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**Third-Sector Organizations in the Process of Regional Integration:  
EU-Enlargement and Social NGOs – a German Perspective**

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## Introduction

It is widely acknowledged that Third-Sector organizations are of vital importance in the transformation process of the Middle and Eastern European Countries (MEEC). Ever since the end of ‘communism‘ these countries struggle to create democratic states and to develop a civil society. A wide range of new organizations have been founded in countries that for more than 40 years did not know private organizing in general and activities of their people as citizens in particular. The social security systems of these states are slowly being shaped under very difficult circumstances, and simultaneously Third-Sector organizations in the social field<sup>1</sup> have been founded (Munday 2003). The accession to the European Union will influence the construction of the social systems and (hopefully) strengthen the Third-Sector organizations as actors of civil society.

The German social organizations have dealt with the EU-enlargement rather peripherally; obviously they did not expect severe changes in their realm of work and for their member organizations. The leading question of this paper is still: What does EU-enlargement mean for social Third-Sector organizations? From a mainly German perspective this question is being looked into under four aspects:

- fears and hopes,
- cooperation between social NGOs,
- cross border activities in social services and
- selected gender specific issues.

But first a brief introduction into EU-integration and EU-enlargement will be given with some statistical data and basic information followed by major commonalities and differences of social nonprofit organizations in the two accession countries Poland and Czech Republic. These two countries were chosen because they share borders with Germany and are hence of special interest in regard to cross border activities. In a third step, the four aspects mentioned above will be focused on. Then two developments of what all European Member States and their Third-Sector organizations are facing in regard to the European integration are discussed briefly, the “open method of coordination” and the debate on “services of general interest”, before finishing with some final remarks.

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<sup>1</sup> In this paper these organizations are also referred to as social nonprofit organizations (NPO) or social non-governmental organizations (NGO) and often simply as social organizations. In Germany they mainly consist of the members of the umbrella organizations: German Red Cross, Caritas, Diaconia, Workers’ Welfare Organization, Jewish Welfare Agency and the Nondenominational Welfare Organization. They deliver a huge amount of social services from day care centers to services for the elderly, which are financed mainly by the state.

The contents of this paper was compiled by analyzing documentations of conferences on social services and European integration and by analyzing two studies that have been published in Germany. One was conducted by the Observatory for the Development of Social Services in Europe<sup>2</sup> (Holzer 2004) and is entitled: “Survey on the need of cooperation and counseling of social service NGOs in the EU accession countries Poland, Slovakia, Czech Republic und Hungary”. The second study was conducted at the Charles University in Prague by Dr. Igor Tomes and a team of country experts for the Czech Republic, Poland, Hungary and Slovakia. It is entitled: “The role of social services in the transformation process – legal framework and forms of organization”. Material from the German social NGOs complete the database for this paper.

### **1. EU-Integration and EU-Enlargement: Basic Information**

Eight formerly socialist countries have joined the European Union in May 2004: Lithuania, Latvia, Estonia, Poland, Czech Republic, Slovakia, Slovenia and Hungary. So did two Mediterranean islands: Malta and Cyprus (but only the Greek southern part). The accession of two more countries is planned for 2007: Romania and Bulgaria. Turkey, which has applied for inclusion in 1987 already, is still waiting for negotiations to start. With this latest enlargement the number of inhabitants of the EU-states has risen by 86 millions from about 379 to 465 millions; 20 languages are recognized as official languages (meaning all important documents are being translated into these languages). The ten new Members States had to accept all the approximately 70-80.000 legally binding regulations and directives in all political fields, the so-called *aquis communautaire*, that the old ones have acquired since the founding of the European Economic Community in 1957. However, in many cases transitions regulations were negotiated and have been implemented. According to the accession treaty a transition phase for the free movement of persons is possible and most old Member States took advantage of this: Germany e.g. passed a law just a few weeks before the accession restricting free movement of people from the eight Eastern European states for seven years (Bundesratdrucksache 192/04, March 12, 2004, [www1.bundesrat.de](http://www1.bundesrat.de)).

