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COVER NOTE

From:	General Secretariat of the Council
To:	Delegations

Subject:	<p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Defence of Democracy</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards certain requirements laid down by Directive (EU) XXXX/XXXX</p> <p>Proposal for a Directive of the European Parliament and of the Council establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937</p> <p>Commission Recommendation on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament</p> <p>Commission Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes</p> <p>- Opinion of the European Committee of the Regions</p>
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Delegations will find in Annex the above-mentioned opinion of the European Committee of the Regions. Other language versions are available on the following website:

<https://cor.europa.eu/en/our-work/Pages/OpinionTimeline.aspx?opId=CDR-87-2024>



**European Committee
of the Regions**

CIVEX-VII/030

160th CoR plenary session, 17-18 April 2024

OPINION

Defence of Democracy

THE EUROPEAN COMMITTEE OF THE REGIONS

- Firmly supports all efforts to nurture, protect and strengthen European democracy, and to better equip societies and public authorities with the means to respond to common external threats to the democratic process;
- Points out that local and regional authorities have specific knowledge with regard to identifying potential threats to the integrity of democratic processes and that they help to strengthen European democracy by promoting and facilitating the participation of citizens in public life and thereby in European, national, regional and local elections. Regrets the lack of recognition of this in initiatives aiming to strengthen European democracy presented at EU level;
- Reiterates its call to set up a place-based mechanism for dialogue with citizens, supported by local and regional authorities, that will ensure two-way communication between the citizens and the EU institutions;
- Supports all efforts to further enhance the European nature and efficient conduct of the elections of the European Parliament; emphasises the importance of local and regional authorities in providing all groups of citizens, including younger people and citizens who find themselves in vulnerable situations with information on basic rules and practical arrangements related to the exercise of their electoral rights; and advocates for initiatives that support women's equal participation in the electoral process, both as voters and candidates;
- Remains committed to strengthening communication between the EU institutions, local communities and citizens through the its Network of Regional and Local Councillors, the organisation of local dialogues and the involvement of Young Elected Politicians in CoR activities;
- Expresses concern about the possible impact of the proposed Directive, which could result in unintended and disproportionate consequences while not efficiently capturing the real threats to democracy;
- Calls on the European Commission to prioritise collaboration with local and regional authorities in order to effectively safeguard democracy in the EU.

Rapporteur-general: József KÓBOR (HU/EA), Member of a Local Assembly: Local Government of Pécs with county rights

Reference documents

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Defence of Democracy

COM(2023) 630

Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards certain requirements laid down by Directive (EU) XXXX/XXXX

COM(2023) 636

Proposal for a Directive of the European Parliament and of the Council establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937

COM(2023) 637

Commission Recommendation on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament

C(2023) 8626

Commission Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes

C(2023) 8627

Opinion of the European Committee of the Regions – Defence of Democracy

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

General comments

1. Maintains that the stability, security and prosperity of the EU rely on firmly upholding democratic principles, values and institutions on all levels; notes that external prerequisites for maintaining these values include international peace and security, as well as sustaining normal economic and political relations on our planet. There is no democracy in wartime conditions, there is no democracy in poverty or uncertainty, there is no democracy when people fear the future. However, this imposes a special responsibility on the leadership of the European Union, including European Commission and the governments of its Member States;
2. Defends the rule of law, equality before the law and the separation of powers, which are the basis of democracy and underpin the *acquis communautaire* on which the EU is built;
3. Welcomes the fact that work on the measures put forward in the European Democracy Action Plan is well under way, helping to strengthen democratic resilience by promoting election integrity, protecting media freedom and pluralism, and strengthening the fight against disinformation and foreign information manipulation and interference;
4. Believes that robust electoral systems and processes, with minimal disruption, are basic prerequisites for democracies, while citizens expect high standards of probity from public officials. Warns that corruption cases at EU level seriously undermine public trust in EU institutions;
5. Firmly supports all efforts to nurture, protect and strengthen European democracy, and to better equip societies and public authorities with the means to respond to common external threats to the democratic process;
6. Considers that the separation of powers is fundamental to the functioning of democracy. Equally critical is the imperative that public representatives exemplify leadership, conducting themselves with dignity and integrity. In this spirit, the Committee underscores the importance of such representatives actively fostering engagement and diligently serving the public good, aligning their efforts with the aspirations and needs of the citizens they serve;
7. Notes that in the current rapidly changing security environment, specific measures should be taken to address challenges to democratic values and institutions, including polarisation, covert influence and other interference, violence and hate speech directed at elected representatives, in a timely and effective manner;
8. Believes that citizens have a right to disagree and to change governments through elections, free from interference, either foreign or domestic;

