

Better Regulation in practice: civic space and policy-making

Civil society organisations (CSOs) have **an essential role** to play in policy-making processes. They represent the voice of citizens, communities, marginalised groups, and, in the case of health organisations, health professionals and patients. Their participation strengthens the democratic processes, bringing them legitimacy. In the context of the Better Regulation agenda, CSOs are taking part in **consultation exercises** of various formats, bringing their expertise and inputs, supporting the agenda's participation and evidence-based policy-making goals.

Civic space refers to “the legal and political framework in which people and groups can meaningfully participate in the political, economic, social and cultural life of their societies, exercising the right to express views, the right to information, and the right to assemble, associate and engage in dialogue with one another and with authorities” (European Parliament, 2022). A recent report from the European Parliament stresses that CSOs **need an enabling and safe civic space**, free from undue interference, in order to function. However, this civic space, and the **capacity of CSOs** to participate in it, is increasingly limited. CSOs face three core challenges: (1) they are facing a **shrinking civic space**, such as barriers in implementing their activities, smear campaigns and threats (2) difficulties accessing **sustainable and reliable means of funding**, and (3) **competitions** from actors defending commercial interests, including **from health-harming industries**, that have more resources to take part in policy-making processes and engage in lobbying (including of, and via, the structures of Better Regulation).

Recent rule of law reports from the European Commission, and reports from the European Civic Forum, have found that European CSOs are facing a shrinking civic space, including threats, attacks and obstacles, barriers to the implementation of their activities, and a deterioration of democratic processes across the EU (European Civic Forum, 2023). A shrinking civic space limits the capacity of CSOs to play their part in democratic and policy making processes.

A core element of this shrinking space is the difficulty to secure sustainable and reliable funding, especially in the case of health CSOs. Sustainable core funding is an essential enabler of civil society participation in policy-making. It provides CSOs with certainty, supporting them in planning their activities, and therefore playing their part in policy-making processes independently. **Access to funding has been restricted** in a number of Member States, as illustrated by the recent cuts in the Netherlands (Wemos, 2024). At the EU level, recent examples include the limits to the use of the LIFE grant for advocacy purposes (Politico, 2024).

Specific to health CSOs, **operating grants have been uncertain** since 2021, with announcements that the programme would be cut, to then be brought back following campaigns from civil society, each year. It is crucial that such funding is foreseen in the long

term, with multiannual financial frameworks, which relieve organisations from seeking other sources of funding, thus ensuring their independence (EU4Health Civil Society Alliance, 2022).

Furthermore, CSOs face a situation where other actors taking part in the policymaking processes have more resources, both financial and human resources, to utilise and develop strategies to lobby the Better Regulation agenda. CSOs face an imbalance in the representation of interests, as presented in the “Better Regulation in practice” briefs on Commercial Determinants of Health and the Food Information to Consumers regulation. All these elements prevent CSOs from dedicating the time needed to engage critically with health policy initiatives, as well as the broader Better Regulation agenda and its narratives. In that regard, it is **essential that civic space is strengthened**. This includes having an **EU civil society strategy** that addresses the challenges that civil society is facing; ensuring access to sustainable means of funding for CSOs to carry out their democratic role and support their capacity to take part in the policy-making processes; measures to level the playing field with other actors (Better Regulation for Better Health project, 2024).

Sources:

- EU4Health Civil Society Alliance (2022). “Joint statement on the provision of Operating Grants to health NGOs”. Available at: <https://eu4health.eu/joint-statement-on-the-provision-of-operatinggrants-to-health-ngos/>
- European Civic Forum (2023). “EU Civic Space Report 2023”. Available at: <https://civic-forum.eu/civic-space-report-2023-fighting-for-democratic-empowerment-and-resilience>
- European Parliament (2022). “Report on the shrinking space for civil society in Europe (2021/2103(INI))”. Available at: https://www.europarl.europa.eu/doceo/document/A-9-2022-0032_EN.html
- Politico (2024). Commission tells NGOs EU money is not for lobbying. Available at: <https://www.politico.eu/article/european-commission-ngos-lobbying-environmental-advocacy-green-funds-life-program/>
- Wemos (2024). Government drastically cuts funding for civil society organizations. Available at: <https://www.wemos.org/en/government-drastically-cuts-funding-for-civil-society-organizations/>

Further readings:

- Better Regulation for Better Health project (2024). Between art and science: Policy-making for health in the EU. Available at: <https://epha.org/between-art-and-science-policy-making-for-health-in-the-eu/>