Public consultation on a proposal for Defence of Democracy package

Fields marked with * are mandatory.

About this consultation

Consultation period: 16 February 2023 - 13 April 2023 (midnight Brussels time)

Topic: Justice and democracy

As announced in the 2023 Commission Work Programme, the Commission intends to put forward a 'Defence of democracy' package to strengthen the resilience of the EU democratic space against covert foreign interference. This will include measures aiming to deepen previous actions to promote free and fair elections, to step up the fight against disinformation and to support media freedom and pluralism, including by developing civic space and citizens participation to bolster democratic resilience from within.

The Commission would like to consult the public on the envisaged measures to provide transparency of foreign interference and seek the public's views on how such an intervention could contribute to improving the resilience of democracy in Europe.

Why we are consulting

The European Commission welcomes views from citizens, civil society organisations and companies on the issues that concern them. That is why we have prepared this consultation – your views and experience are essential to shaping our policies.

The Commission will publish a consolidated and anonymous analysis of all responses to the consultation.

Target audience

This consultation is addressed to the general public and stakeholders alike. The main stakeholder groups that may be interested in this initiative include:

Individuals citizens of all ages; Representative organisations of relevant sectors of the business community, including professional consultancies, public relations agencies, law firms and self-employed consultants; Civil Society Organisations; Professional and industry organisations; Research entities and academia, including teachers; Schools, students; Political parties; Organisations representing regional, local authorities; National public authorities, at national, regional or local level and parliaments; International organisations and standard setting bodies.

Responding to the questionnaire

Answering this questionnaire (in any official EU language) should take between 15 and 20 minutes. However, given possible delays in translating replies submitted in some languages, contributions in English are welcome, as they will help to process the survey more swiftly.

All respondents also have the possibility to submit additional documents to <u>JUST-EUCITIZENSHIP-</u> <u>CONSULTATION@ec.europa.eu</u>. In the email, they will be asked to specify their name, nationality, and the name of the organisation they belong to (if relevant) to facilitate identification. For reasons of transparency, organisations and businesses taking part in public consultations are asked to register in the EU's Transparency Register.

Personal data and privacy statement

The European Union is committed to protecting your personal data and to respecting your privacy. When carrying out public consultations we adhere to the policy on 'protection of individuals with regard to the processing of personal data by the Community institutions', based on <u>Regulation (EU) 2018/1725</u> on processing of personal data by the EU institutions.

You can learn more about the use of the answers in the privacy statement.

Introduction

In the 2022 State of the Union address, President von der Leyen announced an initiative to defend democracy from covert foreign influence. This initiative will consist of a package of measures. The package will complement actions already taken at EU level under the European Democracy Action Plan. It will focus on transparency measures to prevent the exercise of covert foreign interference. In particular, it will include proposals to protect our democracies and strengthen trust by defending our democratic system from outside interests. The package will also include specific measures on electoral matters ahead of the elections to the European Parliament (drawing on discussions in electoral networks) and measures aimed at fostering an enabling civic space and at promoting the development of an inclusive and effective engagement of public authorities with civil society organisations and citizens, in order to bolster democratic resilience from within. For more information on the initiatives included in this package, please see the call for evidence.

This consultation is an opportunity to gather views, arguments and underlying information and analysis, and to ensure in a transparent and participatory way that the Commission draws on a comprehensive stakeholder perspective regarding the relevant risks and gaps and on the related measures required at EU level. This consultation notably seeks already available material and data and gather evidence on the specific problems addressed by the initiative, including views on the policy approaches and their impacts. This consultation contains 6 sections:

About you Interest representation and foreign interference Transparency and other requirements (including citizen participation and enhancement of civic space) Codes of conduct, self-regulation and standards Free and fair elections Other

For the purpose of this consultation:

- Lobbying activities include activities with the objective of directly or indirectly influencing the formulation or implementation of policy or legislation or the public decision-making processes. For instance organisation or participation in meetings, conferences or events.
- Third country means a country outside of the EU and the EEA, covering its government or an entity with structural links to such a government.

References in the text to "EU" should be understood as covering Member States of the European Union as well as European Economic Area (EEA) countries.