9. Notes that the Conference on the Future of Europe was an important democratic exercise, but that its conclusions have yet to be implemented;
10. Strongly supports the exchange of experiences and the dissemination of good practices to strengthen democracy in the EU;
11. Points out that local and regional authorities have specific knowledge with regard to identifying potential threats to the integrity of democratic processes and to solidifying democratic practices on the ground, and that they help to strengthen European democracy by promoting and facilitating the participation of citizens in public life and thereby in European, national, regional and local elections. Regrets the lack of recognition of this in initiatives aiming to strengthen European democracy presented at EU level;
12. Reiterates its call to set up a place-based mechanism for dialogue with citizens, supported by local and regional authorities, that will ensure two-way communication between the citizens and the EU institutions;

Promoting inclusive and resilient electoral processes

13. Advocates that inclusive and resilient electoral processes in the EU should follow the highest democratic standards, and promotes initiatives for increasing election accessibility and political engagement well ahead of the election itself, in order to support high voter turnout;
14. Supports all efforts to further enhance the European nature and efficient conduct of the elections of the European Parliament, to engage all citizens in the elections, and facilitate the exercise of related electoral rights;
15. Believes it is paramount that electoral laws ensure greater participation and representation at local level;
16. Notes that local and regional authorities play a key role in fostering free, fair and resilient elections in the EU Member States;
17. Calls for the resilience of electoral processes to be further strengthened, in full compliance with the fundamental rights and democratic values enshrined in EU and international standards;
18. Acknowledges that local and regional authorities also have a specific responsibility to protect the information environment around elections by ensuring that voters receive correct information in a timely, accessible and intelligible manner, and by addressing election-related information manipulation, interference and disinformation, in collaboration with other stakeholders;
19. Emphasises the importance of local and regional authorities in providing all groups of citizens, including younger people and citizens who find themselves in vulnerable situations, such as people with disabilities, and people who speak minority languages, with information on basic

rules and practical arrangements related to the exercise of their electoral rights, and ensuring that traditional voting methods remain available in their countries;

20. Recognises the critical role of gender equality in strengthening democratic resilience, advocating for initiatives that support women's equal participation in the electoral process, both as voters and candidates, and emphasising the importance of policies that address barriers to women's political engagement;
21. Welcomes efforts to strengthen cooperation and exchange of best practices in the area of democratic and electoral resilience at European level, including in the context of the European Cooperation Network on Elections (ECNE); regrets, however, that the local and regional dimension has not been sufficiently incorporated into this cooperation despite the network's aim of protecting elections at all levels; therefore calls for a session of ECNE to be dedicated to protecting local and regional elections;
22. Special attention should be paid to providing information to natural-born and naturalised citizens of the European Union residing in third countries on how to properly participate in elections taking place in Europe;

Promoting citizens' participation in public policymaking

23. Promotes the inclusive and effective engagement of citizens, civil society organisation and human rights defenders in public policymaking processes;
24. Notes that local and regional authorities play a key role in fostering broad and inclusive democratic participation, and in ensuring a supporting and inclusive environment providing opportunities for citizens to effectively participate;
25. Recognises the importance of digital solutions to enhance public participation, while acknowledging that it is necessary to continue enabling in-person participation where relevant;
26. Notes the importance of strengthening youth participation in EU democratic life and points to the joint recommendations of the European Committee of the Regions and European Youth Forum included in the Charter on Youth and Democracy; highlights the role of local youth councils as vital platforms for engaging young people in democratic governance and decision-making processes, recalls its invitation to Member States to seriously consider lowering the voting age to 16 for all local and regional elections in Europe and calls for producing data and knowledge exchange on the impact of institutional arrangements on youth political participation, for instance on the minimum age to vote and to stand for an election¹;
27. Considers of particular importance citizen engagement processes in which community members decide how to spend part of a public budget by identifying and prioritising public spending

¹ SEDEC-VII/030 - The Future of Youth Policy in the EU. Reflection on youth policy and youth mainstreaming in the context of the European Year of Youth 2022.

projects. Participatory budgeting deepens democracy, builds stronger communities and creates more equitable distribution of public resources;

