

# European Policy Brief

## ■ *A vibrant civic space and trustworthy civil dialogue at the EU level*

Since the beginning of initiatives labelled participatory democracy in the EU, efforts have been made to make EU governance and decision making more inclusive. However, many issues that Civil society organisations (CSOs) face are still the same as 20 years ago, namely, a lack of recognition as a relevant stakeholder and the absence of a structured, regular civil dialogue.

There are different structures to engage formally and informally with citizens and civil society, such as public consultations, expert groups of the European Commission, and intergroups at the European Parliament, among others. While these structures are, in principle, welcome, civil society criticises their lack of effectiveness. Together with increasingly shrinking civic space in many Member States, the tokenism that exists regarding public involvement raises doubts over a genuine interest of the EU in participatory democracy.

The EnTrust research project, which focuses on studying trust and distrust in governance from various perspectives in the European context, assigned one work package to explore the origins, definitions, and conditions of EU-level CSOs' trust and distrust placed in EU institutions. The research showed that the conditions of distrust include unethical behaviour and maladministration within EU institutions, such as poor access to information, corporate capture of EU governance, tick-the-box consultations, while conditions of trust relate to the active safeguarding of civic space, funding opportunities, open access to information,

and effective mechanisms of public participation. The recommendations in this policy brief focus on participation and civil dialogue (For more information, see: 'Research background' section), for which a vibrant and safe civic space is indispensable.

### *#1: Take proactive action to safeguard fundamental rights and civic space*

It is crucial that the European Union responds promptly and appropriately to any violations of the rule of law and breaches of European and international agreements within a Member State. By taking a united stance against limitations on civil liberties, the EU and Member States can send a strong message in favour of protecting fundamental rights outside and within its borders.

The EU should actively support initiatives that monitor anti-democratic actions and restrictions on civic space. It should promote the proactive collection of data concerning attacks against human rights defenders. This information serves as a vital resource to raise awareness regarding violations, and to support evidence-based actions. At the same time, the information helps to identify protection gaps and to develop mechanisms and platforms that aid civil society actors and human rights defenders who are subject to threats and defamation.

Simultaneously, the EU should establish robust mechanisms to address violations of fundamental rights and reinforce the rule of law cycle, through a stronger involvement of civil

society, the implementation of country-specific recommendations, and a more developed chapter on checks and balances (civil society and media) to the rule of law. This can be achieved by setting up effective redress mechanisms or early warning systems to quickly intervene in cases where local or national authorities disregard civic rights. These mechanisms should be easily accessible to civil society and all residents in EU Member States.

The evaluation of existing and proposed EU laws and regulations (such as the Defence of Democracy Package) should encompass an assessment of their influence on civic space, fundamental rights, and the operation of Civil Society Organisations (CSOs). This evaluation should constitute a distinct element of the report on the rule of law, utilising specific benchmarks and adopting an intersectional approach.

### ***#2: Institutionalise meaningful civil dialogue***

CSOs should be recognised as relevant stakeholders with expertise and as partners in protecting environmental and fundamental rights. EU institutions should be proactive in initiating participatory processes that are characterised by openness, honesty, and responsiveness, and go beyond consultation and token gestures. Civil dialogue should span across the entire policy cycle from agenda-setting to drafting to monitoring, and be prioritised over efficiency and secrecy. CSOs should have equal access to relevant documents, which contain non-classified information, in order to react from the perspective of fundamental and environmental rights.

There should be (inter-)institutional frameworks for civil dialogue to formally integrate civil society with EU decision-making,

encompassing both sectoral and horizontal policy matters. This includes designated contact points for civil society actors in and across institutions. These frameworks should also be adopted by Member States and EU Delegations. Limited capacity is often a reason for CSOs not engaging in consultations or dialogue. Therefore, they should be supported to ensure they have the required personnel and financial resources to participate in activities that leverage their expertise. Generally, CSOs should be clearly differentiated from industry representatives, such as business groups.

In general, there should also be a better recognition of the role of civil society organisations as a continuation of the report and follow-up dialogues on the [2022 European Commission Annual reports on the application of the EU Charter of Fundamental Rights](#), which should lead to the adoption of concrete measures to empower, protect, and support civil society. In this context, the European Parliament and the Council should adopt the [European Commission legislative proposal to facilitate cross border activities of non-profit associations](#), while Member States should ensure implementation of the recommendations on cross-border donations and philanthropy.

