

First Vice President Timmermans
European Commission
Rue de la loi 200 Wetstraat
1049 Brussels

Brussels, 30 October 2017

Follow up to the discussion on monitoring the rule of law, democracy and fundamental rights in the EU

Dear Mr Timmermans,

We are writing to you as a follow up of the dialogue that we had with you on monitoring the implementation of the rule of law, democracy and fundamental rights in the EU, and more particularly civic space, in the framework of Civil Society Europe General Assembly at the end of April.

We understand that the European Commission will not respond positively with a proposal to the own legislative report of the European Parliament and we strongly regret this. We believe that in the current context in Europe, where civic freedoms are eroded through legislation, policies and political discourse, an EU strategy to monitor and implement these rights would be extremely important.

We welcome that you have regularly expressed worries as regards shrinking civic space in Europe, and we are glad to see that the Commission has launched infringement procedures against the Hungarian Government as regards the NGO law. We are also concerned about the recently adopted NGO law by the Polish Parliament and we believe it is also not compliant with EU Treaties.

CSE survey on civic space in Europe to national organisations has raised some critical concerns in this area. Civicus Civic Space Monitor has just published data that indicates that only 13 out of 28 EU countries respect civic freedoms in Europe. Following these trends in Europe, we would like to discuss with you and your services further initiatives that can be taken to enable and promote civic space and democracy in Europe.

We believe that **an overall strategy on promoting civic space**, which includes proactive and positive actions, is necessary. Such a coordinated EU strategy should be prepared in consultation with all relevant stakeholders and launched by mid next year.

Such a strategy should include the following elements:

1) Visibility

EU engagement to civil society in Europe must be much more visible, as it is in the framework of external or enlargement actions.

- An EU wide awareness raising campaign of EU citizens and residents on their fundamental rights, the rights and obligations deriving from the Treaties, and rights for redress, should be developed. These should include specifically freedom of Assembly, of registration, and of expression

2) involvement of all stakeholders

The strategy should be developed closely with civil society organisations and EU institutions. It should include a mechanism to exchange, monitor and coordinate:

- A EU Coordinator on civic space and democracy should be appointed with the task to coordinate EU and Member States work in this area, have a monitoring role and to whom NGOs would report incidents related to restriction to any harassment or restriction of their work.

3) Implementation of the EU Treaty

The strategy should also include actions to implement article 11 TEU which states that the EU institutions obligation to engage with citizens.

- Guidelines for engagement with civil society at member States level, as well as indicators on civic space, should be further developed.
- Review of the ECI legal framework, in order to make it a functional tool for EU citizens.

4) Funding

As the EESC has underlined in its recently adopted own initiative opinion on financing civil society organisations by the EU, it is critical to see how EU budget and financial EU rules can contribute to supporting the development of a vibrant, independent and democratic civil society. Such a concern should be mainstreamed in the different EU programmes and in the financial rules governing the EU .In addition there is a need to develop some specific dedicated initiatives:

- the creation of a European Fund for Democracy and human rights within the EU, modelled on the existing initiatives that are designed to strengthen democracy

outside the EU such as the European Instrument for Democracy and Human Rights or the European Endowment for Democracy

- A new strand on civic participation and democracy should be foreseen under the societal challenges pillar in the future Framework Research Programme .
- Mechanisms to review the implementation of ex ante conditionalities in the ESIF as regards fundamental rights and civil society participation should be reviewed.
- Easing cross border philanthropy by ensuring free movement of philanthropic capital (no foreign funding restrictions and ensuring non-discriminatory tax treatment of cross-border philanthropy by better coordinating tax laws and procedures

We would welcome a meeting with you, involving civil society representatives from our national associations, to further discuss these proposals.

Best regards,



Jean-Marc Roirant, President





The European Coordination for Civil Society Organisations
