

Opinion on the proposition of the European Commission “Regulation establishing the Rights and Values Programme”

On 30 May 2018, the European Commission presented its draft proposal for a “Regulation of the European Parliament and of the Council establishing the Rights and Values programme”.

In its objectives, the paper reiterates the values enshrined in EU Treaties, especially Article 2 of the Treaty of the European Union, among which rule of law and human dignity, a vibrant civil society, freedom of expression and citizen participation in democratic life, as well as the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Persons with Disabilities. Also, the document states that EU finances can provide added value and help to uphold common European values.

The new programme is meant to replace two 2014-2020 programmes: the Rights, Equality and Citizenship programme (REC - managed by DG Justice) and the Europe for Citizens programme (EfC - under the authority of DG HOME). Thus, the European Commission has decided to merge programmes that “*showed a strong societal focus and clearly related to European values*”, notably because of the growing questioning of fundamental rights and values, caused by economic crises, persisting inequalities and other challenges. The analysis of the European Commission also shows that “*space for civil society and the independence of the judiciary are being challenged*”¹.

1. BUDGET

The draft proposal foresees a budget of 641 705 000 EUR for the period 2021-2027, split into two separate strands as follows:

Citizens’ engagement and participation strand	233 000 000 EUR
Rights, Equality and Citizenship (REC) & Daphne strand	408 705 000 EUR
Proposed Rights and Values programme TOTAL	641 705 000 EUR

The European Civic Forum (ECF) welcomes the slight increase of the overall budget as compared to the envelopes of previous programmes. However, we believe that the announced amount for Citizens’ engagement and participation strand is far from matching the objectives set out by the Commission in its policy named ‘A Union of democratic change’, which calls for a more democratic European Union.

The ECF calls for an overall increase of the RV Programme’s budget to a minimum of 1 400 000 000 EUR, which corresponds to the budget currently afforded to the European Instrument for Democracy and Human Rights,

¹ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing the Rights and Values programme, COM(2018) 383 final, May 2018, p.3

an instrument “*designed to support civil society to become an effective force for political reform and defence of human rights*”². The ECF argumentation in this respect is twofold:

- While the European Commission underlines that *the promotion of values and rights within the EU is mirrored by their development at the global level*³, we cannot but notice that the budget amount proposed for the RV Programme falls short of the amounts allocated for the external action programmes. Although the wide discrepancy between internal and external action programmes promoting values and rights might have been understandable in the past, this is no longer the case due to the emergence within the European Union of social and political forces and forms of governmentality which “*challenge the idea of open, cohesive and democratic societies*”.
- The European Commission rightfully established that “*the fragmented nature and limited resources of current EU funding programmes dedicated to values, rights, citizenship and justice*”⁴ hampers the latter from achieving their full potential. Indeed the merger of REC and EfC into the RV Programme may provide an answer to overcome the issue of fragmentation. However the lack of a foreseen substantial increase in the RV Programme’s budgetary envelope raises serious concerns about its capacity to tackle the challenges ahead.

Hence, having taken note of the need to support civil society organisations in order to sustain open, democratic and inclusive societies in its paper[3], the European Commission should therefore secure the necessary funding for both action and organisational support, at both grassroots and transnational levels.

This demand is also justified by the European Parliament resolution of 13 April 2018, calling for a European Values Instrument, which would bring “*adequate financial support to the development of a conducive and sustainable environment for civil society organisations*”.

2. OBJECTIVES AND ACTIVITIES OF THE PROGRAMME

Articles 2, 3, 4 and 5 set out the overall objectives of the programme, as well as the particular focus of the different strands. Article 4 on ‘Citizens engagement and participation strand’ reiterates two objectives taken from the EfC programme, namely:

- (a) Increasing citizens’ understanding of the Union, its history, cultural heritage and diversity;*
- (b) Promoting exchange and cooperation between citizens of different countries; to promote citizens’ civic and democratic participation allowing citizens and representative associations to make known and publicly exchange their views in all areas of Union action;*

Building on both the Resolution (2018/2619(RSP) from the European Parliament calling for establishing a European Values Instrument (EVI)⁵ and the opinion of the European Union Agency For Fundamental Rights encouraging EU institutions “*to ensure that funding is made available for CSOs working on the protection and promotion of the EU’s foundational values of fundamental rights, democracy and the rule of law; including for small grassroots organisations*”⁶ and in accordance with recital (18) of the Regulation, whereby “*EU funding should [...] contribute to support, empower and build the capacity of independent civil society organisations active in the promotion of human rights*”, the ECF recommends adding the following objective to the Rights and Values programme:

² See here : https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en

³ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing the Rights and Values programme, COM(2018) 383 final, May 2018, p.5

⁴ Ibid, p.3

⁵ Motion for a resolution on the need to establish a European Values Instrument (2018/2619(RSP))

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2018-0189+0+DOC+PDF+V0//EN>

⁶ European Union Agency for Fundamental Rights, Challenges facing civil society organisations working on human rights in the EU, 2017

(d) to foster and support the creation of a healthy and sustainable CSO sector at national and local level with the capacity to fulfil its role in safeguarding these values;

The ECF agrees with the European Commission's statement that "*at a time where European societies are confronted with extremism, radicalism and divisions, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law*"⁷. In this respect, the ECF believes that the current scope of RV Programme lacks a critical dimension, i.e. support to grassroots organisations. Although EU funding programmes were traditionally designed as seed funding to complement efforts at national level, the constant rise of authoritarian and illiberal forms of government in a growing number of Member States and the consecutive targeting of civil society organisations, including through severe cuts in their funding, calls for an urgent change in the rationale behind EU funding. To safeguard a sustainable environment for civil society organisations and raise awareness of the Union's common values at national level, EU funding is crucial to supplement the Member States failing efforts. In this respect, the ECF recalls the Appeal⁸ of 80 CSOs from 22 countries in January 2018 calling for specific EU funding dedicated to strengthen pro-democratic and pro-European attitudes in Member States' societies and to improve the awareness and knowledge of democratic institutions and mechanisms.

