non-confessional organisations include humanist, Freemason (such as the European Masonic Alliance/European Masonic Alliance ([AEM-EMA](#))), free thought and ethical or adogmatic organisations. The [European Humanist Federation](#) (EHF) and [Humanists International](#) advocate for the secular neutrality of the EU public sphere with the EU institutions maintaining a neutral stance towards all convictions, religious or not. The EHF in particular considers that there is an [imbalance](#) between humanist organisations and churches in terms of their set-up at EU level, their financial means, and their political impact.

Guidelines

In 2013, the European Commission published [dialogue implementation guidelines](#) stipulating that the topics covered are to relate to the EU agenda and to be agreed upon by both parties, and that participating organisations must be recognised or registered at national level and adhere to European values. Participating churches or associations are also encouraged to register with the [European Transparency Register](#), which includes [almost 60](#) such organisations. The guidelines followed a [decision](#) of the European Ombudsman on the European Humanist Federation's 2011 complaint against the Commission, when it had refused to hold a dialogue on human rights in the light of exemptions for religious organisations in the [Employment Equality Directive](#).

The EU institutions and Article 17 TFEU

European Parliament

The [implementation](#) of Article 17 TFEU in Parliament, by means of regular seminars, dialogue sessions and events with partner organisations, is now under the responsibility of Vice-President Roberta Metsola (EPP, Malta). Since 2015, Article 17 dialogue sessions have focused on issues such as religious [radicalisation](#) and the contribution of [education](#) and [women](#) to tackling it, the future of [Jewish communities](#) in Europe, persecution of non-believers in the world, the [future of Europe by 2025](#), social issues and, most recently, on the [European Green Deal](#) and a remote event on the [implications of the pandemic for the future](#).

The European Parliament also hosts a series of book presentations under the heading 'Religion & Society' where authors present works dealing with cross-cutting issues of religion in the European public sphere. Other events with Article 17 partners have included film screenings and the presentation of a [study](#) on religious identity and pluralism in Europe.

European Parliament resolutions on the situation of fundamental rights in the European Union ([2015](#) and [2016](#)) stated that the neutrality of the state prevented discrimination against any religious, atheist or agnostic communities, guaranteeing equal treatment of all religions and beliefs. Parliament also stressed the need to promote inter-religious tolerance by means of constant dialogue.

Intergroup

The European Parliament's [Intergroup on Freedom of Religion or Belief and Religious Tolerance](#), set up in 2015 and re-established for the 2019-2024 term, is aimed at ensuring that the EU promotes and defends these freedoms in its external relations. Its yearly reports on freedom of religion or belief in the world highlight discrimination against religious minorities, against Christians, Jews, and atheists alike, defending religious pluralism in the world.

European Commission

Currently, the Commission's Vice-President for Promoting our European Way of Life, [Margaritis Schinas](#), is responsible for the Article 17 TFEU dialogue on behalf of the Commission. In January 2020, Schinas took part in the dialogue session at the European Parliament devoted to the [European Green Deal](#).

In 2017 and 2018, the European Parliament and Commission Vice-Presidents responsible for the dialogue hosted high-level meetings on the future of Europe as a value-based and effective Union with [non-confessional](#) organisations and [religious leaders](#).

Council of the EU

The Council holds Article 17 TFEU meetings twice a year in the framework of the rotating presidency of the Council, where the Presidency meets with Article 17 dialogue partners to discuss the six-month presidency programme. In 2013, the Foreign Affairs Council adopted [guidelines](#) on the promotion and protection of freedom of religion or belief in EU external relations. Representatives of philosophical organisations welcomed the explicit inclusion in the text of the freedom of religion and freedom to change religion as being particularly important in the context of the persecution of atheists and agnostics.

MAIN REFERENCES

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