About you

- *1 Language of my contribution
 - Bulgarian
 - Croatian
 - Czech
 - Danish
 - Dutch
 - English
 - Estonian
 - Finnish
 - French
 - German
 - Greek
 - Hungarian
 - Irish
 - Italian
 - Latvian
 - Lithuanian
 - Maltese
 - Polish
 - Portuguese
 - Romanian
 - Slovak
 - Slovenian
 - Spanish
 - Swedish
- *2 I am giving my contribution as
 - Academic/research institution
 - Business association
 - Company/business
 - Consumer organisation
 - EU citizen
 - Environmental organisation
 - Non-EU citizen
 - Non-governmental organisation (NGO)

- Public authority
- Trade union
- Other

*3 First name

Clémentine

*4 Surname

Richer

*5 Email (this won't be published)

clementine.richer@epha.org

*9 Organisation name

255 character(s) maximum

European Public Health Alliance

*10 Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

11 Transparency register number

255 character(s) maximum

Check if your organisation is on the <u>transparency register</u>. It's a voluntary database for organisations seeking to influence EU decision-making.

18941013532-08

*12 Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

Afghanistan

- Djibouti
- Libya

- Åland Islands
- Dominica
- Liechtenstein
- Saint Martin
- Saint Pierre and Miquelon

Albania	Dominican Republic	Lithuania	Saint Vincent and the Grenadines
Algeria	Ecuador	Luxembourg	Samoa
American Samoa	a [©] Egypt	Macau	San Marino
Andorra	El Salvador	Madagascar	São Tomé and
Annala		Malawi	Príncipe
Angola	Equatorial Guine		Saudi Arabia
Anguilla	Eritrea	Malaysia	Senegal
Antarctica	Estonia	Maldives	Serbia
Antigua and	Eswatini	Mali	Seychelles
Barbuda			
Argentina	Ethiopia	Malta	Sierra Leone
Armenia	Falkland Islands	Marshall Islands	
Aruba	Faroe Islands	Martinique	Sint Maarten
Australia	Fiji	Mauritania	Slovakia
Austria	Finland	Mauritius	Slovenia
Azerbaijan	France	Mayotte	Solomon Islands
Bahamas	French Guiana	Mexico	Somalia
Bahrain	French Polynes	a [©] Micronesia	South Africa
Bangladesh	French Souther	n [©] Moldova	South Georgia
	and Antarctic		and the South
	Lands		Sandwich
			Islands
Barbados	Gabon	Monaco	South Korea
Belarus	Georgia	Mongolia	South Sudan
Belgium	Germany	Montenegro	Spain
Belize	Ghana	Montserrat	Sri Lanka
Benin	Gibraltar	Morocco	Sudan
Bermuda	Greece	Mozambique	Suriname
Bhutan	Greenland	Myanmar/Burma	a [©] Svalbard and
		,	Jan Mayen
Bolivia	Grenada	Namibia	© Sweden

Bonaire Saint Eustatius and Saba	۲	Guadeloupe	0	Nauru	0	Switzerland
Bosnia and Herzegovina	0	Guam	۲	Nepal	۲	Syria
Botswana	\bigcirc	Guatemala	۲	Netherlands	۲	Taiwan
Bouvet Island	۲	Guernsey	۲	New Caledonia	۲	Tajikistan
Brazil	\bigcirc	Guinea	۲	New Zealand	۲	Tanzania
British Indian Ocean Territory	0	Guinea-Bissau	۲	Nicaragua	٢	Thailand
British Virgin Islands	0	Guyana	0	Niger	٢	The Gambia
Brunei	۲	Haiti	0	Nigeria	0	Timor-Leste
Bulgaria	0	Heard Island and McDonald Islands		Niue	۲	Togo
Burkina Faso	0	Honduras	۲	Norfolk Island	0	Tokelau
Burundi	۲	Hong Kong	0	Northern	0	Tonga
				Mariana Islands		
Cambodia	0	Hungary	0	North Korea	0	Trinidad and
	_		_		_	Tobago
Cameroon	0	Iceland	0	North Macedonia	0	Tunisia
Canada	0	India	0	Norway	0	Türkiye
Cape Verde	0	Indonesia	0	Oman	0	Turkmenistan
Cayman Islands	0	Iran	0	Pakistan	0	Turks and
-	_		_		_	Caicos Islands
Central African Republic	0	Iraq	۲	Palau	0	Tuvalu
Chad	۲	Ireland	۲	Palestine	۲	Uganda
Chile	\bigcirc	Isle of Man	۲	Panama	۲	Ukraine
China	\bigcirc	Israel	۲	Papua New	۲	United Arab
				Guinea		Emirates
Christmas Island	0	Italy	0	Paraguay	0	United Kingdom
Clipperton	0	Jamaica	0	Peru	0	United States

