

Article 17 TFEU: The EU institutions' dialogue with churches, religious and philosophical organisations

SUMMARY

On the basis of Article 17 of the Treaty on the Functioning of the European Union (TFEU), the European institutions hold high-level meetings, or working dialogue seminars, on an annual basis with churches and non-confessional and philosophical organisations.

This dialogue, focused on issues upon the European agenda, can be traced back to earlier initiatives, such as that launched in 1994 by Jacques Delors – 'A Soul for Europe' – which opened the way to encompass ethical and spiritual aspects of European integration. The draft Constitutional Treaty of 2004 included provisions on regular, open and transparent dialogue between EU institutions, representatives of churches and religious communities, and of non-confessional or philosophical communities. Although the Constitutional Treaty was rejected in French and Dutch referenda, 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 adopted numerous resolutions in defence of the principles of freedom of religion and belief as well as religious pluralism and tolerance, and stressed the importance of constant dialogue among, and with, religious as well as non-confessional and philosophical communities. It has regularly organised dialogue sessions within the framework of Article 17 TFEU on subjects of interest for the EU and its citizens.

This is a further updated version of a briefing published in January 2018.



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

In 1994, with his '[Une âme pour l'Europe](#)' ('A Soul for Europe') initiative, the then European Commission President Jacques Delors established the first formal links between the European institutions and religious as well as non-confessional organisations. His aim was to move beyond a purely economic and legal understanding of European integration, to reflect its spiritual or ethical perspectives, and to promote civil society participation in the integration process, possibly including new countries after the fall of the Berlin Wall.

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, formally recognised religious and philosophical concerns for the first time at the EU level.

Relations between church and state fall within the domestic competence of European Union (EU) Member States. However, Member States are obliged to respect the fundamental rights guaranteed in the [European Convention on Human Rights](#), such as the freedom of thought, conscience and religion ([Article 9](#)).

The Convention on the Future of Europe and the 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. Its debates, among other things, covered the place of Christianity and religion in Europe, and the role of churches in society, in the context of including the provisions of Declaration 11 in the draft treaty as well as a reference to God or to Europe's Christian heritage in its preamble. 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 by the reflection group on the spiritual and cultural dimension of Europe also contributed to the debate.

Non-confessional and secular organisations opposed an explicit reference to a particular religion or God, and the inclusion of the provisions of Declaration 11. Nor did they see any specific need for dialogue between the institutions and confessional or non-confessional organisations, since dialogue with civil society was sufficient.

The subsequent intergovernmental conference in 2003-2004 established the final draft of the Constitutional Treaty. France, with long 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. Finally, the preamble of the treaty contained a general reference to religious heritage and the provisions of Declaration 11 were incorporated in the treaty's article 37 setting out provisions on dialogue with religious, confessional and non-confessional organisations.

From the first dialogue religious and non-confessional organisations to Article 17 TFEU

Since 2007, high-level meetings have been hosted by the European Commission and co-chaired by the President or responsible Vice-President of the European Parliament and the European Council President. Subjects debated in these meetings since 2010 have included the [fight against poverty and social exclusion](#), [democratic rights and liberties](#), and [solidarity between generations and demographic challenges](#).

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, as Article 17 of the Treaty on the Functioning of the European Union (TFEU). 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 for the respect of their status under national law.

Article 17 TFEU dialogue: Partners and guidelines

Partners

The EU institutions organise Article 17 TFEU dialogue sessions with EU representation offices of religious organisations, such as [COMECE](#) (the EU Catholic bishops' conferences), 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](#) as well as of Muslim, Hindu, Buddhist, Baha'i and other communities. The institutions also meet with visiting delegations of religious leaders from the Member States and third countries.

[Participating](#) philosophical and non-confessional organisations include Humanist, Freemason, free thought and ethical or adogmatic organisations. The [European Humanist Federation \(EHF\)](#) and [Centre Action Laïque](#), based on the Belgian model, insist on the [secular](#) neutrality of the public sphere in the EU with the state maintaining the same neutral stance towards all convictions, religious or not. EHF has expressed concerns regarding the [imbalance](#) between humanist organisations and traditional churches in terms of their set-up on a European scale, financial means, and their political impact in the European Union. Freemasons' organisations, such as the European Masonic Alliance/European Masonic Alliance ([AEM-EMA](#)), count among their members mixed loges such as the Universal Mixed Grand Lodge, women's loges such as the Women's Grand Lodges of Spain or of Belgium and, as an observer, the [Grande Loge Feminine de France](#), which are engaged in promoting women's rights and laicity.

Guidelines

In 2013 the European Commission published [dialogue implementation guidelines](#) stipulating that the topics covered are to be related to the EU agenda and agreed on 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 about 50 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 the European Parliament through regular seminars, dialogue sessions, events with partner organisations, is under the responsibility of one of its Vice-Presidents, currently [Mairead McGuinness](#) (EPP, Ireland). 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](#) and social issues.

The European Parliament has also launched a series of [book presentations](#) on the theme 'Religion & Society', and presented a study on religious identity and pluralism in Europe.

Intergroup

The European Parliament's [Intergroup on Freedom of Religion or Belief and Religious Tolerance](#), set up in 2014, aims at ensuring that the EU promotes and defends these freedoms in its external relations. Its yearly reports on the freedom of religion or belief in the world highlight discrimination against religious minorities, among others against [Christians](#), Jews, and [atheists](#) alike, defending [religious pluralism](#) in the world.

The European Parliament's latest 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 via constant dialogue.

In 2006, the European Parliament's Committee on Culture and Education commissioned a [briefing paper](#) on intercultural and inter-religious dialogue. Its author [warned](#) against opposing dominant and minority religions (Christians vs Muslims, Muslims vs Jews, etc.), or religious and secular positions, to avoid polarisation between secular and religious communities.

European Commission

Currently, the Commission's First Vice-President, Frans Timmermans, is responsible for the Article 17 TFEU dialogue, under the [fundamental rights portfolio](#).

Recently, at separate high-level meetings, EP and Commission Vice-Presidents responsible for the dialogue discussed the future of Europe as a value-based and effective Union with [non-confessional](#) organisations and [religious leaders](#).

High-level meetings have been devoted to topical issues such as migration and integration, ways of [living together](#) despite [differences](#), and recently on [artificial intelligence](#) with philosophical and non-confessional organisations.

Council of the EU

The Council holds Article 17 TFEU meetings twice a year in the framework of the rotating presidency of the Council. 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 particularly important in the context of persecution of atheists and agnostics.

MAIN REFERENCES

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