

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, focuses 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 looked for 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 long 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 by organising dialogue on subjects of interest for the EU and its citizens. The European Commission and the Council are also bound by Article 17 TFEU provisions.

This is a further updated version of a briefing first published in 2018. The previous edition was issued in June 2023. It is published in support of the work of the Vice-President responsible for the Parliament's side of the Article 17 dialogue.



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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, 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 incorporated the Article 51 provisions unchanged, as Article 17 of the Treaty on the Functioning of the European Union (TFEU).

The European Commission had opened informal dialogue channels with churches and religious organisations in the 1990s. In 2005, the President of the Commission at the time, José Manuel Barroso, decided 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. According to the Commission, the meetings provided 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 main EU institutions and philosophical and non-confessional organisations.

Article 17 TFEU dialogue: Partners and guidelines

Barroso continued to host separate annual high-level meetings with both sets of partners but, with the Lisbon Treaty, 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, plus an obligation to respect the status of these organisations under national law.

Article 17 TFEU

'The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.

The Union equally respects the status under national law of philosophical and non-confessional organisations.

Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.'

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); [CEC](#) (the Conference of European Churches including Protestant, Anglican and Orthodox churches); representatives of churches at national level; representatives of the [Conference of European Rabbis](#); and representatives 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 and freemasonry organisations (such as the [European Masonic Alliance](#)), and free thought, ethical, non-dogmatic and secular organisations (such as [EGALE](#)). Humanist organisations, and the [European Humanist Federation](#) (EHF) in particular, have argued that there is an imbalance

between non-confessional organisations and churches in terms of the set-up at EU level, financial means, and political impact. The [EHF dissolved](#) at the end of 2022 and [Humanists International](#) took over most of their activities. The latter and its member organisations advocate for the secular neutrality of the EU public sphere, with the EU institutions maintaining a neutral stance towards all convictions, religious or not.

In 2013, the European Commission published [dialogue implementation guidelines](#) stipulating that the topics discussed should relate to the EU agenda and should 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 [50](#) religious organisations, in the section designated for 'organisations representing churches and religious communities'. As there is no designated section for philosophical and [humanist](#) organisations, they are to be found elsewhere in the register, notably in the section for 'non-governmental organisations, platforms and networks and similar'. The Commission's implementation 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 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 dialogue sessions, seminars, and events with partner organisations, is now the responsibility of Vice-President [Antonella Sberna](#) (ECR, Italy). She took over this function from the former First Vice-President [Othmar Karas](#) (EPP, Austria) after the June 2019 European elections. Religious matters remain of interest to MEPs, and during its first plenary session in October 2024, Parliament held a debate, with a Commission statement, on the [rise of religious intolerance in Europe](#), in response to growing concerns among human rights bodies, non-governmental organisations and religious communities

over the situation of religious freedom and tolerance in Europe.

Article 17 TFEU dialogue seminars focus on EU policies and reflect participants' interest in topical issues, such as [awareness](#) of disinformation and foreign interference, fundamental human values, and [artificial intelligence](#) (AI). The seminars are held in public, web-streamed and recorded, and participants' contributions feature on the European Parliament's Article 17 TFEU [webpage](#). A July 2022 seminar was devoted to the humanitarian response to the war in Ukraine. Various other events held in the framework of Article 17 TFEU have covered broad issues, such as [liberal democracy](#), [secularism](#) and the [role of churches](#) and religions in social issues.

Parliament's '[Religion & Society](#)' series of book and report presentations offer a forum for debate with authors on wide-ranging issues relating to the European public sphere. Recent subjects have included Humanists International's 2022 [Freedom of Thought Report](#) and [The Oxford Handbook of Religion and Europe](#).

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, has sought to ensure that the EU promotes and defends these freedoms in its external relations. The Intergroup's yearly reports on freedom of religion or belief in the world have highlighted discrimination against religious minorities, against Christians, Jews, and atheists alike, defending religious pluralism globally.

European Commission

In the Commission, the Article 17 TFEU dialogue currently falls under the responsibility of the newly appointed Commissioner for Internal Affairs and Migration, [Magnus Brunner](#), replacing Commission Vice-President Margaritis Schinas. During its last mandate, the Commission held separate high-level meetings with churches and religious organisations, and with non-confessional organisations on a number of current topics, such as the situation of migrants in the EU. Schinas hosted a high-level meeting with European religious leaders in January 2024, and then with philosophical and non-confessional leaders in February, to discuss the EU's response to external and internal challenges. In December 2023, Vice-President Schinas met with religious leaders from across Europe to discuss the conflict in the Middle East and its impact on European citizens. Schinas also headed up the [Commission's efforts to tackle antisemitism in the EU](#), a responsibility also in the portfolio of Commissioner Brunner in the new mandate. Similarly, Brunner's responsibilities also include efforts to combat anti-Muslim hatred.

The Commission usually [invites](#) the Parliament Vice-President responsible to the high-level Article 17 TFEU meetings. This was the case of the high-level meeting with religious leaders in January 2023 and the one with representatives of philosophical and humanist organisations in December 2022, both devoted to 'The impact of the war in Ukraine on the European way of life'.

In December 2022, [Frans van Daele](#) was appointed Special Envoy for the promotion and protection of freedom of religion or belief outside the EU, after his predecessor, Christos Stylianides, resigned in September 2021 to join the Greek government. Together with Commission Vice-President Margaritis Schinas and Parliament Vice-President Othmar Karas, he took part in the dialogue session on [liberal democracy](#) held in the European Parliament with both confessional and non-confessional organisations in January 2023. The Special Envoy's mandate coincides with that of the Commission, so will be up to President von der Leyen to make a new appointment for her second term.

Council of the EU

Ecumenical delegations from the CEC and the COMECE meet the [rotating EU Council presidencies](#) in the framework of Article 17 TFEU to discuss their 6-month [programmes](#). For instance, in June 2024, both organisations commented on the [Hungarian Presidency](#) priorities, and 'highlighted the need to recommit to the founding values of the European Union, with a particular emphasis on unity and solidarity as guiding principles for the forthcoming EU strategic agenda'. In October 2024,

the Hungarian Presidency hosted an Article 17 TFEU conference on '[Shared responsibility, cooperation between the state and religious communities in Europe](#)', in Budapest.

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.

MAIN REFERENCES

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