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Representing the Orthodox Churches to the European Union

The European Union is a unique, complex, dynamic and extremely interesting construction. At present, it brings together the diversities and particularities of 28 Member States and it seems that it went beyond the brilliant vision of its founding fathers. The European reality shifted from a strictly economic perspective to a broader one, which now incorporates political, social, and cultural aspects. Its increasingly growing impact on society constitutes a constant challenge for the churches in Europe. At the same time, due to the multiple crises, which affected the European society, the European Union is still in need of powerful convictions founded on equally solid values in order to restore the European citizens' hope and trust in its institutions¹. Hence, because they serve the common good, the churches can contribute to the formation of a European identity built primarily on the respect for human dignity and for the Earth, both of which are deeply rooted in the Christian tradition.

From a religious point of view, Europe is still Christian and it is not hard to indicate on the map of the 28 Member States the Catholic, Protestant, or Orthodox areas, even though there is increasing discussion about religious pluralism. In fact, the European Union does not have any competence in the religious domain and it fully respects the competence of the Member States in the organisation of the State-Church affairs. As a result, the relationship between State and religious communities at the European level is marked by the historical, religious, and socio-cultural particularities of each country.

Nevertheless, the European law does not ignore religion and it recognises its specific contribution to the shaping of the European identity, while, at the same time, it guarantees an *open, transparent, and regular dialogue* with the European churches.

Taking into consideration the complexity and the dynamism of the process, and in order to facilitate the reader's access to it, the aim of this

article is to provide a succinct overview on the presence and activities of the European churches to the European Union, with special emphasis on the Orthodox churches.

The Representations of churches to the European Union

The representation of churches to the European institutions takes many forms. Being convinced that they “can make an essential contribution to the development and integration” of the European Union², the European churches and religious communities make considerable efforts to monitor and to bring their specific contribution to the European areas of activity that are of interest to them. The idea of such an engagement is not at all new; it rather is in conformity with the tradition and mission carried on by the Church throughout the centuries³, the Christian faith having a profound influence on the cultural, social, and spiritual identity of Europe⁴.

The Roman Catholic Church is represented in Brussels in many ways, a fact which proves the importance it gives to the European construction. First of all, since 1970, there has been a diplomatic representative to the European Union in the person of a papal nuncio, who is also the dean of the diplomatic corps in Brussels. Thus, there are currently two papal nuncios in Brussels: one to the Kingdom of Belgium and Grand Duchy of Luxembourg, and another one to the European Community. Secondly, the Roman Catholic bishops from across Europe are officially represented to the European institutions by the Commission of the Bishops’ Conferences of the European Community (COMECE), established in 1980. The Secretariat of this commission in Brussels is well structured and it covers different political domains, such as institutional and legal affairs, fundamental rights, research and bioethics, migration and asylum, economic and social policies, sustainable development etc. In addition to these two structures of representation, there are special representatives of the Roman Catholic religious orders, like the Jesuit European Office (OCIPE), which has been monitoring the activities of the European institutions since 1956 in Strasbourg, and since 1963 in Brussels. Moreover, starting with 1990, the Order of the Society of Jesus has another office of representation in Brussels, namely the Jesuit Refugee Service (JRS). The Dominicans have a centre

called ESPACES (*Spiritualités, cultures et société en Europe*), while the Salesians of Don Bosco are represented by Don Bosco International. The Roman Catholic Church is also represented in Brussels by a great number of Roman Catholic NGOs which cover various domains of activity (e.g., Caritas Europe).

The Protestants also have confessional NGOs in Brussels, which are specialised in social or migration issues. One of the most active NGOs in this regard is Eurodiaconia. The European Protestant churches are represented in the first place by the Conference of European Churches (CEC), through the former *Church and Society* Commission, which has its roots in the *European Ecumenical Commission for Church and Society* (EECCS), established in the 1960s. The national character of the traditional Protestant churches enables them to be also represented separately, as is the case with the German Evangelical Church (1990) or with the Anglican Church (2008), which have their own offices of representation in Brussels. The Finnish and Swedish Protestant Churches have chosen a middle way, by appointing a special representative on European affairs in CEC.

The Orthodox representation to the European institutions is structured on more or less similar lines. Thus, on the one hand, most European Orthodox churches are members of CEC. On the other hand, the progressive enlargement of the European Union led to the integration of predominantly Orthodox countries like Greece (1981), Cyprus (2004), Romania and Bulgaria (2007). At the same time, in countries like Finland (EU member since 1995), Poland, Czech Republic, Slovakia, the Baltic States (EU members since 2004), there are well-organised Orthodox communities. Additionally, in recent years, the Orthodox presence in Western Europe has been increasing due to the free movement of citizens and to the economic disparity between East and West. Therefore, the Orthodox churches had not only to take note of the political and social evolution, but also to reflect on the impact that the European construction has on them and on the Christian life in general, as well as on their contribution to the shaping of the European identity.

The Ecumenical Patriarchate of Constantinople was the first one which, on January 10, 1995, established an Orthodox representative office to the European institutions, under the name "The Office of the Orthodox Church to the European Union". The person responsible for this office was and still is Metropolitan Emmanuel of France. In 1998, the Church of Greece decided to establish an office of representation to the European Union, and since 2000

its head has been Metropolitan Athanasius of Achaia. Even though Russia is not a member of the European Union, the Moscow Patriarchate set up, in 2002, “The Permanent Representation of the Russian Orthodox Church to the European Union”, which was led at that time by the current chairman of the Moscow Patriarchate’s Department for External Church Relations – Metropolitan Hilarion of Volokolamsk. The Russian Orthodox Church is also the only Orthodox Church who has an office of representation to the Council of Europe, in Strasbourg, led by a priest. In 2005, the Holy Synod of the Romanian Orthodox Church has decided to establish a Permanent Office of the Romanian Orthodox Church to Brussels, which became operational in 2007. The president of this office is Metropolitan Nifon of Targoviste and its director is a priest appointed by the Romanian Patriarchate. Since 2009, the Church of Cyprus has been represented in Brussels by means of an office led by Bishop Porphyrios of Neapolis. The last of the Orthodox churches to establish a representation office to the European Union is the Bulgarian Patriarchate: in 2013, Metropolitan Anton of Berlin was appointed by the Holy Synod to organize such an office in Brussels.