### ***#3: Ensure accessible, bias-free, and meaningful public consultations, including feedback***

EU-wide awareness of public consultations should be increased to reach a broader audience and ensure that a diverse range of voices are heard. This can be achieved in collaboration with Member States that should also be further encouraged to consult civil society as part of the framing of their position in the Council. In this context, the [Better Regulation](#)

Guidelines should be improved to foster accountability and adherence at both EU and national levels. Creating accessibility is essential for in-person consultation meetings. Both geographical and physical accessibility should be ensured to include a wide range of participants. The language of consultations should be clear, concise, and easy to understand, free from technical jargon.

Clear distinctions should be made between consultations aimed at individual citizens and those targeted at interest representatives. The selection and invitation of stakeholders to consultations should be carried out in a clear and transparent manner. The criteria and methodology used for this purpose should be communicated to ensure accountability and trust.

Participants in public consultations should have easy access to relevant information, such as data and information about ongoing legislative initiatives. Access to information ensures that participants can make informed contributions. Two-way communications should be a central principle in all consultation formats, that is, participants should have the possibility of interacting with decision-makers.

Depending on the input requested, the length of submission timeframes should be increased to give participants sufficient time to prepare their input. This also includes the length of questionnaires, ensuring a reasonable and manageable workload.

A systematic approach to processing consultation input should be established. The methodology of consultations should be transparent, and it should be clear how input is gathered and analysed. It should be mandatory to provide feedback on the input received. Currently, a link is provided to follow up EC

proposals. This is a positive step, but it should be complemented with specific information addressed to respondents on how the EC has or has not addressed their proposals. Documenting how comments were considered ensures transparency in the decision-making process, and prevents ‘cherry-picking’ of contributions that are in support of pre-defined positions. Any bias in the questions that impose a certain opinion should be strictly avoided to give space for opposing views, thus ensuring impartiality. This approach guarantees that responses are not influenced by leading or loaded questions. At the same time, anonymous contributions should not be allowed.

#### ***#4: Ensure balanced and accountable expert groups***

The understanding of expertise should be extended to include stakeholders who have obtained an understanding of issues through their own experience and/or work as a practitioner. The representation in expert groups should be balanced to include all relevant interests and perspectives. By creating well-defined guidelines for selecting members based on their represented interests, the process will be transparent and inclusive. These guidelines should encompass criteria and procedures to ensure that diverse stakeholder perspectives are represented.

For transparency, meetings should consistently be open to the public. Additionally, comprehensive minutes or summaries should be published, enabling stakeholders and the public to access a detailed account of discussions and decisions. To strengthen accountability, it should be mandatory to provide justifications for not incorporating recommendations from expert groups into decisions. This condition

ensures transparency by outlining the rationale for the acceptance or rejection of stakeholder input, thereby fostering trust in the decision-making process.

#### **#5: Ensure sustainable and participatory funding for CSOs**

The provision of information on EU funding structures and opportunities should be improved so that CSOs can obtain a clearer understanding of funding prerequisites and reporting procedures. Simultaneously, there should be channels for initiating contact with the Commission to ask funding-related questions and have a meaningful discussion about concerns.

The application process for funding should be more user-friendly, recognising the limited resources of CSOs, especially small organisations. There should be clear guidelines and transparent eligibility and evaluation criteria. There should be an increase in core funding to foster stability of operations and facilitate long-term planning. Funding should be available to a diverse group of CSOs, including different sectors and organisation sizes.

A participatory budgeting (grant-making) approach should be implemented to better serve the objectives and realities of CSOs and to create ownership among civil society. The co-definition of reporting requirements ensures relevant evaluation criteria and the removal of unnecessary burdens for CSOs, while maintaining accountability and transparency. Moreover, structural funding should be more flexible to better accommodate the needs of CSOs, as well as unanticipated activities carried out in response to emerging issues.

