

ClientEarth contribution to the European Commission's Call for Evidence

EU Civil Society Strategy

September 2025

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As non-governmental organisation specialised in environmental issues, ClientEarth welcomes the European Commission's proposal to draw up an EU Civil Society Strategy. This strategy is a much-needed step to acknowledge civil society not merely as an implementer of policies but as an active partner, and to better support and equip civil society actors with the tools and resources they need.

We would like to recall that civil society organisations (CSOs) play a crucial role with multiple functions, as key actors in the **democratic process and the protection of public interests**:

- CSOs represent **the voices of groups often insufficiently heard**, such as marginalized, vulnerable communities and environmental/rights defenders. They bring attention to the concerns of those most affected by societal challenges but least able to influence policy, ensuring that their needs are addressed in political decisions.
- CSOs serve as a **form of democratic control over governmental actions**, holding public authorities accountable by demanding more transparency and ensuring that decision-makers remain responsive to the needs of their citizens. By fostering civic engagement, CSOs play a vital role in **raising public awareness about critical issues**, including environmental and health protection and EU-wide policy matters. These efforts inform citizens, motivate them to actively participate in democratic processes and, if needed, enable them to go to court to protect their rights as a last resort.
- CSOs are instrumental in **safeguarding and promoting fundamental rights**, such as the right to participate in political decision-making, access to information and to justice. They empower citizens by helping them claim their rights and ensure they are represented in the political sphere.
- CSOs are also **key sources of independent evidence, collecting data and conducting research based on empirical experience**. These findings are essential for policymakers, offering valuable insights that inform decision-making and policy development. Additionally, the expertise and technical advice provided by CSOs often bridge gaps in specialised knowledge and also contribute to translating scientific research for decision-makers, enhancing the effectiveness of public policy and contributing to the public good.

In short, CSOs are indispensable in **promoting democratic values, protecting fundamental rights, ensuring accountability, transparency and informed governance**.

In recent years, civil society in the EU has faced **unprecedented challenges**: shrinking civic space, legal, political and administrative restrictions, smear campaigns and targeted attacks, abusive lawsuits, surveillance, and increasing financial insecurity. These pressures are undermining CSOs' capacity to operate effectively and independently, thereby weakening the EU's democratic values and fundamental rights. **A robust, coherent, and well-resourced Civil Society Strategy is crucial to safeguard and empower civil society actors to continue their indispensable work.**

This document provides a **detailed and illustrated overview of the various threats** currently facing CSOs. It also includes concrete **proposals and key initiatives** that could be incorporated into the future European Civil Society Strategy.

1. Challenges and risks faced by civil society organisations (CSOs) in the European Union (EU)

CSOs in the European Union (EU) face growing challenges and risks, particularly those working on human rights, environmental and climate issues.

One of the most concerning trends is the **increasingly restrictive legal, regulatory, and administrative environment**, which significantly hampers CSOs' ability to operate freely. Many organisations dedicated to human and environmental rights are being stifled by **unlawful restrictions on transparency, public participation, and access to justice**, despite those being guaranteed under the Aarhus Convention, the EU Charter of Fundamental Rights and the European Convention on Human Rights.

At EU level, one of the most significant challenges facing NGOs is the **increasing number of attacks on their credibility** among politicians, the media and industry actors. The Strategy should elaborate how the Commission will actively counter such narratives.

Meanwhile, the Commission is also restricting their role in EU decision-making by **limiting public consultation and reducing transparency**. Indeed the Commission recently amended its rules of procedure¹ to prevent the public from accessing crucial documents related to ongoing negotiations and was challenged by environmental NGOs for doing so.²

The European Ombudsman has also repeatedly pointed out **non-compliance with legislation on access to documents and recently expressed concerns about new forms of 'dialogue'** with stakeholders that do not comply with the Commission's own Better Regulation Guidelines. Indeed, the selective inclusion, or even the complete exclusion, of CSOs in consultations, especially in fast-track legislative procedures like the recent Omnibus on corporate accountability or recent CAP simplifications, restricts civic space and further undermines meaningful public input. This exclusion, combined with the **acceleration of permit reforms that undermine public participation**, creates an environment where civil society is increasingly marginalized.