Thus, there are currently in Brussels six offices of representation of the autocephalous Orthodox churches, each one with its particularities, which are reflected also in the declared objectives. Some of these Orthodox churches, while remaining members of the CEC, opted to have an additional distinct office of representation to the European Union. However, it has to be mentioned that the Russian and the Bulgarian Orthodox Churches are not members of the CEC.

This double representation of the Orthodox Churches to the European Union, through the CEC at the ecumenical level, and through their own offices of representation, is supplemented in recent years with a third level, which tends to become more and more efficient and which may be labelled as inter-Orthodox collaboration. At the beginning of 2010, the Orthodox representatives in Brussels have created the *Committee of the Representatives of Orthodox Churches to the European Union* (CROCEU), in order to strengthen the Orthodox voice in their relations with the European institutions and to stimulate the participation of the Orthodox churches in the dialogue therewith.

Besides the specific objectives, which reflect the diversity of State-Church relationship and the social and cultural issues of the respective countries⁵, the primary aims of the Orthodox representative offices to the

European Union can be summarised as follows: a) to monitor the policies and activities of the European institutions in domains of particular interest to the churches (e.g., social, educational, environmental policies, human rights, bioethics etc.); b) to inform churches and citizens about the activities, policies, and projects of the European Union; c) to ensure an effective communication, as well as the promotion and development of the dialogue between churches and the European institutions; d) to bring their particular contribution to the European construction.

One can point to a whole series of reasons that led the Orthodox churches establish institutional representations in Brussels. From a diachronic perspective, the first distinct representative offices have been established at the moment when the European context became more favourable. The prospect of creating a single European market and the one of establishing a political union through the Treaty of Maastricht (1992), as well as the prospect of enlargement by the admission of new members through the Treaty of Amsterdam (1997), made the European edifice more interesting to churches. As a matter of fact, in the Treaty of Amsterdam one notices Declaration No. 11 on the status of churches, which reads the following: "The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States"⁶.

No less important is the fact that, several years later, in 2001, *A White Paper on the European Governance* made an additional reference to "the particular contribution" of churches and religious communities to civil society: "Civil society plays an important role in giving voice to the concerns of citizens and delivering services that meet people's needs [9]. *Churches and religious communities have a particular contribution to make ... Civil society includes the following: trade unions and employers' organisations ('social partners'); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities*"⁷.

Other Orthodox offices of representation were directly connected with the admission process of predominantly Orthodox states to the European Union, as it was the case with the office of representation of the Romanian Patriarchate. Since the very beginning of the accession process of Romania to the EU, the Romanian Patriarchate openly expressed its support for

the European integration of the country. For instance, by signing, in May 2000, the *Declaration of the Religious Cults on Romania's Integration in the European Union*, and, in February 2003, the *Final Communiqué of the National Forum for Supporting Romania's Accession Process to the European Union*, the Romanian Orthodox Church showed once more its open attitude towards promoting the moral and spiritual values at the basis of the modern European unity.

Furthermore, as in the case of the CEC/CSC or COMECE, the Orthodox institutional presence in Brussels emerged in response to a double necessity. On the one hand, it was concerned with the requirements of the European Orthodox Christian officials, while, on the other hand, it had to do with an increasing desire of involvement at the European level from the side of the autocephalous Orthodox churches⁸.

Their representative offices to the European Union are, thus, *a concrete form of the openness and European responsibility of Orthodox churches*, but also *a response to the interest manifested by the European Union in the dialogue with churches*, especially after the coming into force of the Treaty of Lisbon, which institutionalises the dialogue with the European churches.

Until the coming into force of the Treaty of Lisbon, the dialogue between churches and the European institutions was informal and mainly determined by the efforts of the churches and the goodwill of the European officials. This dialogue consisted in personal contacts, attendance at various events, organising seminars or expert panels on different topics, taking various stances etc., and made visible the attempts from the side of the churches to participate in the debates regarding the elaboration of European policies. The beginning of the 1990s marked an important shift, as Jacques Delors, the President of the European Commission (1985-1994), formally invited the European churches to actively participate in the discussions about the meaning of the European Union, which was missing "a heart" and "a soul". In one of these meetings with the representatives of churches, President Delors opined that: "If we do not succeed in giving Europe a soul in the next ten years, give it a spirit and a meaning, then we failed"⁹. Thus, considering that a political union had to be founded on a European identity and a sense of belonging, President Delors set up a regular dialogue with the representatives of churches. His successors, Jacques Santer, Romano Prodi and José Manuel Barroso, have further developed this tradition,

“regarding it as an important instrument of participatory democracy”, as it is mentioned on the website of the European Commission’s Bureau of European Policy Advisers (BEPA)¹⁰.

Furthermore, with the coming into force of the Treaty of Lisbon, this tradition of dialogue received a legal foundation. It would most likely be better to briefly outline the process leading to this point in order for the reader to more accurately discern the manner in which churches act at the European level and how they got involved in the reform process of the European treaties.

The last reform of the European treaties had its official starting point in the European Council held at Laeken, Belgium, in 2001, and it lasted almost 8 years, until the end of 2009, when the Treaty of Lisbon came into force. This reform was motivated primarily by the need of greater efficiency from the side of the European Union in the context of the enlargement from 15 to 25, and then 28 Member States. With the aim of achieving the reform, it was decided to set up a Convention on the Future of Europe. The new Convention produced the Treaty Establishing a Constitution for Europe, known also as the European Constitution. This new treaty was meant to replace the Treaty on the European Union (TEU) and the Treaty Establishing the European Community (TEC), in force at that time.