28. Underlines that local and regional authorities are essential pillars of a functioning democracy, encouraging and empowering citizens to actively participate in public policymaking processes in different ways, such as through citizens' panels, dialogues or assemblies online or offline;
29. Acknowledges that involving civil society organisations is one aspect of respect for the rule of law, and that effective and inclusive participation is guaranteed when they can work in a safe environment where their fundamental rights and those of their members are upheld;
30. Stresses that raising awareness of successful examples of citizen participation in areas that matter to them the most is crucial for encouraging higher citizen engagement in policy-development. In this light, notes the example of the UNECE Aarhus Convention, to which the EU, within its remit, and all Member States are party, which guarantees the procedural rights of members of the public, including public participation in environmental decision-making procedures, thus giving citizens a voice in fulfilling the goals of the European Green Deal;
31. Stresses the importance of local and regional authorities being adequately resourced, and of public and private financing of civil society organisations; welcomes the fact that the European Union provides funding opportunities for local and regional authorities and civil society organisations to implement projects that help foster the values of the EU, highlighting the importance of the EU's Union of Equality strategies;
32. Calls on the EU institutions to increase the participation of local and regional authorities, as well as that of their European and national umbrella organisations, and to consolidate their involvement;
33. Remains committed to strengthening communication between the EU institutions, local communities and citizens through the its Network of Regional and Local Councillors, in synergy with the European Commission project *Building Europe with Local Councillors*, the organisation of local dialogues and the involvement of Young Elected Politicians in CoR activities;
34. Calls for citizens to play a part in setting and/or changing European, national, regional and local public policies. It is vital for citizens to take part in this process in order to ensure public approval. Unless the public is involved upstream, these policies may be rejected;

Increasing transparency of interest representation activities on behalf of third countries

35. Urges the European Parliament and the Council of the EU to thoroughly assess the proposed Directive and propose necessary amendments with full respect for fundamental rights and democratic values;
36. Notes that the definition of interest representation activity is somewhat unclear. Therefore, the most comprehensive, general, ideologically neutral, and practical approaches must be applied in

to ensure that interest representations are clearly identified and transparent. It is evident that anyone entering the public space must identify themselves and be transparent;

37. Warns that the proposal in question establishes a difference between the treatment of economic activities of interest representation carried out on behalf of third country entities and economic activities of interest representation carried out on behalf of multilateral organisation entities, whose political and economic potential and interest representation should be largely outside the European Union;
38. Expresses concern about the possible impact of the proposed Directive, which could result in unintended and disproportionate consequences (for foreign-funded entities) while not efficiently capturing the real threats to democracy;
39. Warns that it is critical that justifiable and proportional transparency standards are applied for all, and caution needs to be taken in view of the potential snowball effects of the proposed Directive in other parts of the world;
40. Condemns any undue limitation on fundamental freedoms and restrictions on civic and political space in violation of human rights law, including so-called ‘foreign agent laws’;
41. Considers that some civil society organisations could, given the aims they pursued and the means at their disposal, have a significant influence on public life and public debate, in which case the objective of increasing transparency in respect of the financial support granted to such organisations could constitute an overriding reason in the public interest. However, restrictions should only be imposed for legitimate aims, such as in the interest of national security, public safety or public order, and should be proportionate to the objective of protecting such interests, and the least intrusive means of achieving the desired objective should be adopted²;

Conclusion

42. Welcomes the proposals of the Commission to engage citizens with the electoral process and improve public trust in elections, and to pursue policies that empower local and regional bodies and citizens’ organisations to participate in public debate and policymaking;
43. Underscores that local and regional authorities play a central role in the defence of European democracy, they are an indispensable building block in the European democratic structure, where decisions have to be taken as closely as possible to the citizen, as specified in Article 10(3) TEU;
44. Calls on the European Commission to prioritise collaboration with local and regional authorities in order to effectively safeguard democracy in the EU, while respecting and promoting the principles of subsidiarity and the rule of law.

²

For example, see C-78/18.

Brussels,

The President
of the European Committee of the Regions

Vasco Alves Cordeiro

The Secretary-General
of the European Committee of the Regions

Petr Bližkovský

II. PROCEDURE

Title	Defence of Democracy
Reference(s)	C(2023) 8626 C(2023) 8627 COM(2023) 630 COM(2023) 636 - 2023-462-COD COM(2023) 637 - 2023-463-COD
Legal basis	Optional, Article 307,
Procedural basis	Rule 43 of the RP
Date of Council/EP referral/Date of Commission letter	COM(2023) 630: Commission (13/12/23) COM(2023) 637: Council (9/2/24), EP (30/1/24), Commission (13/12/23) COM(2023) 636: Council (9/2/24), EP (30/1/24), Commission (13/12/23)
Date of President's decision	20/12/2023
Commission responsible	CIVEX-VII - 7th mandate - Commission for Citizenship, Governance, Institutional and External Affairs (CIVEX)
Rapporteur-general	József KÓBOR (HU/EA), Member of a Local Assembly: Local Government of Pécs with county rights
Discussed in commission	6/2/2024
Date adopted by commission	N/A
Date adopted in plenary	17/4/2024
Previous Committee opinions	<ul style="list-style-type: none"> • The role of local and regional authorities in countering disinformation and foreign information manipulation and interference • European Media Freedom Act • Extending the list of EU crimes to hate speech and hate crimes • Reinforcing democracy and integrity of elections • European Democracy Action Plan • Local and Regional Authorities in the permanent dialogue with citizens
Subsidiarity reference	Subsidiarity check – Yes Subsidiarity compliance - No