Basic information

2021/2103(INI) INI - Own-initiative procedure	Procedure completed
The shrinking space of civil society in Europe **Subject** 1.10 Fundamental rights in the EU, Charter 6.40.14 Relations with non-governmental organisations, NGOs 8.30.10 Principles common to the Member States, EU values	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DONÁTH Anna Júlia (Renew)	25/01/2021
	Shadow rapporteur WALSH Maria (EPP) KOHUT Łukasz (S&D) MARQUARDT Erik (Greens /EFA) KEMPA Beata (ECR) FEST Nicolaus (ID) BJÖRK Malin (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
JURI Legal Affairs	AUBRY Manon (The Left)	14/06/2021

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	SCHMIT Nicolas

Key events

Date	Event	Reference	Summary
08/07/2021	Committee referral announced in Parliament		

15/02/2022	Vote in committee		
22/02/2022	Committee report tabled for plenary	A9-0032/2022	Summary
07/03/2022	Debate in Parliament		
08/03/2022	Decision by Parliament	T9-0056/2022	Summary
08/03/2022	Results of vote in Parliament		
09/03/2022	Results of vote in Parliament		
10/03/2022	Results of vote in Parliament		

Technical information	
Procedure reference	2021/2103(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/06449

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE699.075	19/10/2021	
Amendments tabled in committee		PE700.466	16/11/2021	
Committee opinion	JURI	PE697.650	17/01/2022	
Committee report tabled for plenary, single reading		A9-0032/2022	22/02/2022	Summary
Text adopted by Parliament, single reading		T9-0056/2022	08/03/2022	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2022)254	25/07/2022	

The shrinking space of civil society in Europe

2021/2103(INI) - 08/03/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 526 votes to 115, with 54 abstentions, a resolution on the shrinking space for civil society in Europe.

Crucial role of civil society organisations

Members affirmed the crucial role played by civil society organisations (CSOs) in the realisation and protection of EU values and in the formulation and implementation of EU law, policies and strategies, including the fight against climate change, digital transformation and the recovery from the COVID-19 pandemic. They warned against the **degradation of civic space across the Union** through measures that hamper CSO activities, their access to sustainable funding and their ability to participate in decision-making. In this regard, they condemned all forms of harassment, stigmatisation, criminalisation and scapegoating of CSOs.

European civic space index

Members noted with concern that some governments have taken advantage of the COVID-19 pandemic to reduce civic space and adopt controversial laws and discriminatory measures that were not always related to the pandemic.

Stressing that the rule of law cannot function without a vibrant civil society operating in a safe and supportive environment, Members called on the Commission to intensify and structure its monitoring of the situation of civic space in the Member States by creating a 'European civic space index' based on existing frameworks for measuring civic space, and by dedicating a chapter with country-specific recommendations to civic space in its annual rule of law report.

Civil society strategy

The Commission is urged to adopt a comprehensive civil society strategy for the protection and development of civic space within the EU that integrates all existing tools, fills monitoring, support and protection gaps, and gives genuine political recognition to the crucial role played by civil society organisations. This strategy should outline a set of concrete measures that will protect and strengthen civic space, including *inter alia* by:

- introducing minimum standards for the legal and administrative environment of civil society;

- introducing a statute of European cross-border associations and non-profit organisations;

- setting up focal points between European institutions and civil society;

- strengthening access to monitor Union policies and the implementation of the Union budget;

- expanding flexible access to Union funding.

An enabling regulatory and policy environment

The resolution stressed that for CSOs to flourish, the civic space must be a **supportive and safe environment**, free from undue interference, intimidation, harassment and unnecessary disincentives, whether from the state or non-state actors. Members called on Member States to guarantee the exercise of freedom of association, peaceful assembly and expression and the right to public participation. They also recalled the importance of **independent and responsible journalism** to report on CSO activities in both private and public media, as well as the importance of access to public information, essential pillars of democratic states based on the rule of law.

The Commission is invited to:

- propose EU-wide media ownership rules in addition to the rules of transparency of media ownership as a minimum requirements within the upcoming Media Freedom Act in order to strengthen media pluralism;

- review and monitor the implementation of Union law to ensure that it does not have a negative impact on civic space and to propose solutions where this is the case;

- use its powers under the Treaties to propose EU legislation to fill gaps and address the difficulties faced by civil society actors across the EU, including minimum standards on the registration, functioning and funding of CSOs and procedural safeguards against SLAPPs;

- use its enforcement powers against Member States that unduly restrict civic space in violation of EU law, including through infringement procedures.

Sustainable and non-discriminatory access to resources

The Commission is urged to identify existing obstacles and propose a comprehensive set of measures and recommendations to ensure **long-term predictable, adequate and enabling financing** for civil society organisations, including the funding of their operational activities related to advocacy and monitoring.

The resolution stressed the importance of securing complementary sources of funding, including from public institutions at all levels, private, philanthropic and individual donors, membership fees and income generated through economic activities.