The Contribution of churches in the Reform Process of the European Treatises

The European churches have closely followed and were actively involved in the debates on the reform of the European treaties¹¹. In 2002 and 2003, a series of official stances and consultations have brought to the fore important aspects supported by the Roman Catholic Church, the Orthodox churches, and several European Protestant churches. In fact, the presence and the activities of the European churches in these debates proved that they can work together very efficiently in the construction of the future of Europe. The ecumenical witness of their efforts in this regard is self-evident. It was firstly about the values which they considered to be fundamental for the European construction and, thus, indispensable to a new European treaty, but also about particular standpoints regarding the place and role of churches and religious communities in the European

process of unification. Their opinions have been expressed through the representative offices to the European Union, and/or by the ecumenical organisations present in Brussels, as well as by the heads of churches or by the synods of the national churches, who felt the need to intervene in the discussions about the future of Europe, both at the European and the national levels, as is the case with the Orthodox churches.

For instance, on May 30, 2002, the Holy Synod of the Church of Greece issued a statement "On the Future of Europe". Upon enumerating a series of Christian values which lay at the basis of Europe, the Greek Orthodox Church puts forward three proposals regarding the fundamental principles which should be included in the European Constitution: "A) The principles of Religious Freedom and basic Human Rights are to be fully and specifically guaranteed and safeguarded, and deceitful proselytism forbidden, as proclaimed by the Treaty of Rome and confirmed by the functions of the institutions of the European Union. B) The respect for the common conscience of the Peoples of Europe concerning the Christian roots of their diachronic and contemporary spiritual legacy is to be ensured, without thereby violating the principle of Religious Freedom for all Religions or Confessions. C) The Church-State relations, which have an historical diachronic depth for each specific People, are to be left to the internal Law of each Nation, within the framework of religious freedom, as this is specifically foreseen in Statement No. 11 of the Treaty of Amsterdam, so as to avoid undesirable and unprofitable tensions on sensitive questions pertaining to religious traditions that have determined or define the national identity of the Peoples of Europe"¹².

In September 2002, the Church and Society Commission of the Conference of European Churches (CSC/CEC) and the Commission of the Bishops' Conferences of the European Community (COMECE) advanced the „first ecumenically agreed joint legislative proposal by CEC/CSC and COMECE on "Churches and Religious Communities in a Constitutional Treaty of the European Union". In the proposal it is stated that „not to make any reference to religion, churches or religious communities, [this] would constitute a vacuum, given their vital significance to society as a whole, to the values and identities upon which a society is based, and to the Union's relationship to its citizens" and that the suggestions put forward „are an expression of the increasing relevance of religion, churches and religious communities for the further development of the European Union"¹³.

Three main ideas are developed in this proposal. According to the first one, the European Union should guarantee churches and religious communities *the right to self-determination in organising themselves*, as well as *the protection of their religious activities*. The Churches considered that these rights were not sufficiently guaranteed by Article 10 of the Charter of Fundamental Rights of the European Union and by Article 9 of the European Convention of Human Rights, because the legal provisions therein refer primarily to personal rights, and not to communitarian ones. The second one maintains that, on the basis of the experience and social activities of churches and religious communities, *a specific contribution to the public life should be recognised*. Hence, the European institutions would have to consult them with regard to essential issues of society, by means of a “structured” dialogue. Last but not least, the Declaration No 11 of the Final Act of the Treaty of Amsterdam should be reassumed. According to this declaration, which is based on the principle of subsidiarity, *the European Union has no competence in determining the status of churches and religious communities in the Member States*.

Following closely the works of the Convention, and subsequent to the publication of the Preliminary Draft of the Constitutional Treaty (CONV 369/02) by the Convention Secretariat, on October 28, 2002, CEC/CSC and COMECE jointly proposed, in December 2002, a slightly modified “toolbox”, as compared to the one in September, “suggesting different options as to where and how the churches’ legislative proposals could be featured into the Constitutional Treaty”¹⁴. The reason behind the presence of these provisions in the European Treaty is the same as in the September document, namely: „In full respect of the principle of separation between public power and churches and religious communities, and of the different constitutional traditions of current and future Member States of the European Union, these legislative proposals are an expression of the relevance of religion, churches and religious communities for the further development of the European Union”¹⁵.

The three proposals submitted in September are found in the new document as well, but they are supplemented with other two suggestions, which are concerned with *the values of the European Union* and with a possible *reformulation of the Preamble*. More precisely, CSC and COMECE suggested the following three variants of the text of the Preamble: 1) “Taking inspiration from its cultural, humanist and religious heritage,

the Union is founded on the indivisible, universal principles of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice"; 2) [The Member States and the Citizens of the European Union,] "conscious of their history, of the indivisible, universal values of human dignity, freedom, equality and solidarity, and of what Europe owes to its spiritual and moral heritage"; 3) "Conscious of human responsibility before God and equally conscious of other sources of human responsibility...".

Amid the discussions relating to the possible mentioning of God or of Europe's Christian heritage in the text of the Constitutional Treaty, at the initiative of the Ecumenical Patriarchate, the representatives thereof, as well as those of the Orthodox Churches of Russia, Serbia, Romania, Cyprus, Greece, Poland, Albania, the Czech Republic, Slovakia, and Finland met in Crete, on March 18-19, 2003, to discuss about „The stance of the European Constitution towards the Churches and Religions proposed by the Orthodox Church". In the Letter of Invitation of the Ecumenical Patriarch Bartholomew it was mentioned that "the agency in charge of composing and sanctioning the Constitution of Europe finds itself confronted with the need a) to specify its position towards the internationally recognized religions and Churches, which include the Orthodox Church; b) to get itself or the member states of the European Union themselves to specify the criteria and the presuppositions of recognizing the rest of religions as religions and granting them or not the legal benefits that the dominant and traditional religions enjoy in the context of religious toleration, religious freedom and religious detachment of the state; and c) the criteria of classifying the destructive or criminal organizations which pretend to be religious in the same category, and the general principles of dealing with them".