The Strategy should emphasise that decision-making is governed by the Better Regulation guidelines and toolbox and that only the forms of engagement that ensure adequate representation of all categories of stakeholders, with sufficient time, are

¹ Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614.

² Internal review request 102 to the Commission, ref. IR/2025/593371.

adequate forms of consultation. **This Strategy should thus be built upon and expand on the Better Regulation Guidelines in relation to public participation.**

The same attempts to marginalize potential involvement of CSOs in legislative processes have been occurring at national level. For example, in Poland the government has been proceeding hundreds of laws in fast-track procedure without any public consultation. Furthermore, one of these laws (UDER32) was also aimed in limiting access to justice for CSOs by depriving them the right to submit a cassation appeal in administrative court proceedings and only after the massive protests of CSOs and citizens the works on this draft law have been dropped.

CSOs also faces a rise in anti-rights narratives ('eco-terrorism') and growing governmental suspicion at national level.

Restrictions on freedom of assembly, police brutality, and intimidation have been on the rise, with the largest number of SLAPP cases in several EU member states, notably in Poland, France, Malta, and Italy. These lawsuits are being used to silence activists who often have to deal with disproportionate financial claims. The criminalization of non-violent civil disobedience, as seen in France, Italy, and Germany, illustrates the growing repression of peaceful protest. In some countries, such as Italy, environmental defenders are facing severe repressive measures, including surveillance, police brutality and fines.

Moreover, the increasing use of **organised crime legislation to investigate and monitor environmental defenders** in countries like France, Spain, and Poland highlights a disturbing trend towards the criminalization of activism. In extreme cases, environmental activists have reported being followed, having their phones tapped, and even being infiltrated by undercover police. These escalating risks not only threaten the safety and freedom of activists but also undermine the fundamental democratic principles of participation, transparency, and accountability within the EU.

Finally, we can also see a growing number of **false, highly derogatory and inflammatory statements from public officials made against environmental NGOs**.³ The Strategy could encourage Member States to create mechanisms to prevent this.

Protect CSOs is not just a moral imperative, it is also a legal obligation enshrined in key international and EU legal frameworks, which the Strategy should build on.

Under Articles 3(4) and 3(8) of the Aarhus Convention, there is a **positive obligation to support environmental CSOs**, ensuring that they are empowered to contribute to

³ See Aarhus Convention Compliance Committee draft findings on communication ACCC/C/2018/161.

public discourse and environmental protection. This is not only about preventing harm but also actively fostering their role in democratic processes. In particular, environmental NGOs have a special role in representing ecosystems because they cannot represent themselves in court. Similarly, Article 11 of the Treaty on European Union (TEU) underscores the necessity of providing citizens and representative associations with the opportunity to express their views in all areas of Union action, further highlighting the EU's obligation to facilitating civil society participation. **These objectives and obligations cannot be achieved unless CSOs have access to sufficient and diversified resources.**

Beyond these legal bases, protecting CSOs is essential for the **health of any democracy**. These organisations are integral to safeguarding the core freedoms of association, assembly, and expression—freedoms that are foundational to the EU's values. By ensuring that CSOs can operate freely and effectively, we preserve the very fabric of participatory democracy. Furthermore, recognising the added value of CSOs both at the EU and national levels strengthens their role in shaping policies that reflect the interests of diverse communities. This recognition leads to better inclusion in decision-making processes, improving the participatory rights of citizens. Protection also extends to access to justice, ensuring that CSOs and the communities they represent can hold authorities and private actors accountable. Finally, it is crucial that CSOs are protected from any threats—whether physical, legal (such as SLAPP), or otherwise.

A robust legal and protective framework is essential for ensuring that these organisations can continue their vital work without fear of intimidation, harassment, or repression.