Shortly after the collapse of the Soviet Union, in the years 1994 to 1996, the new Eastern European EU-members applied for accession into the EU. At the Intergovernmental Conference in Copenhagen in December 2002 the European Council (i.e. the heads of the then existing

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<sup>2</sup> The Observatory for the Development of Social Services in Europe (in the following: Observatory) is an institute financed by the Ministry of Family, Seniors, Women and Youth which does networking, policy consultancy, conference organizing, secondary analysis, research and publications (also bilingual and English) around the issue of social services and European integration (website: [www.soziale-dienste-in-europa.de](http://www.soziale-dienste-in-europa.de)).

Member States) decided “yes” on the accession of the ten above mentioned countries – after a phase of screening and negotiating for several years with all candidate states individually. In April 2003, the European Parliament agreed and shortly after the accession treaties were signed in Athens (albeit before the referendums had taken place in the countries). This procedure already shows that – although carrying the same name (‘Union’) – the *European Union* works completely different than did the *Soviet Union* and is in no way comparable – a fear that many people in the new Member States seem to share. Only in one of the three ‘pillars’ of the European Union, the European Community (EC) with mostly economic and in a very wide sense social policies, the Member States have voluntarily given up some of their sovereignty by transferring competencies to the supranational European level. But at the very top and taking the final decisions concerning the EC is again the Council, i.e. the Member States themselves. In a very complicated and long procedure the EP (in about 75% of all European legislative actions) and other committees are also – and obligatory – involved in the European policy-making. With the formal accession on May 1, 2004, the new Member States are now part of this supranational political entity. Thus, what Schmitter (1971) called “regional integration”, the growing together of a whole region of the world, is very gradually but incrementally taking shape.

## **2. Social Third-Sector Organizations in the Czech Republic and Poland**

While most of the Third-Sector organizations in the formerly communist countries are young, except for instance some church based organizations in catholic countries like Poland, Third-Sector organizations of the ‘old’ Member States look back on long and very diverse histories. They differ considerably on account of the wide variety of societal and social systems that those Member States have developed over the last about 150 years.

After 1989, Poland and the Czech Republic – like all MEEC – had to reorganize their social structure and to create legal structures for social services as well as for the organizations delivering these services. They did not receive financial aid and know-how of a ‘big neighbor’ as the former German Democrat Republic had (although the effects of this may well be discussed controversially), but had been confronted with many problems resulting of a lost culture of civil commitment due to the communist regime and a completely centralized state. Although each state has been trying to find its own way, they do have a lot in common. The commonalities and differences are the content of an interesting study by Igor Tomes and his co-workers, which was published in February 2004. The expertise describes and analyses the legal framework and the form of organizations providing social services in the four countries Poland, Czech Republic,

Hungary and Slovakia (the so-called Viségrad States). According to this study, all four countries struggle with the following problems (Tomes et al. 2004, p.12):

- decentralization in order to bring the services as close to the clients as possible;
- de-etatization and opening of social services to “civic initiative”;
- the need to move from residential care, which was the regular kind of service in the communist countries and is still very common, to supporting the clients in order to enable them to remain in his/her familiar environment;
- the need to restructure the methods of financing to make the most efficient services possible, regardless of their being public or private, not-for-profit or for profit;
- and the need to increase the participation of the clients financially and in their choice of help/services.

Thus, decentralization and diversification, de-etatization and participation, financial and legal structures (including clear responsibilities and the necessary funding) are the most urgent problems – and all of them directly affect social Third-Sector organizations.

Particularly the relationship between the state (i.e. the state administration) and the NGOs in question is a difficult one. As the other study about the same four countries conducted by the Observatory for the Development of Social Services in Europe (Holzer 2004) reveals,

- the relationship is hardly institutionalized (which it has been e.g. in Germany for a long time);
- the possibilities for NGOs to participate in the political decision-making are not institutionalized;
- personal contacts are still more important than official, institutionalized forms of communication;
- NGOs consider the quality of the relationship as quite poor, in particular their acceptance by the administrations (ibid, p.15f).