#### **Research background: supportive evidence**

The EnTrust project's Work Package 7, led by Civil Society Europe (CSE), aimed to analyse the evolution of civil participation in EU governance, explore the origins and conditions of CSOs' trust in EU institutions, and assess (trustworthy) practices of civil dialogue at EU and Member States levels. The research activities included systematic and narrative desk research, an online survey with 47 EU-level CSOs, and focus groups (4) and interviews (2) with a total of 15 CSO representatives (status July 2023). The final research report was reviewed by organisations active in sectors that were not represented in the research to validate and complement the findings and conclusions.

#### **Desk research: key findings**

Since its establishment, the EU has increasingly sought to strengthen fundamental rights and foster democratic participation. A significant milestone was the European Commission's publication of the White Paper on EU Governance in 2001, which introduced the concept of participatory governance and initiated the use of the term 'civil society'. The Charter of Fundamental Rights (drafted in 2000) played a crucial role in enabling civil society to formally organise and exercise their rights, opening the political arena to groups other than governmental institutions alone. For the first time, organised civil society was significantly involved in EU processes during the Convention for the preparation of the EU Constitutional Treaty in 2003. The Treaty on the European Union (TEU) finally enshrined in Article 11 the rights of EU citizens and civil society to participate in democratic processes

and to access transparent information on EU decision-making. However, a comprehensive definition of civil dialogue beyond the TEU remains absent, and the practical implementation lacks effectiveness. CSOs widely agree that EU governance suffers from an insufficient culture of civil dialogue, which spans across different levels within EU institutions and points to a systemic issue. While Article 11(1) and 11(2) TEU outline principles for horizontal civil dialogue, they lack specific instructions for practical application.

### **Empirical key findings**

While trust in EU institutions was perceived as somewhat imperative for CSOs in order to believe in the effectiveness of their work, it was apparent that trust was conditional on being trusted by (individuals within) EU institutions, as well. There had to be mutual trust and respect to meaningfully engage with each other. That said, while there was disagreement as to whether the EU had become more or less trusting of CSOs over time, participants mentioned various indicators of decreased trust placed in organised civil society, including a lack of recognition of the value and legitimacy of organisations, less involvement and more difficult access, shrinking civic space, complicated and stricter funding and reporting rules, and an anti-NGO narrative in the aftermath of 'Qatargate'.

#### ***# Protecting civic space and speaking up against fundamental rights violations as conditions of trust in the EU***

It was important for participants' trust in EU institutions to have support in the form of empowerment of civil society through the development, reinforcement and safeguarding of legislation and policy enabling civic space freedoms of association, assembly and

expression as a condition for democracy. This would signal both trust in CSOs to defend EU values, and the acceptance of a critical stance towards political decisions expressed with a certain degree of (positive) distrust.

A vibrant civic space protects against anti-democratic trends, but participants found that it was increasingly limited in EU Member States, even in traditionally supportive countries. While there is an increasing recognition of the issue at EU-level, support for CSOs and efforts to counter shrinking civic space have been inconsistent, causing uncertainty among organisations. Weak or delayed reactions to violations of the rule of law in countries like Poland and Hungary have reduced participants' trust in the EU's support for CSOs.

Trust had also diminished due to regulatory measures and administrative requirements (including restrictions to Articles 11 and 12 of the Charter of Fundamental Rights of the European Union, tax laws, counter terrorism laws, or obstacles in the registration of organisations) which were seen as pretexts for control and for creating obstacles to CSOs' work. Participants demanded that the EU spoke up against attacks on democracy within and outside the EU, and that it took a clear stance on protecting civic space (see #Recommendation 1).

#### ***# Democratic access to institutions and structured, meaningful civil dialogue to enhance trust in the EU***

One condition for trusting EU institutions was availability and democratic access to documentation. Decisions were too often made behind closed doors. Access to documents was often made difficult, sometimes under the pretext that information required secrecy, and CSOs relied on personal relations to

receive documents and other information (informally). Not making written or digital documentation public raised questions over the reasons behind this decision.

Overall, being listened to and receiving information was highly contingent on personal, informal relationships. Formal structures for civil dialogue were lacking, leading to scepticism about the EU's recognition of CSOs' expertise and their right to have a seat at the table. Therefore, participants demanded institutionalised structures for civil dialogue that would provide a framework for CSO involvement, independent of personal relationships. This also included more equal access to EU institutions, especially for small and marginalised organisations (see #Recommendation 2).