At the end of the meeting, a document entitled "Conclusions of the Inter-Orthodox Consultation on the Draft Constitutional Treaty of the European Union" was issued. In it, the Orthodox representatives advanced the following concrete proposals: "1) The Constitutional Treaty should include explicit reference to Europe's Christian heritage, by means of which the principles and values of the biblical and Greco-Roman tradition were perpetuated, which, with subsequent cultural elements, constitute the foundations on which the modern European construct is founded. 2) The

safeguarding of human rights which have been recognized by European and international conventions and declarations and were codified in the Charter of the Fundamental Human Rights, must continue to constitute internal law of the European Union. 3) Human rights must be safeguarded not only in their individual manifestation but also in the collective and institutional, such as rights and duties of the citizens of Europe: more specifically we would mention the sanctity and inviolability of the biotechnology knowledge and application, the protection of the institution of marriage and the family, and the focusing of education on the objective of these principles and values, etc. 4) Religious freedom must be safeguarded not only as an individual human right but also as the right of traditional Churches and Religions of Europe. 5) The 11th Declaration of the Treaty of Amsterdam on the *status quo* of the Churches and non-confessional religious unions must be incorporated in the Constitutional treaty to ensure that its pertinent provisions will not be violated by the legislation of the Member-States. The formulation of the relevant provision of the constitutional treaty is proposed as follows: "The European Union respects and does not prejudice the national law in each member state on the relation between State and Church and the internationally acknowledged principles of religious freedom for individuals and the churches." 6) It is necessary to establish stringent criteria both in respect of the inclusion of sects in the framework of religious freedom, and of the legitimacy of their activity and their engagement in illicit proselytism within the member states of the union. The formulation of the pertinent provision is proposed as follows: "The European Union, in the same manner, respects the *status quo* of philosophical and non-confessional unions, and acknowledges that the non-recognition by member states of the aforementioned philosophical and non-confessional unions of the privileges that are recognized in respect of the Churches and Religions does not contravene the principle of religious toleration"¹⁶.

One can easily notice in this document the desire of the Orthodox representatives, who follow the already known position, that the new treaty would include: 1) a reference to the Christian heritage of Europe; 2) the human rights as stipulated in the European Charter of Human Rights; 3) the principle of subsidiarity as mentioned by the Declaration No 11 of the Treaty of Amsterdam; 4) the principle according to which the freedom of religion implies also the communitarian dimension applicable to churches and religious communities etc.

In general, most European churches followed the constitutional debate from the very beginning and they were actively involved in the drafting process of the Constitutional Treaty. Consequently, as it transpires from the presentation above, the main proposals revolve around several important topics which can be labelled as ecumenical agreements because this democratic exercise contributed to the appearance and development of a sustained effort for the harmonisation of their perspectives.

Moreover, the official stances of the heads of churches have to be added to this regular effort which consisted in consultation meetings and statements of experts. The constant involvement of Pope John Paul II in support of the references to God and to the Christian heritage of Europe in the new treaty are widely known to the public. His vision was articulated both in the diplomatic meetings with the members of the Convention, but especially in his post-synodal apostolic exhortation *Ecclesia in Europa*, issued on June 28, 2003. In this document, Pope John Paul II appealed also to those drawing up the Constitutional Treaty, while fully respecting the secular nature of the institutions, so that three complementary elements should be recognized: “the right of Churches and religious communities to organize themselves freely in conformity with their statutes and proper convictions; respect for the specific identity of the different religious confessions and provision for a structured dialogue between the European Union and those confessions; and respect for the juridical status already enjoyed by Churches and religious institutions by virtue of the legislation of the member states of the Union”¹⁷.

On the same month of 2003, in a discourse held in Romania at the University of Iasi, His Beatitude Archbishop Christodoulos of Athens and All Greece voiced his concern about the reluctance of some people to mention the Christian roots of Europe in the Preamble of the new treaty. “Without Christianity, he said, the United Europe will not be a civilisation but an enlarged marketplace. It will be nothing but a rearing farm of a greasy, grey, shapeless mass. Europe has been our vision. It is now up to us to create the United Europe, and not the united cowshed. [...] The Church is anxious; the Church is praying. And I would like to share with you the prayer for Europe not to be deprived of our Christian future. I wish to share with you the prayer for our fight for the unification of Europe to turn out to be not a sin but a blessing”¹⁸.

In the end, however, despite the repeated appeals of the heads of the main European churches in favour of the explicit mentioning of God or of

the Christian faith of Europe, as well as despite several successful public petitions in this regard, the final draft of the Constitutional Treaty, which was agreed upon with the Member States, omitted any such reference in the Preamble. Nevertheless, the Constitutional Treaty introduced for the first time in the history of the European Union an article on the “Status of churches and non-confessional organisations”, which *recognised explicitly the protection of the status of the churches in the Member States, their identity and their specific contribution, and set up the dialogue between churches and the European Union*¹⁹.

Immediately after the final draft of the treaty became public, churches have issued assessments thereof, in which they expressed their specific positions. In a statement released on June 19, 2003 (the first day of the European Summit in Thessaloniki), the executive Committee of COMECE welcomed the completion of the work of the European Convention and remarked the presence of the article regarding the status of churches, while expressing at the same time some reservations on the text of the Constitutional Treaty. Among these one could mention the ones referring to certain lacunae in the text of the European Charter of Human Rights (e.g., provisions on cloning or freedom of religion) and to the omission of the reference to the contribution of Christianity into the building of Europe, which was considered to be “essential”²⁰.

The rejection of the Constitutional Treaty by the French and Dutch voters through referendum, in 2005, determined the European leaders to think of a different treaty which would contain the main provisions of the Constitutional one, but without any reference to the constitutional elements. This new treaty was signed in Lisbon, in December 2007, and then ratified, over the following two years, by all the Member States of the European Union.