Cocos (Keeling) Islands	Japan	Philippines	United States Minor Outlying Islands
Colombia	Jersey	Pitcairn Islands	Uruguay
Comoros	Jordan	Poland	US Virgin Islands
Congo	Kazakhstan	Portugal	Uzbekistan
Cook Islands	Kenya	Puerto Rico	Vanuatu
Costa Rica	Kiribati	Qatar	Vatican City
Côte d'Ivoire	Kosovo	Réunion	Venezuela
Croatia	Kuwait	Romania	Vietnam
Cuba	Kyrgyzstan	Russia	Wallis and
			Futuna
Curaçao	Laos	Rwanda	Western Sahara
Cyprus	Latvia	Saint Barthélem	y [©] Yemen
Czechia	Lebanon	Saint Helena	Zambia
		Ascension and	
		Tristan da Cunh	а
Democratic	Lesotho	Saint Kitts and	Zimbabwe
Republic of the		Nevis	
Congo	0		
Denmark	Liberia	Saint Lucia	

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. Fo r the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published. Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

*14 Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the personal data protection provisions

*15 Type of entity:

- Company/business
- Civil society organisation
- Individual EU citizen
- Individual non-EU citizen
- Business association
- Public authority
- Trade union
- Academic/research
- Political party
- International organisation
- Other
- 17 What is the geographical scope of your activities?
 - One EU Member State
 - Several EU Member States
 - Whole EU
 - Outside EU
 - Global

18 What is your main sector of activity?

- Education
- Research
- Public relations
- Advocacy
- Public affairs
- Other

20 If applicable, what is the average annual EU turnover (past 5 years) of the group to which your entity belongs?

- [©] > € 50 m
- [©] € 10 m € 50 m
- [©] € 2 m € 10 m
- [◎] < € 2 m

21 If applicable, what is the average annual global turnover (past 5 years) of the group to which your entity belongs?

- [©] > € 50 m
- [©] € 10 m € 50 m
- [©] € 2 m € 10 m
- [©] < € 2 m

22 What are your main sources of funding, income or revenue?

- Earnings from business operations
- Donations
- Grants
- Membership contributions
- Public funding
- Debt
- Other

23 If selected other, please specify.

24 What percentage of your funding comes from outside the EU?

25 Do you consider that any of your organisation's work is intended or likely to influence public opinion in the EU or the formulation or implementation of policy or legislation or other political decision-making processes in the EU?

- Yes
- No
- Do not know

Interest representation and foreign interference

39 Which activities do you consider as having the potential to significantly influence legislation or other public decision-making processes?

	Very influential	Somewhat influential	Neither influential nor neutral	Neutral	Do not know
Lobbying	0	0	0	0	0
Organisation of conference	0	0	0	0	0
Education and training	0	0	0	0	0
Research	0	0	0	0	0
Public relations and advertising, media campaigns, including social media	0	0	0	0	0
Activities of political parties	0	0	0	0	0
Other (please specify)	0	0	0	0	0

41 In your view, which of the following are likely to create particular risks that third countries covertly interfere with the European democratic space and public debate, irrespective of the form of the entity (profit or non-profit entities)?

	This factor triggers a high risk	This factor triggers a moderate risk	This factor triggers little or no risk	l do not know
Lobbying and public relations activities remunerated by or controlled by third countries	0	O	0	0

Activities of think tanks remunerated by or controlled by third countries	0	0	O	O
Academic activity/university (including teaching and research) remunerated by third countries or performed by entities controlled by third countries	0	0	0	0
Research organisations remunerated by or performed by entities controlled by third countries	0	0	0	0
Political parties funded by third countries or funded /supported by entities based in third countries	0	0	0	0
Cyberattacks on digital election tools and electoral infrastructures	0	0	0	0
Other (please specify)	0	0	0	0

43 In your view, what possible measures could be implemented to address these particular risks? Please elaborate.

Transparency and other requirements

56 Do you think that there is a need to provide for more transparency in the EU regarding lobbying, public relations activities or any other activity that impacts significantly the democratic sphere, conducted for third countries?

- Yes
- No
- Do not know

59 In your view, would measures addressing activities prone to interference by third countries in the EU have an impact on the conduct of activities by EU entities in third countries? Please elaborate.

