



PARTICIPATION OF ORGANISED CIVIL SOCIETY IN SHAPING EU POLICIES AT NATIONAL LEVEL

**EXISTING PRACTICES AND GUIDANCE
ON WHAT MORE CAN BE DONE**



European Center for
Not-for-Profit Law

Why is CSOs' participation in policy-making important?

The level of democracy in a country is largely dependent on how open its state institutions are to the voices of people and organised civil society during the processes of policy and decision-making. Policies and laws based on the needs and collective intelligence of people are crucial for the rule of law and justice in society. Therefore, there is a **need for continuous proactivity in finding mechanisms and tools that make public participation processes inclusive and as open as possible** which consider the various proposals and opinions of members of society.

An active civil society contributes to **empowering the communities** and raising awareness of the importance of public participation at all levels. Civil society organisations (CSOs) also support public institutions in creating policies and strategies that **promote fundamental freedoms and values rooted in democratic societies**. Thus, it is important that governments and other state institutions recognise the role of CSOs and use different ways to structure the dialogue and cooperation with them.

The role of CSOs is recognised by standards, laws and policies on global (United Nations), regional (Council of Europe, European Union, etc), national, and local levels. When it comes to CSOs involvement and general public participation at the EU level, Article 11 of the Lisbon Treaty from 2009 says that the institutions shall, by appropriate means, allow **citizens and representative associations** to make known and publicly exchange their views in all areas of Union action. Several mechanisms, methods and tools are available, with different levels of engagement, efficiency and effectiveness in those processes. For more info, please see ECNL's research on [New dimensions for public participation: models to enhance engagement in the European Union](#) here.

The purpose of the present briefer is two-fold:

- Present some existing practices of national-level participation of CSOs in EU policies;
- Provide inspiration and guidance for governments on how to strengthen mechanisms for CSOs' participation in EU-related policies.

It relies on the findings of [ECNL's research](#) and the resources, including existing research and interviews, used for the development of the research, as well as presentations from the ECNL's webinar "Empowering civil society voices" (26 September 2023).

How can civil society influence national (state members') positions on EU-related matters?

Public participation on national level is important to hear the opinion of people directly affected by EU policies. States shall represent the interest and voices of their citizens and CSOs when they present national positions to the EU institutions.

When it comes to the involvement of CSOs, in some countries there are very formal and structured institutional mechanisms for dialogue with the state institutions and participation of CSOs in policy-making. In other countries, this involvement in policy creation is less formal but happens on a continuous basis.

The methods of cooperation with CSOs and their involvement in policy-making could be different:

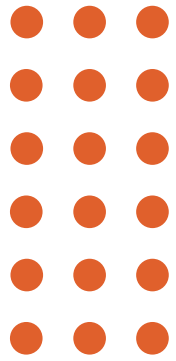
- Formal bodies for cooperation (councils or cross-sectoral platforms);
- Permanent or ad-hoc working groups (on governmental, ministerial or parliamentary level);
- Special parliamentary committees;
- Online platforms for public consultations available for CSOs and the general public (maintained by governments or/and parliaments);
- Consultation platforms on specific topics or target-group-based consultations etc.

Below we present examples that show some of the possible methods and approaches for dialogue, cooperation and involvement of CSOs in policy-making.



Latvia - CSOs involved in discussion on EU-related policies

- *Open institutions for dialogue and cooperation.* In Latvia, the government and parliament are generally open, and it is easy for CSOs to participate in decision-making processes. The framework for cooperation and civil dialogue is enshrined in the [Memorandum of Cooperation](#) signed by the Cabinet of Ministers and CSOs in 2005. It ensures the development and involvement of civil society in decision-making processes at all levels and stages of public administration.
- *Regular consultations on EU-related policies.* The Ministry of Foreign Affairs (MoFA) is considered the most open institution for cooperation with civil society in Latvia. Regular monthly meetings include coordination with CSOs and information sharing on national positions related to EU policies. [Civic Alliance – Latvia](#), the largest umbrella organisation that advocates for CSO interests, is one of the selected CSO partners that represents civil society during these meetings and has the opportunity to spread the conclusions from the meetings to its 140 members and beyond. This way, they can engage early in the process and also ask line ministries to draft national positions for EU-related policies.
- *The role of the Parliament in civil society involvement in EU-related policies.* Latvian CSOs have the opportunity to participate in the parliamentary commissions and raise their concerns and opinions about national positions towards EU policies. Namely, a special [Declaration](#) between CSOs and the Parliament ensures that CSOs are considered equal partners and have access to information. For example, when they draft the national position for the European Council, they discuss it at the special Parliamentary Commission, where CSOs can also take part and ask to add their position. There have been cases when such CSO input led to the change of the national position- for example, in the case of the [European Values Instrument](#) a few years ago, where civil society advocated that MoFa asks for more commitment¹.
- *CSOs participation in EESC.* Also, the recently established practice is that Latvian CSOs directly select their representatives in the European Economic Social Committee (EESC), which allows regular coordination, as well as discussion and direct expression of their interests and positions.