The situation for CSOs at and national EU level has significantly worsened in recent years and months, driven by legal, financial, and political challenges.

First, a **growing number of restrictions on civic freedoms** have been imposed, exemplified by France's "*Contrat d'Engagement Républicain (CER)*", introduced through the controversial "separatism law." This makes public subsidies contingent on compliance with specific "republican" principles, often used to target critical organisations. In Flanders, CSOs receiving subsidies shall not use them for litigating against the Region (at least one CSO saw its subsidies revoked because it was using 'legal instruments' on a recurrent basis, until the decision was annulled in court for excess of powers). In Hungary, the Defence of Sovereignty Act allows authorities to investigate organisations or individuals critical of the government.

Secondly, **the right to protest, particularly for environmental movements, has also been severely limited**. Across Europe, groups fighting for environmental justice face mass arrests, intimidation, harassment, criminalisation, and surveillance. In France, authorities banned protests against the construction of a motorway and

employed excessive force, including explosive grenades, against activists. In Germany, there is a growing number and intensity of police measures against the climate movement⁴. For example, the Last Generation activists faced over 5,000 criminal proceedings and fines exceeding €1 million. Italy introduced the “Ecovandalism” law, which imposes severe penalties for activists defacing cultural or landscape sites. In the Netherlands, Extinction Rebellion members have been preventively detained and prosecuted for sedition before demonstrations.

Additionally, CSOs in general face **a rising number of SLAPPs, intended to intimidate and reduce to silence activists**. Between 2010 and 2023, 1,049 SLAPPs were filed across Europe, with a significant proportion in Italy and Romania; actions that have not taken the form of lawsuits are not counted. A recent example is the case involving Greenpeace Romania, which reported in May 2025 that it was facing a dissolution lawsuit filed by one of the project developers, an oil and gas company, in response to its opposition to the Neptun Deep gas project.⁵ Greenpeace described the action as disproportionate and intimidating. On the day of the first hearing, the company withdrew the claim.⁶

Financially, **CSOs are under intense strain, with national budgets reduced and freezes on funding from international development agencies**. The upcoming negotiations on the EU's Multiannual Financial Framework (MFF) could result in even further cuts to NGO funding with a reform of the LIFE programme, placing the survival of many organisations at risk.

Finally, CSOs are also facing **new restrictions on transparency and public participation at EU level** (see above). EU institutions and structures should also be addressed by the Civil society strategy, not only the national level.

In summary, the situation for CSOs across Europe is rapidly deteriorating, marked by legal restrictions, rising financial instability, and diminished influence in political processes. These trends represent a significant erosion of democratic principles and civil liberties, posing serious challenges for CSOs in defending their right to operate freely and advocate for justice.

⁴ Green Legal Spaces Report 2025, Reinforcing EU Climate and Democratic Governance: Enhancing Public Participation and Deliberation, May 2025, p. 25-26. [Available here](#).

⁵ DW, Greenpeace in court: Romania takes aim at environmental NGOs. [Available here](#).

⁶ Greenpeace Romania's press release, Romgaz Bahamas renunță la dizolvarea Greenpeace: „Și-au dat seama că pierd”. [Available here](#).

2. Dialogue and participation of CSOs at EU and national level

While some EU Member States have formal structures for civil society participation, these are often inconsistently or poorly implemented.

The 2025 Green-Deal Net report on EU public participation and deliberation⁷ concluded that the **uneven quality of public participation** across Member States and mechanisms leaves significant room for improvement and highlighted **five key challenges for the EU framework of public participation**: imbalanced representation, implementation gaps, limited impact and transparency, public visibility and missing spaces for deliberation within member states and across governance levels. In some Member States, civil dialogue structures do exist, such as national councils for civil society or social and economic committees, but they typically have weak mandates and limited access to legislative processes. **These forums often exclude smaller or marginalised CSOs and are rarely adequately resourced**, which undermines broad and inclusive participation.