The Lisbon Treaty and the churches in Europe

The Treaty of Lisbon reforms the two existing treatises mentioned above, the *Treaty on the European Union* (TEU) and Treaty Establishing the European Community (TEC), the latter becoming the *Treaty on the Functioning of the EU* (TFEU).

As it is mentioned in its Preamble, “resolved to mark a new stage in the process of European integration undertaken with the establishment of the European Communities”, the Treaty of Lisbon intends to make the enlarged Union more democratic, more efficient, and thus more united.

Without making explicit reference to Christianity, the Preamble of the Treaty on European Union recognises the important contribution made by religion to the shaping of the European identity, by stating the following: “Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law”²¹.

With regard to the rights and values advocated for by the European churches during the drafting and amendment stages of the Constitutional Treaty, Article 2 of the TEU enumerates the following values that lie at the basis of the European Union: “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”. Article 3 of the same treaty also states that the Union’s aim is “to promote peace, its values and the well-being of its peoples”. By means of Article 6 of the TEU, the Charter of Fundamental Rights of the European Union receives the same binding power as the Treatises – “The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treatises”. It may be also useful to mention here that Article 10 of the Charter of Fundamental Rights of the European Union stipulates *the freedom of thought, conscience and religion*²².

The text of the provisions on the status of churches and non-confessional organisations remained unchanged, Article I-52 of the Constitutional Treaty becoming *Article 17* of the Treaty on the Functioning of the European Union (TFEU), without, however, keeping the initial title of the article:

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

2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.²³

Thus, as the TFUE puts it, while respecting the competence of Member States in the fields of religion and of the status of religious communities, and recognising the specific identity and contribution of each church and religious community, the European Union guarantees an *open, transparent* and *regular dialogue* with churches. *Open*, with regard to the topics that can be tackled and to its structuring, *transparent*, as the topics, the partners, as well as the results of the dialogue are public, and *constant*, as the European institutions have to maintain a regular dialogue at various levels, in different forms²⁴.

The participation of the Orthodox churches to the dialogue with the European institutions in view of the implementation of Article 17(3) of the TFEU was the focus of the first meeting of the Committee of Representatives of Orthodox Churches to the EU (CROCEU), on March 17, 2010. The Committee underlined the commitment of the Orthodox churches to the dialogue with the European institutions. Considered “a service to the human person who faces major challenges in the different areas of Europe today [this dialogue] is very much welcome as a manifestation of mutual respect and as a sign of hope for a better Europe and a sustainable world”. It represents “a challenge and an opportunity for promoting the fundamental values and principles upon which European culture has based itself and along which it has developed, such as justice, peace, protection of the environment, sensitivity in front of situations of poverty and suffering, reasonable distribution of financial assets, condemnation and avoidance of all sort of violence, protection of children and women, access to education for all, standing in solidarity with one another, freedom of communication and expression, protection of religious freedom concerning both minorities and majorities and the rule of law”.

In its conclusions, the Committee points out the importance of common values and principles for sustaining dignified social life in Europe and in the world which makes necessary a dialogue between the European institutions and churches. This dialogue has to be built within a “clear framework,

providing for the necessary flexibility as well as for an exchange of views on important topics that need to be seriously tackled and followed-up”²⁵.

As a side note and in relation with what has been said before, it should be emphasised here that the churches consider themselves partners of the European Union, and not part of the lobby groups in Brussels. This opinion is grounded on at least three main reasons. Firstly, from a theological-spiritual perspective, despite the efforts to bring the Church at the same level with the other social actors, any Christian lives with the conviction that the Church and her mission are not only from and for this world. Thus, the aim of the representation of churches in Brussels is not limited to covering a mere economic, financial, or political area in the activities of the European institutions. Secondly, because the mission of the churches is universal and aimed at achieving the common good, they are interested in the overall policies of the European Union. That is exactly why sometimes the activities of the churches in Brussels enter into conflict with those of the lobbyists, who are driven by immediate and earthly interests. Thirdly, the activities of the churches in Brussels should not be mixed up with those of the lobbyists because even the European law differentiates them. The Treaty of Lisbon makes a distinction between the dialogue of the European Union with civil society and the one with the churches, and it explicitly recognises the identity and the specific contribution of the churches to the European project.

Main coordinates of the dialogue

The communication between churches and the European institutions takes various shapes, from bilateral meetings on a precise topic to written interpellations and questions or the joint organization of dialogue-seminars. The dialogue is currently structured in high-level meetings between European Religious Leaders and the presidents of the European Commission, Council and Parliament; dialogue-seminars that are co-organized by the religious representations in Brussels and the European Commission; conferences, debates or exhibitions in the European Parliament; various meetings organized by the political groups in the EP; half-yearly meetings with representatives of the member state which holds the EU presidency etc.

Starting in 2005, and to an even greater extent after the entry into force of the *Lisbon Treaty*, in 2009, the yearly zenith of the dialogue between religious communities and the EU is *the high level meeting*, organised by the European Commission, between religious leaders from various EU countries and the presidents of the European Commission, European Council and European Parliament²⁶. This is a good opportunity for the participants to exchange views on the current issues topping the EU agenda, and the EU leaders miss no chance to emphasise that they are all ears towards what Churches and religious communities have to say and contribute on the matters under question. As a tradition, the main topic of the meeting is related to that of the *European Year* and has, in time, ranged from climate change to ethical challenges to intergenerational solidarity.