Some major differences between Poland and the Czech Republic are the following: Poland was the first of the ‘transitional societies’ to restructure its social sector and to pass legislation regulating social services and the respective providers as early as 1990. A new legislation on public utility activities has placed NGOs on the same footing as the public providers. In the Czech Republic, in contrast, most laws of the communist area are still in force, but first steps were taken in 1999, e.g. when a new legal protection scheme for children was established, and in 2003 when a legal background was established for volunteer and church based organizations. In Poland the financing of the NGOs is regulated by contracts and they have an equal standing with services of the state administration, whereas in the Czech Republic the NGOs are very dependent

on the good will of the administration. The churches and their organizations Caritas and Diaconia are important providers of social services in both countries – whereas the Catholic Church is dominant in Poland, both denominations play a significant role in the Czech Republic. However, there also exist umbrella organizations for not church based organizations: WRZOS in Poland and SKOS in the Czech Republic. But, as was articulated at the conferences, the flow of information and the communication in the organizations between the various institutional levels often leaves a lot to be desired. As a positive aspect of the Czech organizations, however, the Tomes-study points out their high flexibility and great ability for innovations (for more details see the country reports in Tomes et al. 2003, Documentation 2002: Der soziale Dialog ...).

All in all, a rather market-oriented structure of the social sector prevails in the new Member States (in Hungary e.g. commercial providers have the same chances to get contracts for social services as not-for-profit-organizations (Documentation 2004: Neue Partnerschaften ...) and social NPOs certainly have a difficult standing.)

### **3. EU-Enlargement and Third-Sector Organizations in the Field of Social Services**

In the process of creating a European social model social NGOs are challenged to act in several functions:

- as advocates of those, who do not have a voice;
- as actors of Civil Society, who take on responsibility for the societal and living conditions and
- as providers of social services, who offer these services at the best quality possible.

Whether or not the structure, in which these organizations operate, is rather oriented at the public/common good or rather market-oriented is in the process of being shaped in the new Member States. However, since in the old Member States a transformation process towards a more market-oriented structure takes place, it is very likely that rather market-oriented structures will dominate – and will thus open a gateway for European regulations and European competencies.

The transformation process in MEEC and the building of a civil society has been subject to research (e.g. Priller/Zimmer 2004, see also [www.jhu/ccss](http://www.jhu/ccss) for findings of the Johns Hopkins Third Sector Research Project for some of the MEEC). But not much research has been done on NGOs in the social sector and none had been done, for instance, about what cooperation or networks were built *before* the enlargement. In Austria, a telephone survey by the Johannes Kepler University in Linz came to a very sobering result (Leibetseder 2003): Except for the Red Cross, none of the social organizations had taken specific efforts to contact their counterparts in the Eastern European countries. They mostly relied on some kind of networking through their

European umbrella organizations (EuroCaritas or Solidar, the umbrella organization for organizations affiliated with the workers' movement). The objective of the Observatory's study (Holzer 2004) was to find out the needs for cooperation and networking between German social organizations and organizations in the four countries Poland, Czech Republic, Slovakia and Hungary (see 3.2).

### **3.1 Fears and Hopes**

One of the reasons why German social NGOs had not occupied themselves much with the EU-enlargement had been that they obviously did not expect negative changes. Even in the border regions to Poland not much attention was given to this issue. Although labor migration in many industrial branches had been a major subject of public discussion and research (see e.g. European Foundation 2004), it was not an issue of worry in the field of social services. In the contrary, since the lack of trained personnel particularly in residences for the elderly has led to a state of emergency in the field of care (Pflegernotstand), some representatives of social organizations hope for an easing of the situation, when trained staff from Middle and Eastern European countries might fill in these gaps.

The level of wealth and income differs tremendously between Germany and e.g. Poland, and therefore employed social service professionals of the German social organizations fear loan dumping and the possible loss of the (fairly) high quality standard in social services. On the other hand, the new Member States fear that they will lose trained staff and the situation in their countries will deteriorate dramatically for that reason. Already the migrating of nurses and doctors to the west has created problems in some countries (Pallok 2004).

Social NGOs of all Member States are challenged to achieve common standards in all fields of social services by ways of e.g. indicators which should be established EU-wide (Documentation 2002: Indikatoren ...; for an example of common indicators in the field of combating poverty and social exclusion see Social Protection Committee 2001). Also, a Social Academy for organizations in the social field of all Member States (an idea which has been repeatedly articulated by the President of the German Diaconia) could be one step to deal with these problems.