¹ https://nvo.lv/uploads/public_participation_in_the_decision_making_2021_cal.pdf and <https://nvo.lv/lv/portfels/petijumi>

The key takeaway of the model

- The government and Parliament are generally open to CSOs and value their opinions not only in creating national policies but also in building positions on issues addressed to European institutions.
- What works best in Latvia is the regular communication between CSOs and institutions, in this case, the MoFA, in discussion of the state priorities and positions toward EU issues.
- During these regular meetings various relevant stakeholders, including CSOs that work on EU matters, representatives of social partners, etc., take part.
- There are consultations at several stages of policy-making. The access to the meetings of the special Parliamentary Commission provides additional opportunities for dialogue and participation of CSOs.

Issues for consideration

- There is no structured institutional mechanism (special body/ platform) for cooperation and dialogue between the state institutions and CSOs, but it is based on the Memorandum for Cooperation between the Cabinet of Ministers and a network of around 150 CSOs.
- A group of selected CSO partners can participate at the regular monthly meetings organized by the MoFA and receive the conclusions from the meetings. Consequently, other organizations that are not members of these CSOs do not always have the opportunity to be involved and to articulate their opinions.



Croatia - structured dialogue for CSOs involvement in policy-making

- Croatia is one of the countries where the dialogue between CSOs and the government is institutionalised through the permanent bodies and framed in a strategic document - Programme of Cooperation of the Government with the Non-Governmental sector from 2000 (since 2006 as a Strategy for enabling environment for civil society, with more concrete measures for civil society development and effective public sector-CSO cooperation).
- Two main institutions have been set up to support dialogue, cooperation and involvement of CSOs in policy-making:
 - The [Government Office for Cooperation with CSOs](#) established in 1998, is an autonomous Government office under the Prime Minister's cabinet, responsible for the overall coordination of the government's civil society policy. Among other obligations, the Office is responsible for **developing and overseeing the implementation of standards of participation of CSOs and the broader public in policy-making processes.**
 - In 2002, the [Council for Civil Society Development](#) was set up as a **cross-sector consultative body** of the Government. The **structure of the Council, initially composed of an equal number of CSO representatives and civil servants from state institutions**, during the years became a platform for dialogue of all social partners, including foundations, trade unions, academia, business associations, etc. CSOs representatives in the Council are selected by themselves in an open, participative and transparent process.
- Since 2015, a **comprehensive online platform for public consultations** (esavjetovanja.gov.hr) exists as a result of the advocacy of CSOs for its establishment, as well as the support and efforts given by the Office for Cooperation and the Council. It is a single web access point to all public consultations launched by state bodies in Croatia. The legal obligation of the use of e-platforms by government bodies increases the probability of its success as well as, the strong central coordination of the use of e-consultations improves its effectiveness².

² Igor Vidacak, Tools and methods of CSO participation in public policy-making: Overview of good practices in Croatia, Estonia and France, TUSEV, 2020

The platform is used regularly by CSOs and individuals, and it serves as a primary tool for policy-making on the national level related to issues with national character.

Key takeaways of the model:

- There is a structured and permanent dialogue between the government and CSOs articulated in the Council for the Development of Civil Society. One of the key lessons learned from the work of the Council is that gradual trust-building is the main benefit of this cross-sectoral government advisory body (comprising relevant ministries/government offices and representatives of CSOs), which enables regular government-CSO policy dialogue.
- The Office for Cooperation is an essential part of the structure since it organises everyday coordination of about 20 governmental bodies in regard to the financing of CSOs projects and programmes, coordinates many different inter-related policies, proposes and implements capacity-building activities for civil servants responsible for cooperation with CSOs and particularly for implementing the procedures for public participation, etc.
- The online system for public consultations significantly contributes to openness and encourages the public to be involved in the discussion regarding national policies.
- The Croatian model for civil dialogue could be easily replicated in other countries since it is well-organised, has a clear mandate, and is based on representation (self-election of the CSO participants in the main body for dialogue).