For instance, the 2013 annual meeting was focused on the issue of active citizenship in a time when most Europeans grow more and more indifferent (if not altogether hostile) to what is happening in Brussels. The meeting was also attended by HB Daniel, the Patriarch of the Romanian Orthodox Church, and His Eminence Metropolitan Leo, Archbishop of Karelia and all Finland. In their speeches, the Orthodox representatives pointed to certain shortcomings and limitations in the way in which the European construct is currently understood and realized. They emphasized the need for each and every European citizen, as well as each and every EU member state, to embrace an attitude of moderation, co-responsibility and solidarity, and even more so in the current difficult social context. Moreover, there is a clear need of a more active involvement of EU citizens into the drafting and implementation of EU policies.

While the high-level meetings generally have to comply with more rigid rules of protocol, the various *dialogue-seminars* tend to be much less formal and thus more animated. They bring at the same table church representatives, EU leaders and functionaries, scholars and experts in various fields of activity. Initiated early in the 1990s, they bear witness to a long and fruitful tradition of cooperation between the European Commission and churches in Europe. Taking place on quite a regular basis, these meetings between church and EU representatives focus on a whole series of punctual issues that European societies are currently facing, as well as on the articulation of a well structured dialogue between the two sides. More precisely, CSC/CEC and COMECE co-organise a dialogue seminar with BEPA (Bureau

of European Policy Advisors of the European Commission) twice a year. Similarly, in 2012, BEPA and the Committee of Representatives of Orthodox Churches to the EU (CROCEU) jointly organized a one day dialogue-seminar under the title "Promoting Solidarity in the Current Economic Crisis: The Contribution of the Orthodox Church to the European Social Policy". This meeting occasioned a balanced reflection on the structural factors which led Europe into the current state, a reflection without which there can be no way out of the difficulties of all kinds facing today's world.

Among the more recent results of such meetings, one can mention the adoption, on 24 June 2013, by the European Council on Foreign Affairs, of a set of "Guidelines on the promotion and protection of freedom of religion or belief", following the organization, in 2012, of a dialogue-seminar on religious freedom within and outside the EU, by BEPA, CSC/CEC and COMECE. Though it exhibits a number of major drawbacks from an Orthodox point of view, this document nevertheless has the merit of having assumed religious freedom as a priority in the articulation and implementation of EU external policy.

Besides the dialogue-seminars organized by the European Commission through BEPA, there is also a series of *meetings at the level of the European Parliament*. These are organized by the bureau of the EP president, as well as by some of the political groups present in this house. Thus, starting in 1996, in the context of the EU enlargement process, the Group of the European People's Party (Christian Democrats) and the European Democrats (EPP-ED) in the European Parliament initiated a series of annual meetings with representatives of the Orthodox Church. Apart from strengthening the relationship between the Orthodox Church and the EPP-ED Group, this process helped bringing together the peoples in South-Eastern Europe to work for the promotion of their common values, such as human rights, human dignity, peace, stability, prosperity, development, progress etc.²⁷

Furthermore, one should mention that not all such meetings take place in Brussels, as there are also *similar encounters hosted by the EU member states*, which are as many opportunities for the representatives of Churches to get in touch not only with European, but also with national governments' representatives. For instance, within the framework of the CROCEU meeting in Bucharest, on 16-18 of May 2014, a dialogue-seminar was organized under the title "The Family in the current crisis", which brought together CROCEU members, representatives of the Romanian

Government and of the European institutions, as well as a number of experts and executives of the Romanian Patriarchate.

Though the activities of the churches representations to the EU are rather diverse, one can nevertheless point to a few punctual issues that figured high on their agenda over the past few years. Thus, one of the most prominent projects was the more-than-one-year-long campaign around *the One of Us European Citizens' Initiative* (ECI), the largest public petition in the history of the European institutions. After the *Horizon 2020* research framework of the EU watered down the ethical provisions concerning research activities on human embryos, a group of EU citizens decided to make use of this new legislative instrument provided by the Treaty of Lisbon, and drafted one of the first ECI to be registered by the European Commission, with the aim of advancing the protection of human life from conception, within the possibilities of the competency of the EU. The initiative received wide support from most churches in Europe, and this support materialized in the almost two million signatures that were raised over one year, until November 2013. For instance, in Romania, a majority Orthodox country, after the Holy Synod gave its blessing for it, in July 2013, a campaign of raising signatures was launched in parishes, which led to the collection of almost 150.000 signatures of support, in less than three months.

Moreover, the representations have followed closely the elaboration and voting by the European Parliament of a series of reports on family related issues, such as the *Estrella Report*, on Sexual and Reproductive Health and Rights, the *Lunacek Report* on the EU roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity, or the *Zuber Report* on equality between women and men.

Last but not least, *the European elections* in May 2014 also figured high on the recent agenda of the Orthodox representatives in Brussels. Already on March 9, 2014, the Sunday of Orthodoxy, CROCEU had published an official Statement in this regard, entitled "Strength comes out of Unity"²⁸. Emphasising that "the EU is not just another institution founded to safeguard individual and collective economic interests, [but rather] the recipient encompassing the aspirations of hundreds of millions of people living in their own country who wish to be part of a larger family of nations that work together for the consolidation of social standards, dignity in life

and security in society," the Orthodox representatives launched an appeal to all Christians *to take an active part in the elections and, thus, to contribute to the improvement of the European project.*

Concluding remarks

The EU has institutionalized a structured dialogue with the churches in Europe. The European primary law clearly recognises the specific contribution to, and role within, the European society of the religious dimension.

On the other side, the churches' presence in Brussels was itself gradually institutionalized and diversified, leading to today's variety of forms of representation. Yet, in spite of this variety, one can easily notice an efficient sense of solidarity among the Christian churches, which defend and promote common principles and values within a united Europe. The presence in Brussels of the various churches aims at responding to the awareness, which has been openly manifested by the EU itself, that a European construction that is solely based on material values, at the expense of the spiritual ones, will not succeed. Consequently, what the European churches are trying to do is to provide the framework for a realistic articulation of "a soul for Europe", not only discussing the various aspects of European integration, but being significant contributors to it²⁹.