For its part, the Commission is urged to set out conditions and procedures to ensure that EU funds designated to civil society, whether in direct or shared management, are only awarded to organisations that are strictly independent from any government and fully adhere to the EU values.

Civil dialogue and participation in policy-making

Stressing that all EU institutions should review their terms of cooperation with CSOs, Members considered that the President of Parliament could appoint one of her Vice-Presidents to carry out an open, transparent and regular dialogue with civil society organisations and encourage the political groups to devise their own civil dialogue structures.

For its part, the Commission is encouraged to (i) present an **inter-institutional agreement** on civil dialogue between all main institutions covering all areas of EU policy and (ii) restore the balance between representatives of corporate interests and representatives of other interests, such as workers' rights, social rights and environmental protection, and to ensure safeguards against unfair lobbying practices that are not compatible with fair and transparent dialogue.

The shrinking space of civil society in Europe

2021/2103(INI) - 22/02/2022 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Anna Júlia DONÁTH (Renew Europe, HU) on the shrinking space for civil society in Europe.

Crucial role of civil society organisations

Members assert the **crucial role** played by civil society organisations in the realisation and protection of EU values and the formulation and implementation of EU law, policies and strategies, including combating climate change, digital transformation and

recovery from the COVID-19 pandemic. Their key contribution is to give a voice to vulnerable and marginalised people, ensuring access to crucial services, providing expertise in policy-making, promoting active citizenship, acting as schools of democracy and being indispensable watchdogs exercising democratic control over state institutions and ensuring accountability for public action and use of public funds.

However, many civil society organisations struggle to survive and have problems with funding, which can seriously hinder their effectiveness and their ability to fulfil their mandate. Moreover, freedom of association is being eroded in some Member States by reforms that put civil society organisations at risk of deregistration or that introduce unduly burdensome administrative processes. In some Member States, restrictions have been imposed with the deliberate aim of **limiting civic space** and are accompanied by legal, administrative and fiscal harassment, criminalisation and negative rhetoric aimed at stigmatising and delegitimising civil society organisations draining their capacity to carry out their legitimate work.

The EU should therefore commit to the preservation and cultivation of civic space at local, regional, national and European level.

European civic space index

Stressing that the rule of law cannot function without a vibrant civil society operating in a secure and enabling environment, Members urged the Commission, therefore, to step up and structure its monitoring of the situation of civic space in the Member States by creating a 'European civic space index' based on existing frameworks for measuring civic space.

Civil society strategy

The Commission is urged to adopt a comprehensive civil society strategy for the protection and development of civic space within the EU that integrates all existing tools, fills monitoring, support and protection gaps, and gives genuine political recognition to the crucial role played by civil society organisations. This strategy should outline a set of concrete measures that will protect and strengthen civic space, including *inter alia* by:

- introducing minimum standards for the legal and administrative environment of civil society;

- introducing a statute of European cross-border associations and non-profit organisations;

An enabling regulatory and political environment free from chilling effects, threats and attacks

The report emphasised that for civil society organisations to thrive, civic space must be an enabling and safe environment free from undue interference, intimidation, harassment and chilling effects by both state and non-state actors.

Policies and practices instilling a chilling effect on civic space have been adopted in certain Member States with the aim of achieving self-censorship and deterring civic actors from exercising their rights.

The Commission should use its powers under the Treaties to propose EU legislation to fill gaps and address challenges facing civil society actors across the Union, including minimum standards on the registration, operations and financing of civil society organisations and procedural safeguards against SLAPPs, and to provide guidance on how to use EU law to better protect civil society.

Sustainable and non-discriminatory access to resources

The report noted the challenges faced by civil society organisations in relation to funding include a lack of sufficient sources of funding, burdensome administrative procedures to access funding, a lack of transparency and fairness in funding allocation, and restrictive eligibility criteria.

The Commission is urged to identify existing obstacles and propose a comprehensive set of measures and recommendations to ensure long-term predictable, adequate and enabling financing for civil society organisations, including the funding of their operational activities related to advocacy and monitoring.

The report stressed the importance of securing **complementary sources of funding**, including from public institutions at all levels, private, philanthropic and individual donors, membership fees and income generated through economic activities.

For its part, the Commission is urged to set out conditions and procedures to ensure that EU funds designated to civil society, whether in direct or shared management, are only awarded to organisations that are strictly independent from any government and fully adhere to the EU values.

Civil dialogue and participation in policy-making

Members consider that the President of Parliament could appoint one of her Vice-Presidents to carry out an open, transparent and regular dialogue with civil society organisations and encourage the political groups to devise their own civil dialogue structures.

As for the Commission, in its consultation process, Members called for it to **restore the balance between representatives of corporate interests and representatives of other interests**, such as workers' rights, social rights and environmental protection, and to ensure safeguards against unfair lobbying practices that are not compatible with fair and transparent dialogue.