

Ursula von der Leyen
President of the European Commission

Copy:
Vice-President Jourová
Vice-President Šuica
Commissioner Reynders

Brussels, 26 June 2023

Impact Assessment and structured dialogue of Civil Society on the Defence of Democracy Package

Dear President von der Leyen,

We are writing to you as a follow up to your decision to undergo an impact assessment on the Defence of Democracy Package.

We welcome your decision, taken together with the members of the College involved, to conduct an impact assessment, following the request of over 230 civil society organisations that have signed the common statement “EU Foreign Interference Law: Is Civil Society at Risk?”, that we represent through this letter. We acknowledge the recognition of the fundamental rights implications of the proposal being drafted, in addition to its social and economic impact, as well as the need for consistency with the jurisprudence of the European Court of Justice.

As part of this process, we are confident that the European Commission will fully adhere to the better regulation toolbox, by conducting a thorough review of the policy options (including the possibility of not having any legislation), ensuring the consistency of the possible legal basis with the principles of subsidiarity and proportionality, and the choice of the legal instrument (if any), as well as an independent review by the Regulatory Scrutiny Board. Such an impact assessment cannot be the mere upgrade of the work already started during the Spring, but should be comprehensive, evidence-based, transparent and unbiased. The Fundamental Rights Agency has relevant expertise on the impact of fundamental rights and an independent mandate that could be useful in this context.

We would like to reiterate the importance of an open and structured dialogue with civil society organisations and other relevant stakeholders.

In particular, we would like to request a structured dialogue on the different policy options, on the content of the different elements of the package, and on the expected timeframe. Additionally, we would like the opportunity to provide feedback and hear back from you and your colleagues after having received some written input, and also make further proposals at a later stage.

We are at your disposal to facilitate this dialogue which we hope can start as early as possible in July, bearing in mind that we have entered the summer period, which affects the operations of civil society organisations.

Yours sincerely,

Civil Society Europe



Philanthropy Europe Association