



**EEB**  
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**BE LIFE**

# POWER TO THE PEOPLE

THE STATE OF PUBLIC PARTICIPATION IN  
THE EU

The European Environmental Bureau (EEB) is the largest network of environmental citizens' organisations in Europe. It unites 190 civil society organisations from 41 countries, working for a better future where people and nature thrive together.

## September 2025

*The BeLIFE project focuses on the role citizens and civil society can play in enforcing and ensuring compliance with European Environmental Law, particularly the European Green Deal. The main objective of the project is to enhance compliance with EU environmental and climate law and to strengthen environmental democracy rights.*

*This report is an update 2019 'Power for the people' report, which was part of a series of reports published under the Implement for LIFE (IFL) project.*

### Authors:

Ruby Silk, Senior Communications Officer, Environmental Law and Justice, EEB and Margarida Martins, Policy Officer, Environmental Law and Justice, EEB

**Contact:** [margarida.martins@eeb.org](mailto:margarida.martins@eeb.org)

European Environmental Bureau (EEB) AISBL Rue des Deux Eglises 14-16 1000 Brussels, Belgium +32 (0)2 289 1090 [eeb@eeb.org](mailto:eeb@eeb.org) [eeb.org](http://eeb.org) [meta.eeb.org](http://meta.eeb.org)



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# Executive Summary

Meaningful public participation is a powerful way to strengthen environmental and climate action and to foster policy effectiveness, legitimacy, and trust. In the EU, citizens have the right to take part in decisions about their environment. EU Member States should provide the public with the opportunity to engage in decision-making, for instance through public consultations, assemblies, and mini-publics.<sup>1</sup> However, barriers to public participation are numerous and persistent in the EU. These restrictions are both a democratic and an environmental issue.<sup>2</sup>

This report is an update of the 2019 Power for the People report, which was part of a series of reports published under the Implement for LIFE (IFL) project. It examines how participation is being implemented across Europe, highlights good practices and common issues, and provides recommendations for strengthening meaningful public and NGOs involvement at all levels of decision-making.

The report points out the need for diverse contributions of stakeholders to shape socially and environmentally just policy, to avoid economic interests dominating over environmental ones, and to preserve the public interest. The phenomenon of ‘citizenwashing’, the squeezing of civil society, and repercussions/backlash to public participation are also explored.

This report highlights some key participation barriers in the EU and provides illustrative case studies.

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<sup>1</sup> Mini-publics are randomly selected groups of diverse citizens who deliberate on policy issues with independent facilitation.

<sup>2</sup> Pickering, J., Hickmann, T., Bäckstrand, K., Kalfagianni, A., Bloomfield, M., Mert, A., Ransan-Cooper, H., & Lo, A. Y. (2022). Democratising sustainability transformations: Assessing the transformative potential of democratic practices in environmental governance. *Earth System Governance*, 11, 100131.

## Contents

|   |           |
|---|-----------|
| <b>Executive Summary .....</b>  | <b>2</b>  |
| <b>Introduction .....</b>   | <b>4</b>  |
| What is Public Participation? .....                                       | 5         |
| <b>Public Participation at EU level .....</b>                             | <b>5</b>  |
| Legislation .....   | 5         |
| Public Participation Opportunities at EU Level .....                      | 8         |
| <b>Environmental Assessments to Promote Sustainable Development .....</b> | <b>12</b> |
| <b>Participation in Member States .....</b>                               | <b>14</b> |
| SLAPPs.....   | 14        |
| Citizenwashing.....   | 15        |
| <b>Squeezing of Civil Society.....</b>                                    | <b>17</b> |
| <b>Conclusions .....</b>  | <b>17</b> |
| <b>Recommendations .....</b>  | <b>18</b> |

# Introduction

Decisions on the environment – where new infrastructure is built, how natural resources are managed, or what pollution is permitted – have profound and lasting effects on communities and future generations. Because of this, the law recognises that the public must have a meaningful role in shaping such decisions. Public participation in environmental decision-making is not only a democratic principle, but also a safeguard to ensure that policies and projects reflect local realities, diverse perspectives, and are sustainable in the long-term.

Participation enables communities to protect their health, livelihoods, and environment, while also contributing expertise and local knowledge that improve decision-making. In this way, public engagement leads to better designs, fewer disputes, and therefore legitimate plans. When citizens can see how their voices influence outcomes, confidence in institutions and environmental governance grows.

In the European context, the Aarhus Convention (AC) establishes legally binding rights for the public to participate in environmental decision-making. It requires Parties to provide minimum procedural standards for participation, not only in relation to individual projects but also in the preparation of plans, programmes, and policies at both national and EU levels. These obligations have been transposed into EU law through directives and regulations, including those governing Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), and industrial permitting regimes.