EU support is needed to strengthen the NGO sector across Europe, especially organisations carrying out advocacy and watchdog activities, which seem to be increasingly under pressure.

Such activities would comply with the provisions set out in the Resolution of the European Parliament on the EVI and support recital (18) of the draft Regulation:

"EU funding should [...] contribute to support, empower and build the capacity of independent civil society organisations active in the promotion of human rights whose activities help the strategic enforcement of rights under EU law and the Charter of Fundamental Rights of the EU, including through advocacy and watchdog activities."

3. LEGAL BASIS

The proposal for the RV programme is in accordance with Article 2 TEU, which states that: "*the Union is founded on the values of respect for human dignity, freedom democracy, equality, the rule of law and the respect for human rights*"⁹.

The proposal is also based on Articles 16(2), 19(2), 21(2), 24, 167(5) and 168 of the Treaty on the Functioning of the European Union.

The ECF welcomes the new legal basis which provides for co-decision of the European Parliament together with the Council on the future programme, as well as the link between the Charter of Fundamental Rights of the EU and the objectives of the programme, along a claim notably supported by civil society organisations which signed the Call for a European Values Instrument¹⁰.

⁷ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing the Rights and Values programme, COM(2018) 383 final, May 2018, p.15

⁸ http://www.europuls.ro/wp-content/uploads/2018/02/EVI_CSO-Appeal_final-with-signatories_Jan-2018.pdf

⁹ See here: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

¹⁰ See here: <https://megacampaign.eu/support-csos-ask-your-mep-to-vote-for-the-european-values-instrument-resolution/>

4. SCOPE AND ACCESSIBILITY OF THE PROGRAMME

The ECF welcomes the fact that acceding countries, candidate countries and potential candidate countries which are in a pre-accession strategy, as well as other non-EU countries, as laid out in Article 7(1) of the Regulation will be able to participate in the Programme. The ECF notes however that given the broader scope of the countries covered by the Programme, the budget as currently presented by the European Commission appears insufficient. Indeed, a substantial increase of the budget would enable the Programme to cover a wider range of countries and so increase the transnational cooperation between civil society organisations.

When it comes to the entities eligible for funding under the new Programme, these are presented in Article 12 of the Regulation. However, the Article is vague in defining the eligible entities, the ECF therefore recommends adding clear indications regarding the eligibility of legal entities.

Further to its recommendation to introduce a fourth objective focusing on grassroot organisations, the ECF recommends to narrow eligibility for funding under this objective solely to not-for-profit organisations.

In addition to that, the ECF invites the European Parliament and the Council to broaden the scope of activities eligible and include the following sentence to Article 2(2)

(b) to promote citizens engagement and participation in the democratic life of the Union at local, regional, national and transnational levels

5. FINANCIAL PROVISIONS

The proposal is generally based upon the provisions coming from the new Financial Regulation (FR) to be adopted via an Inter-Institutional Agreement. However, certain parts of the proposal still refer to the current version of the FR, such as Article 6(5) of Chapter I of the Regulation. The ECF recommends using only the new Financial Regulation as a reference.

Previous experience and feedbacks from the mid-term review of the EFC programme for the 2014-2020 period have shown difficulties in access to funding for organisations operating at the local level. It would therefore be appreciated that the Financial Regulation is interpreted in a flexible manner, so that eligibility, co-funding requirement are no longer burdens and hurdles to effective participation of all types of organisations, not only those which have the necessary pre-financing capacities of carrying activities under the RV programme.

6. MANAGEMENT OF THE PROGRAMME

When it comes to the procedure and management of the programme, the Commission puts forward the fact that, by regrouping citizenship activities under the same objectives, the procedures will be easier for beneficiaries who will have a single entry point for their proposals. It is also mentioned that this “entry point” shall be the participant portal, initially developed for the Horizon 2020 programme and currently used for application and management of Rights, Equality and Citizenship projects.

In order to pursue its efforts in simplifying the existing procedure, the European Civic Forum suggests maintaining under the new programme the applications and reporting structure of the Europe for Citizens programme, which requires less administrative burden and is more accessible to beneficiaries.

Also, *Article 8 (Implementation and forms of EU funding)* leaves an open interpretation of the implementation of the Programme and the operator. Whereas oral statements from the European Commission suggest that the Education, Culture and Audiovisual Executive Agency (EACEA) will be in charge of implementing the Strand (b) of the programme, the ECF encourages also the cooperation with national contact points or independent re-granting operators in order to enhance the accessibility of funding and provide the necessary support to applicants at the local and national level and increase the success rate of applications, including small organisations.

7. EVALUATION OF THE PROGRAMME

Chapter (29) of the preamble provides the legal basis for an evaluation of the Programme, with requirements that shall include measurable indicators. When assessing these measurable indicators, the European Commission shall take into account the specificity of the not-for-profit sector and therefore discard any economic performances in their evaluation.

RECOMMENDATIONS

The ECF calls on the European Parliament and the European Council to:

- *Increase the budget allocated to the Rights & Values Programme to a minimum of 1 400 000 000 EUR so as to ensure that the programme reaches its full potential;*
- *Provide specific and adequate funding for grassroots organisations through the creation of a fourth objective to the Rights & Values Programme;*
- *Narrow eligibility for funding under this fourth objective solely to not-for-profit organisations, which would be granted by independent national sub-granting operators.*