

European Policy Brief

Policy Implications of TransSOL - European paths to transnational solidarity at times of crisis

Overcoming Barriers: Civil Society and Transnational Solidarity in Europe

In times of crisis, solidarity in the European Union is certainly challenged. Nonetheless, citizens and especially civil society have displayed a real desire and even a growing momentum to work from a grass-roots or bottom-up level to build connections between countries and foster mutual support through solidarity activities. But while, at least at the moment, this willingness seems to persist, there are obstacles preventing them from sustainably helping people in need.

Focusing on legislation that promotes the development and long-term sustainability of civil society is tantamount to fostering solidarity across Europe. In the light of our research, we urge policy-makers to find a way to make the efforts and engagement of civil society organisations (CSOs) sustainable.

#1: Create a Common 'Legal Space' for Transnational Solidarity

The European Charter of Fundamental Rights (Art. 12) grants freedom of assembly and association at all levels explicitly. However, the legal infrastructure to realise this right is lacking. Up to now, there is no European legal framework for a 'European association'.

This lack of adequate legislation is particularly evident when we consider economic aspects. In this field, the completion of the single market has effectively facilitated the introduction of EU laws regarding cross-national cooperation between economic actors. A number of regulations for making transnational cooperation easier have been

implemented, such as the European Economic Interest Grouping (EEIG)¹ of 1985, designed to facilitate transnational business; the so-called 'Societas Europea' or the 'European company'² of 2001, effectively introducing a European legal framework to set up an organisation taking the form of a European public limited-liability company; and the European Cooperative Society (SCE)³ of 2003, which was implemented to meet the specific requirements of cooperative enterprise not covered by the aforementioned two regulations.

These pieces of legislation are explicitly geared to overcome obstacles to pan-European business: "[t]he completion of the internal market and the improvement it brings about in the economic and social situation throughout the Community mean not only that barriers to trade should be removed, but also that the structures of production should be adapted to the Community dimension. For that purpose it is essential that companies of all types the business of which is not limited to satisfying purely local needs should be able to plan and

¹ See: [COUNCIL REGULATION \(EEC\) No 2137/85 of 25 July 1985 on the European Economic Interest Grouping \(EEIG\)](#)

² See: [COUNCIL REGULATION \(EC\) No 2157/2001 of 8 October 2001 on the Statute for a European company \(SE\)](#)

³ See: [COUNCIL REGULATION \(EC\) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society \(SCE\)](#)

carry out the reorganisation of their business on a Community scale”.⁴

Therefore, regarding the realisation of the single market, the EU does in fact recognize the legal, fiscal and psychological challenges faced by companies and individuals willing to operate transnationally. However, similar legislation is missing in the area of civil society. If we consider the European Charter of Fundamental Rights and the fact that the EU also pursues the greater aim to “deepen the solidarity between ... [its] peoples” (Preamble of the Treaty of the EU), a similar legal framework seems overdue. The insights already formulated in the economic area need to be recognised at a political level, as well, in order to pave the way for a common legal space for the sustainable development of transnational solidarity.

There have been initiatives to change the status quo in this respect, such as a ‘European Foundation’ proposed by the Commission in 2012.⁵ Based on consultations and a feasibility study, the Commission and the European Parliament have already recognised the important role of civil society for the functioning of the single market and the fostering of EU citizenship. However, this formal recognition came to nothing since member states could not come to an agreement.⁶ Especially fiscal issues were contested: Member states removed non-discriminatory tax treatments from the original proposal in 2013 but still failed to reach an agreement. Member states were also split more fundamentally regarding the

actual importance of such legislation⁷. Thus, unanimity could not be reached.

Hence, several challenges remain. CSOs are founded according to one member state’s law, which is not automatically recognised in other member states. Their activities across frontiers are constrained by administrative issues: It is, for example, difficult to open a bank account. Their activities still need to be formally recognised, as it has become difficult to deal with donations or to pool financial resources for taxation purposes. Furthermore, it is problematic to move the seat of a foundation across borders. Thus, if they want to work transnationally, they must often engage in the costly founding of branches in all involved member states. According to information provided by the European Social and Economic Committee in 2015, all of this leads to additional costs of over €100 million, slowing down initiatives or leading to their abandonment.

