

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, which takes the form of high-level meetings or working-level discussions, is focused on policy issues on the European agenda. It 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 its 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. The European Commission and the Council also hold regular Article 17 TFEU dialogue sessions and high-level meetings.

This is a further updated version of a briefing last issued in November 2020.



IN THIS BRIEFING

- Background: From 'A Soul for Europe' to Article 17 TFEU
- Article 17 TFEU dialogue: Partners and guidelines
- The EU institutions and Article 17 TFEU

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

In 1994, with his '*Une âme pour l'Europe*' (a soul for Europe) initiative, Jacques Delors, European Commission President at the time, 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. [Declaration 11](#) of the Treaty of Amsterdam (1997), set out the EU's respect for the status of churches and non-confessional organisations under national law, and gave formal EU-level recognition to these 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. The role of Christianity and religion in shaping European culture and identity, the place of churches in contemporary society; 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 – and the inclusion of provisions from Declaration 11 were among the subjects discussed. Various cultural and philosophical traditions were also debated. A [reflection group](#) on the spiritual and cultural dimension of Europe presented reflection papers on the public role of religions and different models of state and church relations. Some non-confessional and secular organisations [opposed](#) any explicit reference to a particular religion or God, or even the incorporation of the Declaration 11 provisions. They also opposed establishing any formal dialogue mechanism between the EU institutions and religious or non-confessional organisations, arguing that the 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](#), promoted by countries with strong Catholic traditions. 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. The provisions of Declaration 11 were incorporated in the Treaty as [Article 51](#), setting out provisions on dialogue with churches, confessional and non-confessional organisations.

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

The European Commission already opened informal dialogue channels with churches and religious organisations in the 1990s. In 2005, the then President of the Commission, José Manuel Barroso, took the initiative to host an annual high-level meeting with European religious leaders. The Presidents of the European Parliament and the European Council were invited from 2007. The Commission states the meetings provide for open exchange between EU institutions and representatives of religious communities on EU policies. In 2009, the Commission set up an annual high-level meeting between the three EU institutions and philosophical and non-confessional organisations.

Article 17 TFEU dialogue: Partners and guidelines

President Barroso 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.

The EU institutions also 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'i 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, Freemasons (such as the European Masonic Alliance, [AEM-EMA](#)), free thought and ethical or adogmatic organisations. The [European Humanist Federation](#) (EHF) and [Humanists International](#) advocate 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.

In 2013, the European Commission published [dialogue implementation guidelines](#) stipulating that the topics 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 [50](#) religious organisations and a number of philosophical and [humanist](#) organisations, difficult to identify in the register. 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 related to 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 the responsibility of First Vice-President [Othmar Karas](#) (EPP, Austria). He took over this function from the former First Vice-President [Roberta Metsola](#) (EPP, Malta) who was elected EP President in January 2022.

Reflecting participants' interest in topical issues, recent dialogue sessions have focused on ethical aspects of [artificial intelligence](#) (AI) and the [European Green Deal](#). Participants' contributions on AI are included on the European Parliament's Article 17 TFEU [webpage](#). The dialogue session on the [implications of the Covid-19 pandemic](#) in July 2020 and subsequent dialogues, among them on the [Conference on the Future of Europe](#) in November 2021, were held in remote format. Such recent Article 17 TFEU seminars are held in public, web-streamed and recorded. Previous sessions were devoted to broad issues such as [religious freedom and secularism](#), the persecution of [non-believers](#) and [Christians](#) in the world. The [role of churches](#) and religions in social issues and the [humanist contribution](#) to society were on the agenda in 2018 and 2019. The Parliament and the Commission host common high-level Article 17 TFEU meetings, such as that on 'The future of Europe: a value-based and effective Union', with [non-confessional](#) organisations and [religious leaders](#).

The European Parliament also hosts book presentations related to '[Religion & Society](#)', which discuss

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.

cross-cutting issues related to the European public sphere with authors. A [study](#) on religious pluralism in Europe was [presented](#) at one such event. The European Parliament regularly adopts resolutions on [human rights in the world](#), defending freedom of religion and belief and the fundamental rights situation in the European Union. Its [2015](#), [2016](#) and [2020](#) resolutions on fundamental rights in the EU include sections on freedom of religion and belief. The Parliament also adopted a resolution in January 2019 establishing EU guidelines and the mandate of the EU Special Envoy on the [promotion of freedom of religion or belief](#) outside the EU.

European Commission

Currently, the Article 17 TFEU dialogue in the Commission falls under the responsibility of the Vice-President for Promoting our European Way of Life, [Margaritis Schinas](#). Since 2019, the Commission has held separate high-level meetings with religious and non-confessional organisations devoted to the Covid-19 pandemic and the situation on migrants in the EU. In January 2020, Vice-President Schinas took part in the dialogue session at the European Parliament devoted to the European Green Deal, while Vice-President Frans Timmermans discussed this theme in a dialogue session with church and philosophical organisation representatives in June 2021. In January 2022, the high-level Article 17 meeting focused on the Conference on the Future of Europe.

The role of Special Envoy on the Promotion and Protection of Freedom of Religion or Belief Outside the EU remains unfilled since Christos Stylianides resigned in September 2021 to join the Greek government.

Council of the EU

The Council holds Article 17 TFEU meetings twice a year in the framework of the [rotating presidency](#) to discuss its six-month [programme](#). In March 2022, representatives of the [French Presidency](#) discussed its priorities with CEC and COMECE representatives: recovery from the Covid-19 pandemic, migration and asylum policies, the EU-Africa partnership, digital transition, AI, the ecological transition, and the Conference on the Future of Europe, among many other subjects.

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 inclusion in the text of the freedom of religion and freedom to change religion, important in the context of the persecution of atheists and agnostics.

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eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

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