According to the Tomes-study, social Third-Sector organizations in the MEEC hope that the integration into the EU will create pressure for a continuation of the democratization process in their countries, to improve the communication between state agencies and civil society organizations as well as to enhance the consulting processes of the national policy-making. They hope for a better recognition of civil society, especially as far as the financing of services is concerned because often the self-interest of the state agencies prevails. More legal security and

better standards of financial controlling, the still necessary modernization of the state administration including a new thinking as to the public good are also areas of hope, which representatives of social NGOs formulated at the conferences. Besides these hopes, however, new problems arise after the accession particularly in regard to EU-funding: Whereas during the accession phase NGOs could utilize voluntary work as their co-financing contribution, this is no longer possible. In EU-funding programs they are now treated like the NGOs of the old Member states and have to find co-funding. But many of them are constantly at the edge of financial collapse and will therefore need public co-funding. This, however, is very difficult because often the public administrations are reluctant to do so and sometimes even consider NGOs their opponents. In order to receive EU-funding in spite of these problems, social NGOs in the new Member States hope for a better cooperation with NGOs in the old Member States. A better use of new technologies e.g. for an independent information platform on EU-funding and for intermediate funding is another one of their hopes (Holzer 2004).

Whether or not these fears and hopes will come true, how the wide field of social and health services will develop, what the real affects of the EU-enlargement will be for social NGOs in the old as well as in the new Member States cannot be evaluated yet, but will be an interesting research question in the years to come. The need for a closer cooperation of social Third-Sector organizations, however, is unquestionable.

### **3.2 Cooperation between Social Organizations**

Networks and various forms of cooperation in the 'ideological' families (catholic, protestant, Jewish, Red Cross) have existed long before the communist system collapsed. But after the changes that followed the tumbling of the wall in November 1989, these networks and cooperations received new tasks and new importance. Beyond these traditional networks, new ways of cooperating and partnerships – not least on account of the planned accession to the EU – came into existence. The Nondenominational Welfare Organization for instance, the big umbrella organization for humanitarian, but not religion based groups and organizations in Germany, developed an 'interregional partnership system' between its own organizations and similar organizations in Poland and established a center for the coordination of these activities in Salzgitter, a small town in Lower Saxony (Documentation 2001: Die EU-Erweiterung...). Many more cooperation activities do exist, but they often depend on personal contacts of individuals. They are rather arbitrary and not very structured and sustainable. As yet, a reliable overview of existing cooperation partnerships is not published nor the research for such a compilation even under way.

However, the Observatory's study shows that a lot of activities have unfolded over the last years. This study worked with a standardized questionnaire, which 98 nonprofit organizations and 22 public bodies answered: Poland made up 55%, Hungary 19%, Slovakia 14% and the Czech Republic 12% (Holzer 2004, p.4). Although, as the researchers admit, the study has several weaknesses due to pragmatic reasons (particularly the fact that only organizations could be reached that already had some kind of contact with German organizations) its results marks tendencies and is therefore of relevance for social organizations.

As one of the main results, the study diagnoses the following areas as most important for cooperation and counseling (ibid, p.27f, 31ff):

- education, training and qualification of personnel,
- setting and ensuring of quality standards for social services,
- support in advocacy,
- professional exchange of information and experiences and
- EU-funding, because transnational partnerships is required as well as know-how about applying and processing.

Since the financial situation is one of the most problematic areas for most organizations in these countries, this issue is one of the most important links to the European enlargement and integration process. But besides the aspect of co-financing, EU-funding requires transnational cooperation, and thus supports the exchange of experiences as well as knowledge, and also makes personal encounters possible.

### **3.3 Cross Border Activities in Social Services**

For many of the cooperation activities focusing on social services, European funding has been an important component. The same holds true for cross border activities. EU-programs like PHARE and ACCESS had been installed to prepare the accession of the new members – not in the social area alone, but in all political fields. The INTERREG-programs were specifically designed for border regions. But the border regions have also taken advantage of EU-funding of e.g. the YOUTH-program and the educational program LEONARDO DA VINCI. EU-funding has thus been an incentive for cross national cooperation. At the same time, the high symbolic value of taking part in a EU-funded project should not be underestimated.

The Observatory's study found that for the nonprofit organizations in the accession states EU-funding is an important resource, but that they were more successful if they were already cooperating with partners in the old EU-countries (Holzer 2004, p.24ff). Since the process of applying for European funding is very complicated and time consuming, the know-how and

experience of the old Member States' NGOs is highly appreciated and asked for in the new Member States.