However, **some positive examples can be found at national level**. In Finland, the government engages with civil society through the Advisory Board on Civil Society Policy (KANE), which brings together CSO and government representatives to shape relevant policies. In Denmark, the Council for Civil Society (Frivilligrådet) includes representatives from civil society, municipalities, and public authorities, and serves as an advisory body to the government on issues related to civil society, volunteering, and civic engagement. These bodies are accompanied by public consultations and feedback mechanisms, offering more transparent and meaningful engagement.

Overall, while structures exist in some countries, a stronger, more consistent, and better-resourced framework is needed across the EU to ensure civil society can effectively participate in decision-making.

At EU level, public consultations are one of the most common forms of engagement, but their effectiveness often falls short.

While consultations are open, they tend to be structured in ways that favour confirming pre-identified policy options rather than genuinely integrating diverse perspectives.

⁷ Green-Deal Net report, Reinforcing EU Climate and Democratic Governance: Enhancing Public Participation and Deliberation, May 2025. [Available here](#).

Additionally, short deadlines and lack of feedback on how input is used hinder meaningful participation for CSOs.

More recently, the new ‘reality checks’ ‘high-level dialogues’ and ‘strategic dialogues’ organised by the European Commission ahead of a new legislative proposal are **often selective and disproportionate when it comes to the interests represented**. This new approach has prioritised multinational corporations over civil society actors and SMEs, as evidenced by the first omnibus, which failed to include sufficient consultation with CSOs. Many CSOs report being invited in disproportionately low numbers or offered limited speaking time, with no opportunity for meaningful follow-up discussion and real dialogue. This “tick-the-box” approach has a direct impact on the consultations which are often treated as formalities with little impact on final decisions.

Direct meetings with decision-makers, including the European Commission and Members of the European Parliament (MEPs), offer another opportunity for CSOs to engage. If the Commission recently decided to make public the minutes of the meetings held with interest representatives⁸, these documents do not contain detailed information on the discussions. Moreover, there is very often an imbalance between access to bilateral meetings between corporate private interests and public-interest organisations. Due to privileged access and generally higher financial and human resources, private sector actors are often more successful in arranging meetings with officials than NGOs and CSOs. The EU Strategy is also an opportunity to improve practice by ensuring equitable access and allocating equivalent meeting time to public and private interest representatives.

A major issue is **the absence of a binding framework for civil society dialogue at the EU level, leading to inconsistent and ad-hoc engagement**. Indeed, one of the key finding of the European Economic and Social Committee report on “Mapping civil dialogue practices in the EU institutions”⁹ is the absence of a common framework for civil dialogue practices across EU institutions, resulting in inadequate identification and exchange of best practices, as well as limited reflection for improvement. A formalised inter-institutional agreement, grounded in Article 11 TEU, could ensure a more structured, inclusive, and impactful participation of CSOs throughout the policy-making process. This would ensure that civil society engagement is a genuine and integral part of decision-making.

If civil society as a whole is currently under threat, there are certain areas in which threats are particularly high, yet these are areas in which its role is particularly crucial.

⁸ Commission Decision (EU) 2024/3081 of 4 December 2024 on transparency measures concerning meetings held between Members of the Commission and interest representatives, and repealing Decision 2014/839/EU, Euratom.

⁹ European Economic and Social Committee, *Mapping civil dialogue practices in the EU institutions*, May 2025. [Available here](#).

Indeed, **civil society participation should be further strengthened in environmental and climate issues**, given the ongoing triple crises—climate change, biodiversity loss, and pollution. Environmental NGOs and defenders are facing heightened attacks, both legally and physically, while private-interest lobbying, especially from the chemicals or agriculture sectors, disproportionately influences policy. In such a critical area, the voices of CSOs advocating for environmental justice and the protection of life in all its forms must be amplified to counterbalance private, short-term interests and ensure that policies reflect the public interest and scientific consensus.