Monitoring EU policies and actions, maintaining an active dialogue with the European political institutions, bringing their specific contribution to the articulation of EU policies as well as to the promotion of the European project – all of these are just a few of the primary coordinates of the work of the churches through their offices of representation in Brussels.

Hence, the dialogue between the Orthodox Churches and European Union at once points to the importance of keeping in sight the spiritual dimension of Europe, and to the recognition of the unique contribution of churches to the development and strengthening of the European construct. As the EU is in fact a continuous process of shaping the European society, the common Christian witness and the contribution of religious communities therein is of utmost importance. This complex and dynamic process has repercussions on the life of communities and persons, and could thus equally represent a challenge to and a chance for the Churches,

which are called to live their faith in a new context. As a matter of fact, as Patriarch Daniel of Romania put it, in the framework of the ongoing European construct, the European Churches are to avoid both isolation and dissolution, by way of constantly living and witnessing to a dynamic and creator fidelity to their tradition³⁰. As the active involvement in, and contribution to, society are at the centre of their mission, witnessing and self-understanding, the Orthodox Churches have the awareness that they can contribute in a unique way to fostering the spirit of togetherness or solidarity, at both the national and the European level, for the wellbeing of the people and their salvation.

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Notes

- ¹ José Manuel Durão Barroso, President of the European Commission, speaks in his *State of the Union 2012 Address* about “a crisis of confidence” that haunts Europe. *Barroso* 2012.
- ² “...the Church has to offer Europe the most precious of all gifts, a gift which no one else can give: faith in Jesus Christ, the source of the hope that does not disappoint; a gift which is at the origin of the spiritual and cultural unity of the European peoples and which both today and tomorrow can make an essential contribution to their development and integration”. *John Paul II* 2003, par.18.
- ³ Certainly, a serious outline of the religious representation to Brussels cannot ignore the other religious bodies, other than Christian, in dialogue with the EU institutions, but keeping in mind the topic of the article, the focus will be on the Christian representation. For more details about the number and type of religious bodies in dialogue with the EU institutions, see: *Leustean* 2013.
- ⁴ Even the “founding fathers of Europe”, like R. Schuman, K. Adenauer, or A. De Gasperi, have been undoubtedly influenced by Christian ideas.
- ⁵ The specific aims of the representation offices can be discerned also from the news made available on their websites or in their publications, be it monthly or be it contributions (expert reports) of churches to different domains.
- ⁶ *Official Journal* C 340, 10/11/1997, 133.
- ⁷ *Official Journal* 287, 12/10/2001, 1–29 (*italics added*).

- ⁸ In addition to Patriarch Bartholomew of Constantinople, two other influential personalities of the Orthodox world, who were actively involved in the promotion of the common principles and values that underlie Europe and the institutional collaboration with the European Union, have to be mentioned. These are the late Archbishop Christodoulos of Athens and His Beatitude Daniel, the Patriarch of Romania.
- ⁹ *European Integration 2009*, 49.
- ¹⁰ *Dialogue under Article 17*.
- ¹¹ For additional details, see *Mudrov 2013*.
- ¹² *On the Future of Europe 2002*.
- ¹³ *Churches and Religious Communities 2002*
- ¹⁴ *Churches and Religious Communities II, 2002*.
- ¹⁵ *Ibid.*
- ¹⁶ *Conclusions of the Inter-Orthodox Consultation 2003*.
- ¹⁷ *John Paul II 2003*, par.114.
- ¹⁸ *Christodoulos 2003a*. A few days before, in a discourse to another Romanian university (Craiova), entitled *Europa nostra*, HB Christodoulos brought forward a real plea for the Christian roots of Europe arguing that: “Europe is that which Christianity created”. Furthermore, he said that “We shall have to acknowledge both in its forthcoming Constitution and in its everyday political practice the fact that, when we speak of Europe, we speak of a civilisation, we speak of a particular spirituality, and that this spirit is the offspring of Christianity.” *Christodoulos 2003b*.
- ¹⁹ In fact, Article 51 proposed by the Convention to the European Council at Thessaloniki, June 19-20, 2003 becomes *Article I-52* in the final draft, keeping almost the same text.
- ²⁰ *Une constitution pour l’Europe 2003*, 729. See also: *The Treaty Establishing a Constitution for Europe 2005*.
- ²¹ Treaty on European Union (Consolidated version) in *Official Journal C 326*, 26/10/2012. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT> (accessed on 22 April 2014).
- ²² Article 10: “1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance. 2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right”. See also *Convention for the Protection of Human Rights and Fundamental Freedoms*, Art. 9.
- ²³ Treaty on the Functioning of the European Union (Consolidated version), *Official Journal C 326*, 26/10/2012. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT> (accessed on 22 April 2014).
- ²⁴ In order to set the framework for this “open, transparent and regular dialogue”, the European Commission published in July 2013 some guidelines on the implementation of the article 17. See: *Guidelines 2013*.

²⁵ *Communiqué* 2010.

²⁶ Sometimes, the president of the EP is replaced by one of the vice-presidents, the one in charge with the relations between this institution and the churches and religious communities throughout the Union.

²⁷ For additional details, see *The Orthodox Church and the EPP-ED Group* 2008.

²⁸ *Strength Comes out of Unity* 2014.

²⁹ *European Integration* 2009, 5.

³⁰ *Daniel* 2009, 266.

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Tiivistelmä

Sorin Selaru, *Ortodoksisten kirkkojen edustus Euroopan Unionissa*

Artikkelissa esitellään Euroopan kirkkojen, erityisesti ortodoksisten kirkkojen, toimintaa Euroopan unionissa. Euroopan unioni on ainutlaatuinen, monimutkainen ja dynaaminen kokonaisuus, joka kokoaa yhteen 28 jäsenvaltion erot ja erityispiirteet. Unionilla ei ole toimivaltaa uskonnon alueella vaan se kunnioittaa jäsenvaltiotensa lainsäädäntöä kirkollisten asioiden järjestämisessä. Tämän seurauksena valtion ja uskonnollisten yhteisöjen suhdetta Euroopan tasolla leimaavat kunkin maan historialliset, uskonnolliset ja sosio-kulttuuriset erityispiirteet. Euroopan unionin järjestys takaa kuitenkin avoimen, läpinäkyvän ja säännöllisen vuoropuhelun Euroopan kirkkojen kanssa.