Euregio Neisse is a good example for cross border cooperation and will therefore be described briefly (for more details see Hüttner 2002, Steinert 1999). Three countries meet at the river Neisse: Poland, Germany and the Czech Republic. The sub-national entities look back on a long history of close relations until 1945, when the German Nazi Army occupied the Czech and Polish area. The founding of the GÜSA<sup>3</sup>-project Euregio Neisse in 1996 (i.e. years before the accession) as a research and networking project links back to these old relationships. GÜSA was financed by the INTEREG-program, and ended when the two phases of possible financing through European funding were over (for the final report see [www.inf.hs-zigr.de/guesa](http://www.inf.hs-zigr.de/guesa)). Nevertheless the University of Görlitz/Zittau, a small university town at the border to Poland and the Czech Republic where the project was based, has been trying to continue the work through other means of funding. The objectives of the GÜSA-project were

- to carry out a survey on the existing cross border cooperation and contacts in social services,
- to improve cross national cooperation in social work in the fields of children and youth, women, homeless, migrants, and delinquents by initiating respective working groups,
- to improve intercultural contacts and competencies by organizing these working groups in tri-national teams.

Through GÜSA many contacts between social institutions (public and nonprofit) in the three countries were established on a grass roots level. At the same time the importance of the European idea, the 'European added value', was conveyed to people who beforehand had had no access and no interest in 'Europe'. Besides networking, adult training and education was a major focus of GÜSA and included intercultural communication, the professionalization of social work, methods of interaction in groups, quality management in social work as well as studying the three languages Polish, Czech and German.

But cross border activities also take place in other constellations, not only in Euregios. Up to date, there does not exist a study on cross border services with the accession countries asking for instance if the number of services across borders has increased on account of differences in salaries. At the borders to Western neighboring countries, however, an increase has taken place, but the actors are still confronted with a lot of practical problems because of the different social systems (Documentation 2002: Transnational Provision ...). European funding as well as several

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<sup>3</sup> GÜSA stands for "Grenzüberschreitende Vernetzung Sozialer Arbeit in der Euregio Neisse" = cross border networking of social work in Euregio Neisse (Neisse is a river flowing through all three states).

decisions by the European Court of Justice, e.g. concerning the free movement of services for medical treatment, facilitated and accelerated this development (ibid).

### **3.4. Selected Gender Issues**

In this chapter, a few selected gender aspects will be taken into consideration. Women's organizations, however, are not included, since they are not connected to the social organizations this paper is about (although exceptions exist, of course). In the GÜSA-project outlined above some gender specific details are already mentioned, simply because mainly women were involved as social workers and as clients. In the working group 'women' some of the differences between the German and the Polish as well as the Czech organizations relate to the fact that in the organizations of the new Member States women worked mainly as *volunteers* whereas in the German organizations, many were paid *employees*. For this reason (and a few more), the interests and expectations varied greatly. But still, the women managed to work and learn together – in particular, about the different legal, about social political conditions concerning women in the three countries, about financing of services for women like shelters, about trafficking and violence against women, about gender specific drug counseling, about support for families with disabled children and so forth. The main achievement is certainly that the women got to know each other, their living conditions, problems, strategies for solutions etc. and thus worked towards a better understanding (Steinert 1999, p.54-59).

The GÜSA-publication used for this paper already gives a hint for another women-related issue when it says in the introduction that along the roads in the border area many women work as prostitutes for little money and under terrible conditions. "Poverty prostitution" (ibid, p.8) and women trying to escape their plight is therefore an important issue for social NGOs in the region. Trafficking in women from the MEEC (and not only those that are now members of the EU) is a problem which even social NGOs running women's shelters e.g. in Berlin are facing, too, where an increasing number of women without a legal status are searching for help and support. Also, the European Commissioner for Employment and Social Affairs has acknowledged trafficking in women and children as a common problem of the Member States, which the EU needs to tackle. The EU has included this issue into the DAPHNE-program (funding projects working in the field of violence against women and children) and has launched a Framework Decision of the Council to combat trafficking ([europa.eu.int/scadplus/leg/en/lvb/133137.htm](http://europa.eu.int/scadplus/leg/en/lvb/133137.htm)) in 2002.