The biggest need for improvement often arises in relation to policy areas that are not considered “environmental policy” *stricto sensu* but that have climate or environmental impacts, such as health, agricultural or energy policy. On EU level, this is reflected in unequal participation possibilities between different Directorate Generals, and the same can be observed in many EU Member States. **In line with the environmental integration principle (Article 11 TFEU), it is crucial that environmental CSOs have an opportunity to be involved in these areas.**

In addition, **democracy, free civic space, and the rule of law are fundamental areas where civil society participation needs strengthening**. The rise of anti-democratic voices and populist movements across Europe presents a direct threat to the EU's core values, including fundamental rights, free speech, and political pluralism. CSOs play a crucial role in defending democratic principles and holding governments accountable. The EU should ensure that civil society has a robust, unrestricted platform to counter these threats and actively participate in shaping policies that safeguard democracy and the rule of law.

To ensure that CSOs can meaningfully participate in the EU decision-making process, several measures could be considered.

First, **greater transparency is essential**. Legislative processes should involve early and accessible disclosure of Regulatory Scrutiny Board (RSB) opinions, as well as impact assessments published before legislative proposals, in line with the case law of the Court of Justice of the EU (see case C-57/16 P). This would allow CSOs to engage with the process from the start.

Second, **the EU should redefine civil society dialogue and provide guidelines for its implementation**. To do this, the EU should implement automatic and systemic consultation of CSOs at every stage of the decision-making process, including in fast-track procedures like omnibuses. An inter-institutional agreement on civil dialogue could be adopted to structure and ensure the application of these guidelines to all institutions. Establishing **civil society advisory committees** at both national and EU levels to feed into EU decision-making processes would ensure comprehensive and continuous consultation.

Additionally, the EU's proposed Civil Society Platform should be co-created with CSOs and serve as a **permanent, inclusive mechanism for civil dialogue across all policy areas**, incorporating diverse voices and regular high-level meetings to follow up on CSO input.

Dedicated civil society focal points within each institution should be established, with adequate financial and human resources. This would ensure that civil society is consulted consistently, and that feedback mechanisms and funding for participation are in place.

Finally, the EU should also work to **restore balance between corporate representatives and those advocating for social, environmental, and workers' rights**, notably in terms of financial means as well as meeting access (see above).

3. Existing measures to protect CSOs

There are some examples of national-level mechanisms or structures in place to better protect NGOs or individuals working directly within these organisations.

In France, the **“House of whistleblowers”** (**“la Maison des lanceurs d’alerte” (MLA)**) provides legal, psychological, media, financial and social support to whistleblowers, while fighting to improve their rights. Mainly funded by donations, the MLA acts independently and relies on diverse contributions to carry out its actions. Since its creation, it has supported more than 350 whistleblowers, developing solid expertise in the legal framework for whistleblowing.

The Coalition Against SLAPPs in Europe (CASE) exemplifies how CSOs have had to organise themselves when public authorities fall short in protecting them. Coalitions like CASE play a crucial role by documenting attacks, advocating for stronger legal protections, and mobilising international support.

In Romania, while not yet formalised or public, there has been encouraging engagement from the Ombudsperson’s office. Following advocacy efforts, the Ombudsperson has supported key elements of a comprehensive transposition of the Anti-SLAPP Directive and proposed that the institution act as the national SLAPP focal point.

In both examples, the tools to protect CSOs and citizens came from civil society and not from public authorities, showing that we need **more support from the public sector to effectively implement supporting measures and structures.**

Protection measures in the EU remain fragmented, underfunded, and inconsistent.

Despite the wealth of expertise and resources available, there is **no institutional, EU-wide mechanism to systematically document attacks on CSOs and ensure consistent access to protection and support mechanism.**

Existing measures are the **Aarhus Rapid Response Mechanism (RRM)** for environmental defenders and the **Aarhus Convention Compliance mechanism (ACCC)**, both applying not only within the EU but across all parties to the Aarhus Convention. These mechanisms allow any member of the public to file complaints related to environmental protection and environmental rights violations. Under the RRM, 20 cases have been deemed admissible since 2022, with 10 of them within the EU. However, although those mechanisms are very useful, they lack significant

funding from the EU. Providing fixed funding would enable better prevention of risky situations and offer lasting protection.