60 In your view, do civil society organisations need to be reinforced and enabled to better protect themselves from possible covert interference coming from third countries government or affiliated entities?

- Yes
- No
- Do not know

62 In your view, how important is the effective and inclusive engagement with independent civil society organisations in the context of policy-making processes?

- Very important
- Important
- Mildly important
- Not important
- Do not know

63 What would you suggest as a way to better include civil society organisations in policy-making processes? Please elaborate.

Civil society organisations play a central role in policy-making and democracy. Following the key role played by civil society organisations in times of crisis, including the Ukraine conflict and the COVID-19 pandemic, their crucial role in times of crises and emergencies should also be recognised.

A civil society strategy should be developed in cooperation with civil society, to provide a framework for meaningful civil society participation in policy-making processes. This should include the involvement of civil society organisations in the co-creation of policies, therefore providing civil society with a seat at the table. This would require the involvement of civil society organisations in all steps of policy-making, and to grow beyond their inclusion in consultations and tick-box exercises. Their role should expand to programme development, agenda-setting, and the definition, implementation, evaluation and monitoring of policies for EU strategic priorities.

The strategy should promote and strengthen a civil and social dialogue as well as a European civic space, through formal and permanent structures and practices for the systematic engagement of civil society in policy-making. Particularly, in the health sector, the EU institutions should develop similar initiatives such as the WHO Framework of Engagement with Non-State Actors and involve civil society organisations in several debates. This framework recognises the role of non-state actors in the advancement and promotion of public health and requires to demonstrate that the engagement has a clear benefit to public health, support and enhance the scientific and evidence-based approach of the WHO's work, and should avoid conflict of interests.

The strategy should provide a clear framework for cooperation with civil society at the EU level, ensuring sustainable funding, stability and long-term planning. The strategy could include capacity-building elements for civil society organisations.

Finally, transparency and openness of EU policy-making processes, as well as access to information, should be guaranteed and frameworks and agreements for civil society participation and stakeholder engagement should also be defined at national level. By developing a framework the EU could contribute to this too.

64 In your view, how important is the effective and inclusive engagement with citizens in the context of policy-making processes?

- Very important
- Important
- Mildly important
- Not important
- Do not know

65 What would you suggest as a way to better include citizens in policy-making processes? Please elaborate.

As explained above, strengthening civic space at the EU level by involving civil society organisations in cocreation of policies and providing them with a seat at the table would ensure that citizens' concerns are represented in policy-making, as civil society organisations represent the voice of citizens. Providing accessible means, dedicated and flexible funding, for instance, in the form of multi-annual operating grants to civil society organisations through different EU programmes with consistent rules, will help civil society organisations have an equal role with other stakeholders in policy processes and ensure the fair representation of citizens. These grants should be obviously accompanied by clear means to monitor and evaluate the outcomes and impacts of civil society organisations' work.

66 Which of the following measures would, in your opinion, be necessary to improve the engagement, inclusiveness and effectiveness of participatory processes for citizens and civil society organisations?

at most 3 choice(s)

- Dedicated structures to support civic participation in policy-making processes (such as open online consultation, platforms to provide feedback).
- Dissemination of clear, adequate and timely information about participation opportunities, modalities and objectives.
- Provision of more comprehensive and transparent information about the outcomes of the engagement processes.
- Capacity building for civil society organisations, including at local level, on how to better engage in policy-making process.
- Capacity building for citizens, including at local level, on how to better engage in policy-making process.
- Sharing best practices.
- Providing operational support to underrepresented groups.
- Increasing knowledge about democratic rights in the European Union.
- Other (please specify)

68 What is your opinion on the following statements about engagement of civil society organisations and citizens in policy-making processes?

	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Do not know
There is a need to increase their engagement through purposefully organised processes in policymaking at national level	۲	O		0	©

There is a need to increase their engagement through purposefully organised processes in policymaking at local level	۲	0	0	0	0
There is a need to increase their engagement through purposefully organised processes in policymaking at European level	۲	0	0	0	۲
Other (please specify)	0	O	O	0	0

Codes of conduct, self-regulation and standards

70 Are you aware of any best practices/standards including on enhancing transparency and accountability, monitoring, identifying, attributing and responding to covert interference by third countries in the EU (such as professional standards, or codes of conducts?)

- Yes
- No
- Do not know

72 In your view, which type of entities should have self-regulatory measures aiming to promote democratic values and resilient democracies (for example entities active in lobbying, public relations, or any other activity that impacts significantly the democratic sphere)? Please specify.