Kirkkojen ja Euroopan unionin toimielinten välinen yhteydenpito tapahtuu eri tavoin (esim. kahdenväliset kokoukset, monenväliset seminaarit ja kirjalliset välitykset). Myös kirkkojen edustuksella on monia muotoja. Roomalaiskatolisella kirkolla on Brysselissä kaksi paavillista nuntiusta. Eurooppalaiset katoliset piispat ovat myös virallisesti edustettuina katolisen kirkon piispainkokousten EU-toimiston (COMECE) kautta ja joillakin katolisilla sääntökunnilla on oma EU-edustus. Protestantit toimivat EU:ssa yhtäältä erilaisten kansalaisjärjestöjen ja toisaalta lähinnä Euroopan kirkkojen konferenssin (CEC) kautta. Osalla protestanttisista kirkoista on myös oma edustuksensa (esim. Saksan evankelisella kirkolla ja Anglikaanisella kirkolla). Ortodoksisista kirkoista Ekumeeninen patriarkaatti perusti ensimmäisenä edustuksen Brysseliin vuonna 1995. Tällä hetkellä viidellä muullakin ortodoksisella paikalliskirkolla on toimisto Brysselissä (Kreikka, Moskova, Romania, Kypros ja Bulgaria). Useimmat ortodoksiset kirkot toimivat myös CEC:n kautta. Viime vuosina kolmas ortodoksisen edustuksen muoto, ortodoksisten toimijoiden yhteistyö, on voimistunut ja osoittautunut tehokkaaksi tavaksi toimia EU:ssa.

Motiivina ortodoksisten kirkkojen läsnäololle Brysselissä on yhtäältä tarve huolehtia yhteydenpidosta EU:n ortodoksisten virkamiesten kanssa ja toisaalta halu osallistua yhteiseen toimintaan eurooppalaisella tasolla. Ortodoksisten edustustojen ensisijaiset tavoitteet Euroopan unionissa voidaan tiivistää seuraavasti: a) politiikan ja Euroopan toimielinten toiminnan seuraaminen erityisesti kirkkoja kiinnostavilla aloilla, esim. yhteiskuntaa, koulutusta, ympäristöpolitiikkaa, ihmisoikeuksia ja bioetiikkaa koskien; b) kirkkojen ja kansalaisten tiedottaminen Euroopan unionin toiminnasta; c) huolehtiminen viestinnästä, sekä kirkkojen ja EU:n toimielinten vuoropuhelun edistäminen ja kehittäminen; d) erityisen ortodoksisen panoksen tuominen Euroopan rakentamiseen.

Lissabonin sopimuksen (2009) voimaantulon myötä EU:n ja kirkkojen vuoropuhelun perinne sai oikeudellisen perustan. Euroopan kirkot olivat 2000-luvun alussa aktiivisesti mukana EU-sopimusten uudistamisprosessissa. Tuolloin käydyt keskustelut, virallisten kannanottojen laatiminen sekä muut yhteiset toimet roomalaiskatolisen kirkon, ortodoksisten kirkkojen ja useitten protestanttisten kirkkojen kesken

osoittivat, että Euroopan kirkkojen läsnäolo on merkityksellistä ja että kirkot voivat toimia yhdessä tehokkaasti. Hyvästä kirkkojenvälisestä yhteistyöstä huolimatta perustuslakisopimuksen lopullisen luonnoksen johdanto-osassa ei ollut viittauksia kristinuskoon tai Jumalaan. Perustuslakisopimukseen sisällytettiin kuitenkin osio ”Kirkkojen ja ei-tunnustuksellisten järjestöjen asema”, jossa suorasanaisesti tunnustetaan ja turvataan kirkkojen asema jäsenvaltioissa sekä luodaan perusta kirkkojen ja Euroopan unionin dialogille.

Uskonnolliset yhteisöt ja EU:n edustajat ovat vuodesta 2005 alkaen kohdanneet vuosittaisessa korkean tason kokouksessa, jossa eri EU-maista olevat uskonnolliset johtajat käsittelevät ajankohtaisia kysymyksiä Euroopan komission, Euroopan neuvoston ja Euroopan parlamentin presidenttien kanssa. Vuoden 2013 vuosikokous keskittyi aktiivisen kansalaisuuden teemaan. Ortodoksisten kirkkojen johtajista kokoukseen osallistuivat mm. Romanian patriarkka Daniel sekä Karjalan ja koko Suomen arkkipiispa Leo. Tyytymättömyys, välinpitämättömyys ja jopa suoranainen vihamielisyys Euroopan unionia kohtaan on voimistumassa EU-kansalaisten keskuudessa. Puheissaan ortodoksiset edustajat korostivat, että jokaisen Euroopan kansalaisten ja EU:n jäsenvaltion tulee toimia maltillisesti ja edistää yhteistä vastuuta ja solidaarisuutta. Kirkkojen edustajat toivoivat, että EU:n kansalaiset osallistuisivat nykyistä aktiivisemmin EU:n politiikan muotoilemiseen ja toteuttamiseen.

Aktiivinen yhteiskunnallinen osallistuminen on olennaisen tärkeää kirkon tehtävän, todistuksen ja itseymmärryksen kannalta. Edistääkseen ihmisten hyvinvointia ja pelastusta ortodoksiset kirkot haluavat omalla ainutlaatuisella tavallaan vahvistaa yhteenkuuluvuuden ja solidaarisuuden henkeä niin kansallisesti omilla alueillaan kuin koko Euroopankin tasolla.