Against this background, the European Commission and the European Parliament should, on the one hand, work towards a compromise with member states quickly and effectively. They should not cease in their efforts until civil society is afforded the status it needs to foster solidarity in the EU. On the other hand, member states should be more active: Here, council presidencies provide excellent opportunities for raising awareness and lobbying for civil society. More generally, member states that have already recognized the importance of the topic should further work towards improving the legal conditions of transnational solidarity.

Evidence from TransSOL Research

The importance of these recommendations can be further supported with results from our research. There is definitely a need for a common legal space for transnational

⁴ See: [COUNCIL REGULATION \(EC\) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society \(SCE\), \(2\)](#).

⁵ See: [Proposal for a COUNCIL REGULATION on the Statute for a European Foundation \(FE\), 8.2.2012; COM\(2012\) 35 final](#).

⁶ See: [Procedure 2012/0022/APP on COM \(2012\) 35: Proposal for a COUNCIL REGULATION on the Statute for a European Foundation \(FE\)](#).

⁷ See information provided by the [European Economic and Social Committee \(EESC\)](#).

solidarity, especially during the on-going crises in the EU.

CSOs are engaged in a variety of activities in the three fields of disability, unemployment and migration, all of which were analysed by TransSOL. Among these activities, meeting 'urgent needs' is the most important type, particularly in the migration and disability fields. Dissemination (reports, mass media, awareness raising, education, etc.) ranks second, and economy-related activities (job training programmes, financial support, products and service provision) are third, particularly in the unemployment field. Most of CSOs report that solidarity activities have increased as a reaction to growing numbers of people in need as well as mushrooming grievances and hardships. In addition, CSOs have experienced an increased demand for support in various areas of operation during the past six years: They were asked more often by other organisations to provide help and intensify networking, and they stepped up their help for individual beneficiaries in the area of emergency financial or training support, non-material support and urgent needs provisions. This shows that CSOs play a crucial and on-going role in meeting societal needs.

Beyond these needs, our findings also show that CSOs are well integrated into networks of cooperation. Almost half of the CSOs have one to ten partners at the national level, and almost a third have eleven to thirty partners. Cooperation prevails also at the international level, with 63% of all CSOs having one to ten transnational partners. Civil society actors are thus embedded in national and transnational networks in order to fulfil their missions and tasks. At the same time, however, most CSOs act at the national and the local levels much more than at the transnational level. On the one hand, this has to do with the fact that their impact groups – in terms of access to policy-making, funding mechanisms and intended beneficiaries – are nationally and locally oriented. On the other hand, while

transnational cooperation is highly valued in terms of information exchange and common lobbying, it plays a rather marginal role in practice: This is because such cooperation is highly dependent on resources. Resources, however, are strained by the increased workload previously discussed, forcing CSOs to focus their work on key tasks in their most immediate area of operation, which comes at the expense of transnational solidarity.

Our research confirms the contribution that CSOs are making in guaranteeing public welfare through the services and support activities they provide at the grass-roots level, often in close cooperation with public authorities. They are also engaged in political advocacy for deprived groups in our three fields of analysis, and these activities tend to centre on the local and national levels, as well. This local and national orientation is not in itself a problem, given that CSOs are actively engaged in confronting real hardships for palpable target groups in specific environments. However, CSOs in general see the importance of cooperating and being active also transnationally, given the European and global dimensions of the issues they deal with and the beneficiaries they focus on. In this respect, legal obstacles are keeping them from extending coverage of their activities.

Even when considering individual EU citizens, solidarity remains strong and is not, as the rise of xenophobic and populist parties would suggest, vanishing. At the national and the external level, support for and engagement for others is strong: A majority of respondents of our large-scale survey indicated that they have participated in solidarity initiatives in their own countries, and a considerable proportion of CSOs also engage in activities in support of people outside the EU. This indicates a willingness to actively fight inequality, but it also suggests a need for satisfying this demand.