Issues for consideration

- Despite the very organised and well-structured mechanism for dialogue and cooperation between the government and CSOs, as well as an established practice of consulting national policies using the online portal for public consultation, there is a lack or very rare example of involvement in policy-making related to the EU.
- In fact, there is an absence of national debate about EU policies, including a lack of debate in the Parliament and a lack of debate among CSOs and citizens in contributing to European Commission public consultations on draft policy and legislative initiatives. Most of the issues are debated and concluded in the frame of the government (Cabinet of the Ministries).

Malta - Financial assistance to foster engagement

There are countless opportunities for the use of methods to involve the public and organised civil society in policy-making. **The methods and processes can be combined to achieve the best results regarding both the quality and quantity of involvement**, provided suggestions, ideas, and opinions.

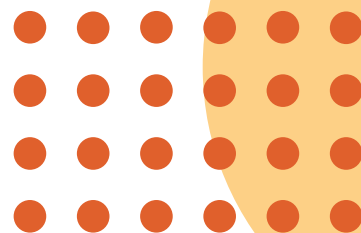
However, it is important to ensure sufficient human and financial resources both for the state institutions to create and maintain these methods and processes and CSOs to benefit from them.

The case of Malta is one example of supporting CSOs for their involvement in policy making related to EU issues.

The **Malta Civil Society Fund**³, established by the Malta Council for the Volunteer Sector as part of the Ministry for Inclusion, voluntary organisations and consumer rights, and in collaboration with the Ministry of Education and Employment, **aims to support CSOs in engaging in EU decision-making** and educating their members on relevant EU matters.

The Fund provides **financial assistance to enable CSOs** to:

1. Assist them to keep abreast with the developments occurring at EU and International level;
2. Enable them to better educate their members on EU and international matters related to their respective fields of competence; and
3. Enable them to participate effectively in the decision-making process at the European and international level.
4. Enable them to extend their collaboration and networking to the international fora.



3 <https://www.vofunding.org.mt/funds/139>

Steps/guidance for CSOs' participation in EU-related policies

The presented country examples show that one can find good examples and opportunities in various countries that, by consideration of the local context, can be combined to create a functional and effective system for involving CSOs in policy-making, including in EU-related policies.

We recommend the states to:

1. Propose and practice **measures for public participation that are inclusive and non-discriminatory**, aiming for the broadest public involvement. Additionally, they need to **practice ways of collaboration with CSOs** that often act as catalysts for positive changes and represent the interests of the public at large.
2. Prepare in a participative way, adopt and implement a **strategic document for dialogue** and development of civil society in the country also recognizing CSOs' role in shaping the future of the EU.
3. Form an **institution** (office, unite, sector, etc) in the frame of the government that will **horizontally coordinate the policies**, actions, and dialogue with civil society and monitor the processes of public participation not only in national but also EU policy-making.
4. Establish a **permanent cross-sectoral body** consisting of an equal number of participants from state institutions and CSOs, as well as other social partners, and based on the principle of self-election of CSOs representatives to discuss policies and national positions to the EU.
5. Ensure that the mandate and agenda of this cross-sectoral body is **commonly set and include discussions on EU-related policies**. Regular monthly meetings should be organised, as well as meetings whenever the national position on EU policy is requested.
6. Encourage **parliaments to be open to dialogue and cooperation with civil society**. They should serve as a second instance of possibilities for dialogue and give the opportunity to influence national positions to EU policies during the committee meetings and other occasions.
7. Establish an easy-to-use central (on a national level) **online portal for public consultation** where both national and EU-related draft law and policies are published for input and ensure that it is effectively maintained. Continuously build the capacity of state institutions to be open and transparent in consultations with the public in policy-making; capacities for monitoring,

reporting, providing feedback, etc. The same procedure for public participation is to be applied to all laws, strategies, programmes, and positions, regardless of the issue (national or EU matters).

8. Provide financial assistance to CSOs support their engagement in EU decision-making.

We recommend CSOs to:

9. Be proactive and **initiate formal and functional strategic policy documents and institutional mechanisms** for dialogue and cooperation between CSOs and state institutions both on national and EU policies.
10. Organise dialogue among civil society and elect their own representatives in the cross-sectoral body based on their own criteria, procedures, and principles. CSO representatives in the cross-sectoral body should **inform CSOs broadly about the main conclusions of the meetings and request inputs** when certain policies are discussed.
11. Organise **awareness-raising actions** about the importance of involvement in policy-making on EU matters, **especially among young people and students** (in cooperation with the research schools and universities), and build capacities of other (local and smaller) CSOs for providing critical thinking and proposals for better regulations and policies on national and EU level.





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