European policies in regard to gender have produced some affects in the accession states, particularly the European gender mainstreaming policy, because

- all law-equivalent regulations (the *acquis communautaire*) including those of gender equality, which mainly concern the same treatment at the workplace, have to be implemented in the accession states and the progress has to be reported to the European Commission,
- this policy also includes equal participation and representation of women and men in all spheres of political, economic and cultural life.

However, as Lorenz-Mayer (2003) points out in her study for the research project “Constructing Supranational Political Spaces: The European Union, Eastern Enlargement, and Women’s Agency”, these policies remained mostly lip services in the screening and negotiation process before the accession: neither did the financial accession programs like PHARE contain gender mainstreaming with respect to the participants and beneficiaries nor did the Commission assess the very low representation of women in the Czech and Polish institutions as a democratic deficit. The annual government progress report on the implementation of the European Employment Strategy shows that gender equality is reduced to equal opportunities for men and women in the labor market and does not imply the transformation of social and political systems to create gender justice (ibid, p.67f).

Thus, gender issues and gender mainstreaming still has a long way to go before they are a regular and accepted part of all European policies as well as all policies of the now 25 Member States. It may be doubted if the accession of the new members, where still exist quite patriarchal attitudes and where women’s groups are sometimes being denounced because they are associated with the former communist regime, will further this issue at all – as did the accession of the Scandinavian countries Finland and Sweden in 1995.

#### **4. Influence of the European Union on Third-Sector Organizations**

Social Third-Sector organizations in all EU-Member States need to take two streams of development into account for their future development:

1. At the European level, a new political instrument – a ‘soft’ method which is applied in political fields where the EC does not have concrete competencies – has been developed over the last years: the method of open coordination. Method of open coordination means that the national states have to develop so-called ‘action plans’ in several fields of social policy (e.g. employment, care, combat against poverty and social exclusion, youth, migration) which meet the objectives that were set beforehand by the European Council, the highest decision making body consisting of the state and government leaders. Then the European Commission, the supranational institution initiating and executing all legal acts of the European Community, evaluates the action plans and monitors their implementation. Common indicators and standards are being

developed to make comparisons possible (see Documentation 2002: Indikatoren ...). The method of open coordination will be applied to the new EU-members and is expected to help converge their social systems – very slowly, but gradually – with those of the old Member States.

2. Ever since the European Commission had published a communication on “Services of General Interest in Europe” in 1996, a discussion has been going on in (not only) the German social NGOs and has grown in importance with a second communication (2001), a so-called Green Paper (2003) and a White Paper (2004), in which a special communication on social services is being announced for 2005. The issue in question is whether or not organizations providing social services on a not-for-profit-basis should be treated like ‘regular’ market enterprises and the European Single Market principles therefore be applied to them, especially the free movement of services (Art. 49ff EC-Treaty) and the prohibition of financial aid granted by the state (Art. 87 EC-Treaty) which might distort competition. The underlying reason is that for market-like structured social systems including the providers of the respective services the market competencies of ‘Europe’ (i.e. the European Commission) may be valid and thus the Commission’s influence would increase in the field of social services. Three options exist:

1. Social NGOs and their services will be defined as not being part of a market (non-economic) and thus completely be exempt from European regulations. But this option seems to be rather unlikely.
2. Social NGOs will be defined as market actors and quite generally fall under European (competition) law, but exceptions will be possible. These exceptions would then need to be negotiated between all actors involved.
3. The issue will be detached from the two poles of being market/economic or non-market/non-economic, but the social NGOs’ services would represent a third way of activity (Evers/Lange 2005). This could imply a completely new discussion at the European level.

## **5. Final Remarks**

The two streams of development sketched out above will certainly influence the integration process. With the latest enlargement of the EU by ten new members, two more to follow (Romania and Bulgaria) and one more with the intention to join the European Union (Turkey) the European integration process, thus the regional integration of wide parts of the European continent, is indeed an experiment at a huge scale. For Third-Sector organizations this experiment contains opportunities as well as dangers. The tremendous differences in the social systems and in the systems of social services deliverance, the huge differences in income and wealth, the ‘heritage’ of the communist regimes and many more factors make this an experiment

with an open and uncertain outcome. Social Third-Sector organizations need to get organized in a more structured and more transparent manner than they are now in order to increase their impact at the local, the national and particularly at the European political level.

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