Regarding the EU in particular, individual support is not as high. For example, fewer

respondents reported undertaking solidarity action for causes in other EU member states than for causes in their own and/or non-European countries. This indicates a lack of awareness for the necessity of solidarity engagement with other EU countries. At the same time, however, this is also an expression of a lack of access to such activities. Here, CSOs can play a particularly crucial role in mobilizing and raising awareness for the needs of other Europeans. A European legal framework would provide the basis for such efforts, thereby helping to foster European citizenship and the development of the EU to a democratic community.

Overall, TransSOL findings establish the fact that there is great potential for transnational solidarity, which is still stifled and constrained by inadequate legal preconditions. A European legal framework would facilitate difficulties met in the practical realisation of transnational solidarity.

#2: Find a Sustainable Balance of Institutional and Project Funding

A healthy and strong civil society depends on sustainable public financing. Existing funding mechanisms of CSOs should therefore be secured. In addition, funding should be distributed more carefully to secure and promote the long-term sustainability of organisations looking out for the common good of European citizens. What is argued in the following is that what is required is a recalibration of how and for what purpose organisations receive their funding, one that balances the long-term maintenance of ongoing cooperation with the short-term needs of particular projects dealing with segments of the public whose fundamental human needs are being met through the work of the CSOs.

According to information provided by the European Economic and Social Committee

(EESC)⁸, most funding for CSOs in the EU (roughly 15% in 2015) is allocated to humanitarian assistance and international cooperation. There is, for example, the European Instrument for Democracy and Human Rights in place for non-EU countries as part of the EU's development aid policies. While this programme is clearly not intended to foster transnational solidarity within the EU, it provides an effective tool for targeting non-EU countries in which civil society is endangered and civic space is shrinking.⁹

Regarding the support of civil society within the EU, the objective of engaging civil society is included in a number of programs. However, allocation of financial resources remains significantly below the above quoted 15%; moreover, funding is strongly project-oriented. The 'Europe for Citizens'¹⁰ programme, for example, invests in the broader goal of fostering European citizenship, civic participation and engagement, also including the funding of CSOs' projects. However, criticism has also come from the European Parliament, which states that the budget allocated for the programme "is negligible in comparison with other education and culture programmes, such as Creative Europe (EUR 1,46 billion) and Erasmus+ (EUR 14,7 billion), with the result that applicants' expectations will be disappointed".¹¹ In addition, the project-based funding of CSOs is believed to "force CSOs to adapt their priorities and distance

⁸ See: [Own-initiative Opinion by the European Economic and Social Committee on the Financing of Civil Society Organisations by the EU \(SOC/563\)](#).

⁹ See: [European Parliament DIRECTORATE - GENERAL FOR EXTERNAL POLICIES - POLICY DEPARTMENT \(2017\): Shrinking space for civil society: The EU response](#).

¹⁰ See: [Webpage of the European Commission on the 'Europe for Citizens' Programme](#).

¹¹ See: [European Parliament resolution of 2 March 2017 on the implementation of Council Regulation \(EU\) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 \(2015/2329\(INI\)\)](#).

themselves from their original mission and from societal needs”.¹²

Taking these already-existing initiatives into account, we believe that in order to foster solidarity within the EU, it would be desirable to increase funding for civic solidarity activities. More pressing, however, is the need for a more sustainable balance between long-term and short-term funding. The EU should help to foster transnational civil society structures on a long-term basis *and* help CSOs in reacting to issues of shorter-term saliency. In light of this, the financial support of civil society should be a more prominent issue on the EU’s political agenda. In particular, the EU and its member states should overcome the project-oriented philosophy of their funding mechanisms and expand public programs that help to sustain transnational coordination and organisation activities by European civil society actors.

Evidence from TransSOL Research

Drawing on TransSOL research, we can confirm that solidarity initiatives also face a number of constraints and problems limiting their work in financial respects. Lack of funding or donations is the most pressing constraint for about half of the respondents across all three fields. Lack of material resources, lack of expert-personnel and lack of volunteers are highly or moderately pressing for the great majority of CSO representatives. At the same time, lack of support or cooperation from state or EU organisations is either a moderately or highly pressing constraint, even though the most prevalent CSO partners are state agencies. The majority of CSOs in the three fields also report a lack of support or cooperation from non-state or international organisations as a highly or moderately pressing constraint.