73 What type of self-regulatory measures should be considered (such as, for instance, the introduction of risk assessment by entities getting funds from third countries)?

Free and fair elections

74 How important do you consider the following measures that could be taken by EU Member States to promote resilient electoral processes and protect the infrastructure that is critical for the organisation of elections?

	Very important	Somewhat important	Not important
Conducting assessments on election-related risks	0	0	0

Performing stress tests of electoral infrastructure	0	0	0
Strengthening electoral cooperation between EU Member States electoral authorities	0	O	0
Focusing on cyber security of electoral processes and related infrastructure, such as introducing incident notifications rules	0	0	0
Other (please specify)	0	0	O

76 In your view, should EU Member States and political parties take additional measures to promote voter turn-out and broad and inclusive democratic participation in elections? (For instance, measures supporting gender balance in politics, promoting inclusiveness of minorities, increasing election accessibility for persons with disabilities and supporting voter turnout of younger and older people and people in remote areas, etc.). Please elaborate

77 In your view, what elements could be considered in a code of conduct on election integrity and fair campaigning for political parties, candidates and other actors participating in election campaigning?

	Yes definitely,	Yes, might be useful	No, this is not relevant
Refusing covert financial contributions	0	0	0
Avoiding the dissemination of misleading content (such as fake news)	0	0	0
Avoiding the use of violent discourse or hateful content	0	0	0
Taking active steps to ensure protection against cyberattacks (for example against repositories of data of political party members or campaign supporters)	0	0	O
Other (please specify)	0	O	۲

Other

79 Please raise any other point that you would like to bring to the Commission's attention regarding the protection of democracies in the European Union against covert interference by third countries and/or the promotion of resilient electoral processes, voter turn-out, broad and inclusive democratic participation in elections and effective and inclusive engagement of civil society organisations and citizens.

Regarding question 66 on the necessary measures to to improve the engagement, inclusiveness and effectiveness of participatory processes for citizens and civil society organisations, all of the measures listed should be considered and should be priorities. In addition to the three options that we have selected, we would like to stress the importance of capacity building for civil society organisations at all levels of governance to better engage in policy-making, but also of capacity building for citizens, the exchange of best practices, the provision of support to underrepresented groups and increasing knowledge about democratic rights in the European Union.

Concluding remarks

80 If you wish to add further information, within the scope of this consultation, please feel free to do so here.

We welcome the EU initiative to develop a Defence of Democracy Package, particularly the fostering of "an enabling civic space", the recognition of how important that space is for our democracies, and the promotion of civil society and citizens engagement.

However, we would like to highlight a few points requiring further attention. Civil society organisations comply with high standards of transparency and accountability, fulfil requirements at EU level, and hold transparency as a core value. Moreover, civil society organisations across the EU are facing a shrinking civic space, as well as growing threats, attacks, and smear campaigns. This was stressed in the European Commission's 2022 rule of law report, in a recent report from the European Civic Forum and discussed in the March 2023 EESC Civil Society Days. On top of these, many civil society organisations and entire civil society sectors (such as health) are facing a substantial reduction of core funding such as operating grants from the EU.

Civil society organisations are the key to a vibrant and thriving European democracy, and mechanisms should be put in place at the EU level to protect them. In June 2022, Civil Society Europe published a call backed by more than 300 organisations asking for the development of a Civil Society Strategy. Civil society organisations need a safe and enabling civic space, as well as a framework that protects them from these obstacles and attacks. This framework should ensure they are given a seat at the table, that they can play their role as watchdogs and provide meaningful inputs in decision-making processes. This framework should therefore strengthen the EU civic space and dialogue and should include provisions on the securing of sustainable funding for civil society organisations, allowing them to continue their policy and advocacy work in an independent and sustainable manner. For instance, operating grants enable civil society organisations to play an independent, constructive, and meaningful role in the EU policy processes, and should continue being implemented by the EU. It also allows civil society organisations to respond to external developments, crises and emergencies, while ensuring that the voices of the groups and citizens they represent are heard. Finally, the key role of civil society organisations, especially in times of emergency and crisis, and in the promotion of EU fundamental rights and values, should be acknowledged. Having civil society as a strong voice should always be a core value of our democracies and of the European way of life.

81 Please feel free to upload a concise document, such as a position paper.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Contact

JUST-EUCITIZENSHIP-CONSULTATION@ec.europa.eu