Respect and recognition of CSOs, being engaged in EU decision-making, being seen as a partner who is listened to, and having an impact through participation were key for participants' trust in EU institutions. Openness, honesty, transparency, co-operation, and responsiveness were seen as essential for a relationship built on mutual trust, while closed-door decision-making contributed to negative distrust. The provision of adequate resources and timely involvement from the agenda-setting stage were important conditions of trust because they enabled CSOs to have a meaningful impact on decision-making. This included the EU's openness to and consideration of opposing views and criticism (a certain positive distrust).

***# Consultations have to be accessible and impartial and include feedback in order to be trustworthy***

EU public consultations, while seen positively in principle, were criticised for their implementation. Participants lamented the top-

down and technocratic approach, insufficient access to relevant information, the lack of engagement during agenda setting, and the limited impact and unclear outcomes. Poor user-friendliness, inaccessibility issues, and short timeframes further hampered effective participation. Moreover, consultations often suffered from inadequate publicity, causing self-selection bias and reduced representativeness. CSOs found fault with the design of consultations, including lengthy and technical questionnaires, politically-biased questions, and inadequate inclusivity of various stakeholders. Lack of transparency in evaluating and incorporating consultation input, along with a lack of feedback, fuelled negative distrust in the EU. According to participants, tokenism and cherry-picking of inputs diminished the perceived impact of consultations, which reduced trust in EU governance (see #Recommendation 3).

***# Expert groups should include relevant CSOs to be trustworthy***

The imbalance in representation and lack of transparency of European Commission expert groups went against democratic principles and fostered negative distrust among CSOs. Meetings were often not open to the public, and comprehensive minutes or summaries were rare. Inequalities existed between economic and public interest groups. Balanced representation was mandated in terms of know-how and area of interest, but not regarding the type of interest represented, disadvantaging CSOs. Expert groups often included business and industry representatives, but lacked voices from consumer, environmental, and public health organisations. Financial allowances were available for individuals, but not organisations, further favouring

corporate interests. Certain expert groups exclusively included Member States, sidelining civil society expertise and limiting inclusiveness (see #Recommendation 4).

***# Financial support signals trust in CSOs, but it should be more flexible and participatory***

EU funding for CSOs has implications for trust and distrust in the EU. Funding supports freedom of association, organisational autonomy, and access to EU institutions. While many CSOs depend on funding, accessing it can be complex due to cumbersome procedures and lack of internal capacity. Transparency and fairness in funding evaluation matter for trust. Participants expressed varying satisfaction with available information, transparency, and reliability of the EU in managing grants beneficially. Weighty reporting requirements and a shifting focus from advocacy to service delivery also affected trust and dissatisfaction with funding. Civil Society demanded increased opportunities for feedback, participatory budgeting, and structural funding for core activities (see #Recommendation 5).

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**Research parameters and project information**

The EnTrust project is funded by the EU in the context of the Horizon2020 Research and Innovation Programme (Grant Agreement No. 870572). The recommendations and findings presented in this Policy Brief are based on the Report on practices of enhanced trust in governance (work package 7).

The EnTrust consortium consists of eight partner teams conducting research and dissemination activities in seven countries (the Czech Republic, Denmark, Greece, Germany, Italy, Poland and Serbia) and at the EU-level. Its

workplan consists of seven work packages devoted to the systematic analysis and reflection of different aspects of the topic:

1. The Theoretical and Normative Underpinnings of Trust and Distrust
2. Trust and Distrust at the Street-level of Public Policy
3. The Role of Democratic Social Movements in the Formation of Trust and Distrust
4. The Role of the Media in Trust and Distrust Building: Information or Polarisation?
5. Developmental-psychological Insight into Trust and Distrust
6. Appraising Citizens' Trust and Distrust in Governance: Forms, Determinants, Effects and Remedies
7. Civilising Trust and Distrust: Role Models and Recommendations

Further work packages are committed to the dissemination, exploitation and communication of research, management and ethical issues.

**Further information on the EnTrust project is available at [www.entrust-project.eu](http://www.entrust-project.eu).**

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### Project Information

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