The Anti-SLAPP Directive and Whistle-blower Protection Directive are steps forward in protecting CSOs from abusive legal actions and retaliation. However, on one hand, the Anti-SLAPP Directive sets common minimum standards, focusing on cross-border cases and excluding criminal cases. The transposition of Whistle-blower Protection Directive needs to be improved in certain key areas. The Commission could look into the matter and possibly launch infringement proceedings against Member States that have insufficiently transposed it.

ClientEarth's expectation for the Strategy is that it affirms a **pro-civil society narrative, streamlines and enhances engagement of the Commission with civil society, and commits to actions that will support and protect civil society.**

To better protect CSOs at risk, the EU should adopt a multidimensional approach, starting with a firm commitment to **respecting fundamental rights and EU values**. The EU must actively counter the growing anti-CSO narrative by defending the role CSOs play in shaping policies and in helping authorities to enforce the law. Actively countering disinformation from the media or politicians (e.g. recent statements from MEPs on LIFE funding), notably by reacting and standing for civil society, is within the Commission's powers and responsibility. This can be achieved by enlarging civic space rather than restricting it, ensuring secure funding for CSOs, and emphasising the essential nature of their work. Structures should be set up to ensure CSOs are consistently consulted and their views are meaningfully considered in policy development (see above).

The EU should also make **greater use of infringement and Article 7 TFEU procedures when fundamental rights are violated**. Additionally, the EU should also ensure the protection of **procedural guarantees**, especially the right to be informed, to participate and to have access to justice in environmental matters.

4. Funding issues

Time consuming to apply and manage

Public funds available at national or EU level, while transparent, **require significant capacity and resources to attain for CSOs**. Proposals are often long and require a lot of detail and are accompanied by the need to provide a range of supporting documentation – it is thus generally extremely time consuming to apply for, and manage the funding. This presents a significant obstacle particularly for smaller CSOs, who often lack capacity or do not benefit from dedicated fundraising/grant management staff.

Smaller CSOs could be better supported by existing funding mechanisms. The application and management process of institutional funding is very time consuming. Application processes are often complex and require significant documentation. Some funding portals are difficult to navigate and use – these should be simplified. Moreover, cost recovery is often restricted so smaller CSOs cannot invest adequately in their infrastructure.

Low-cost recovery

Public funds also often have **low-cost recovery attached to them**. Cost recovery is crucially important to allow organisations to sustain themselves by covering operational costs. Better cost recovery can be found through applying to private trusts and foundations. Funding channels, such as LIFE+, have though allowed ClientEarth to invest in organizational development as a key pillar of the grant – this should be encouraged.

Both above points mean that CSOs need to consider carefully whether to apply for these funds.

Funding or other forms of support to agencies, independent bodies, institutions or mechanisms that support civil society are also essential, because these mechanisms and structure also enable civil society to be protected. For example, **the EU should ensure a stable funding for the Special Rapporteur on Environmental defenders, as well as the ACCC funding**.

5. Some key resources

Aarhus Convention Compliance Committee, *Report of the Compliance Committee on general issues of compliance*, 2025. [Available here](#).

UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Position paper by Michel Forst, *State repression of environmental protest and civil disobedience: a major threat to human rights and democracy*, February 2024. [Available here](#).

European Economic and Social Committee, *Mapping civil dialogue practices in the EU institutions*, May 2025. [Available here](#).

Civil Society Europe, *Civil Society State of the Union 2025 report*, July 2025. [Available here](#).

GreenDeal-NET, *Reinforcing EU Climate and Democratic Governance: Enhancing Public Participation and Deliberation*, May 2025. [Available here](#).