TransSOL data thus provides evidence of a growing gap between resource provisions on the one hand and intensifying activities on the other. This gap becomes particularly prominent when looking at the frequency of conducted actions and the number of beneficiaries and participants. Both are on the rise in all three fields for most of the CSOs included in our analysis. Hence, the majority of CSOs report shrinking funding opportunities in times of increasing activities, even though groups working on migration issues are less affected by these funding cuts. These bifurcating trends are affecting many CSOs, even though a substantial contingent is able to compensate for this gap through increasing numbers of volunteers and members.

Our findings show, however, that this gap needs to be qualified in two respects. On the one hand, we need to remember that many CSOs explicitly choose not to apply for public funding in order to remain independent. On the other hand, not all CSOs receiving public funding report stagnating or decreasing resources. TransSOL’s organisational survey data show that CSOs in the field of migration are less drastically exposed to this problem when compared to groups working in the disability and unemployment fields. This is a clear indication of awareness cycles and situational policy preferences, most obviously related to the migration crisis affecting many European countries during 2015 and 2016.

This observation is crucial for those interested in improving public funding schemes. On the one hand, the experiences of CSOs active in the area of migration show that national and European funding is being directed towards those areas of work in which anticipated crises are generating pressing needs and hardships. In this sense, project funding is a responsive instrument for allocating funding for urgent issues. On the other hand, however, project funding tends to follow awareness cycles, to the detriment of sustained activities in areas that require long-

¹² See: [Own-initiative Opinion by the European Economic and Social Committee on the Financing of Civil Society Organisations by the EU \(SOC/563\)](#).

term commitments. At the same time, the short-term orientation of public funding schemes contributes to the fragmented structure of civil societies to the detriment of transnational cooperation. European member states and institutions should thus discuss and recalibrate funding mechanisms to meet two overarching goals: to provide funding in those areas with more pressing needs while assuring sufficient funding support for organisations and organisational instruments that help to sustain and increase transnational exchange, cooperation and joint activism within a longer-term perspective.

Research Parameters

The TransSOL consortium has conducted research over the course of the last three years (2015-2018). Systematic data was gathered on the situation of civic solidarity in eight European countries (Denmark, Greece, Germany, France, Italy, Poland, Switzerland and the UK) and within the European arena of transnational solidarity practices. In this final policy brief, we have summarized our main policy recommendations. Our recommendations are rooted in research findings stemming from a series of work packages devoted to mapping and analysing civic solidarity in its various manifestations.

For this policy brief, we mostly drew on findings from two work packages aimed at surveying the organisational field of civil society (Work Package 2: 'Innovative practices of transnational solidarity' and Work Package 4: 'Organisational survey: collective forms of solidarity'). In both work packages, several tools of data collection and analysis were employed, including a broad analysis of CSOs websites, online surveys building on standardised interviews, social network analysis and in-depth interviews with CSO representatives.

Overall, almost 400 CSOs were included in the two work packages. The CSOs we investigated are not only located in the eight countries of our project but also in other European

countries (almost one third of our respondents), amongst them a number of Brussels-based CSOs active at the EU level. The spread of CSO respondents is equal across the eight countries of our project except for Germany, which shows a somewhat higher frequency (22.2%), probably due to the larger population of CSOs it hosts.

Moreover, data from TransSOL's Work Package 6 ('Pilot study: identifying and developing effective measures') was used. Here, we homed in on three exemplary cases of good practices of transnational solidarity (Krytyka Polityczna, the 'Transnational Social Strike', and 'cities of refuge'. See also our 'Guide to Transnational Solidarity'). Data from Work Package 3 ('Online survey: individual forms of solidarity') was used, moreover, to contextualise and support the arguments made here. Based on the method of computer-assisted web-interviewing (CAWI), a specialised polling company carried out the survey in November and December 2016. The same questionnaire was administered in the relevant languages to approximately 2,000 respondents in each of the countries of the project (to a total of 16,000 respondents). Respondent samples were matched to national statistics with quotas for education, age, gender and region.

Project Identity

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***Further information on the TransSOL-project
is available at:***

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