

# ECNL Hot Topic: Regulating fundraising – which way forward?



A summary of ECNL's report, "The Regulatory Framework for Fundraising in Europe"

Civil society organizations' (CSOs) right to secure resources is an integral part of the right to freedom of association. Access to resources is important not only for CSOs themselves, but also for the communities who benefit from their work. However, there has been relatively little research regarding just how CSO fundraising is regulated. To help fill this gap, ECNL has published an overview ([available here](#)) of the legal framework for fundraising in Europe, made possible with the support of the United States Agency for International Development (USAID).

## What does the report cover?

Regulation of fundraising, defined as solicitation of donations or voluntary contributions that CSOs request from the general public to fund their activities.

## What are the key recommendations to governments?

- ▶ **Assess:** Does the current legal framework support the diversification of CSO resources and allow fundraising activities to flourish?
- ▶ **Balance regulation:** Strengthen the complementary role of legislation and self-regulation to strike an effective and appropriate balance.
- ▶ **Minimize intrusion:** Avoid limits on legitimate fundraising purposes and establish minimally intrusive eligibility criteria for fundraisers.
- ▶ **Streamline:** Revisit the need for notification or permission requirements, and ensure consistent and simplified procedures that enable fundraising activities without imposing burdensome administrative requirements.
- ▶ **Foster innovation:** Encourage the use of digital fundraising methods without creating additional administrative burdens for CSOs.
- ▶ **Safeguard privacy:** Respect the privacy rights of donors, beneficiaries, and staff and protect confidentiality when needed.
- ▶ **Pursue philanthropy without borders:** Remove any barriers on cross-border philanthropy and guarantee the same treatment for cross-border and domestic donations, including tax benefits for donors.
- ▶ **Encourage giving:** Support the development of philanthropy by introducing tax advantages for private giving.
- ▶ **Remain impartial:** Ensure fair, objective and non-discriminatory supervision of fundraising activities.

21 Int'l & regional documents

101 Secondary resources

16 Countries from all regions of Europe

65 National laws & regulations

## A timely subject

The past decade has seen a number of countries revisit their regulatory framework on the subject of fundraising.

The legislative changes show diverse trends: many aim to reduce administrative burdens and regulatory controls on fundraising activities while others increase state oversight.

## Spectrum of the report

1. The context for fundraising in Europe
  - Why regulate?
  - International and European legal frameworks
  - Country level regulation
  - Statutory regulation versus self-regulation
2. The statutory regulation of fundraising in Europe
  - Common elements of laws related to fundraising
  - State incentives for fundraising
3. Self-regulatory initiatives on fundraising in Europe
  - The purpose of self-regulation
  - Compliance and enforcement mechanisms
  - Self-regulation models on fundraising
4. Case studies from Slovakia, the United Kingdom and Spain

## What's next?

In the coming year, ECNL and the International Center for Not-for-Profit Law (ICNL), through the Civic Space Initiative, will:

- Continue research to assess the impact and implementation of laws and self-regulation initiatives on fundraising;
- Launch a multi-stakeholder dialogue on how best to regulate or self-regulate fundraising; and
- Create global guidelines and a toolkit on the minimum standards of fundraising regulation and self-regulation to guide reforms.

Interested in joining us in our pursuit of a better environment for fundraising activities? Please contact Francesca Fanucci at [francesca@ecnl.org](mailto:francesca@ecnl.org).



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