Public participation mechanisms are most effective when they are initiated early in the decision-making process, are inclusive, and are supported by the other two procedural rights guaranteed under Aarhus: access to environmental information and access to justice. Public participation mechanisms should follow established good practices to ensure inclusive engagement of citizens and stakeholders, and to foster meaningful discussion and deliberation. Digital platforms, targeted outreach, and capacity-building initiatives can increase participation, particularly among groups that are traditionally underrepresented in decision-making processes.<sup>3</sup> Beyond fulfilling a legal obligation, meaningful public engagement constitutes an essential enabling condition for addressing systemic environmental challenges such as climate change mitigation and adaptation, biodiversity conservation, and pollution prevention.

While much innovation has taken place in the sphere of public participation in recent years – for instance, the recent boom in deliberative and citizen assemblies, including the French Citizens Convention for Climate and the EU level Conference on the Future of Europe – a rightward shift in governments across the EU and within the EU institutions has seen outright attacks on civil society and an increasingly hostile climate for public participation. Following the 2025 European Commission taking office, Europe has seen an unprecedented deregulation drive. The work led on the Green Deal in the Commission's last mandate is being blitzed with a series of 'Omnibus'

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<sup>3</sup> For more details, you may consult the 2025 [REAL DEAL Protocol](#) for a comprehensive guidance and toolkit on enhancing citizen engagement in the European Green Deal through deliberative democracy and participatory governance.



proposals on the horizon, designed without public consultation and undermining the proper planning and process that went into the many laws that will be defanged.<sup>5</sup>

## WHAT IS PUBLIC PARTICIPATION?

The second pillar of the Aarhus Convention is in its Articles 6,7 and 8. Article 6 offers the most empowering participatory opportunities, as it is the most oriented towards co-creation and deals with a broader range of environmental activities likely to have measurable direct impacts on specific environments occupied by humans (for example: energy and power, metals and minerals, chemicals, waste, timber, transport and water). Article 6 envisages the public concerned, i.e. “the public affected or likely to be affected by, or having an interest in, the environmental decision-making” (Article 2(5) AC). The broader “public” receives rights to submit comments (Article 6(7)) and be informed of the decision (Article 6(9)). Article 6(3) and 6(4) establish that public participation should happen “early” and “when all options are open and effective public participation can take place”. Article 6(8) and 6(9) determine that “due account” needs to be taken, in the final decision, of the public participation that was carried out, and that the public authorities need to their “reasons and considerations” for failure of taking into account any aspects that arose of the public consultation - these are procedural safeguards to ensure that public participation is meaningful and not only a bureaucratic exercise or 'citizenwashing'.

Article 7 provides participatory rights relating to environmental plans, programmes and policies. Article 8 addresses public participation in law-making, or formally the “preparation of executive regulations and generally applicable legally binding normative instruments”.

## Public Participation at EU level

### LEGISLATION

The second pillar of the Aarhus Convention is implemented in EU law through the EIA and SEA directives, in the horizontal Directive on public participation in respect of the preparation of certain plans and programmes relating to the environment, and with regard to EU decision-making via the Aarhus Regulation.

The Aarhus Convention requires public participation with regard to permitting procedures, which is implemented through the EIA directive and public participation with regard to plans and programmes which is partly implemented by the public participation Directive, but also sectoral provisions contained in the relevant legal acts.

Below is an overview of some public participation clauses in European Green Deal legislative files agreed since its launch in 2020. For more detailed information on these developments see the BeLIFE project's *[Environmental Rights Report](#)*.

## THE EU DEFORESTATION REGULATION

The **EU Deforestation Regulation (EUDR)** entered into force June 29, 2023. It includes a commitment to ensuring civil society involvement in the monitoring and implementation of the Regulation.<sup>4</sup> It **does not contain a specific provision on public participation with regard to environmental decision-making** but only relating to the participation of local communities in countries that import into the EU.



## THE INDUSTRIAL EMISSIONS DIRECTIVE

The **revised Industrial Emissions Directive (IED 2.0)** entered into force on August 4, 2024. This revised directive updates the original 2010 IED. It includes **extensive public participation provisions**. Article 24 requires public consultation in permit granting processes. This encompasses also the granting of a permit for new installations, the granting of a permit for any substantial change, and sets a comprehensive standard in its Annex IV for how public participation must be undertaken, including that members of the public concerned shall be given early and effective opportunity to submit comments and that these must be duly taken into account. Moreover, it sets out concrete pieces of information that the public must receive in order to be able to effectively participate.

## THE AMBIENT AIR QUALITY DIRECTIVE

The revised **Ambient Air Quality Directive** entered into force on December 10, 2024, updating previous directives of 2004 and 2008. Its Article 19 establishes that the public must be given early and effective opportunities to participate in the preparation, modification, or review of air quality plans and air quality roadmaps in accordance with the Directive on public participation.

## URBAN WASTEWATER TREATMENT DIRECTIVE

The recast of the **Urban Wastewater Treatment Directive** came into effect on January 1, 2025. It **does not contain any references to public participation in decision-making**, notably not even in the provisions relating to the integrated urban wastewater management plans include a reference to participation or consultation of the public concerned.



## THE SOIL MONITORING LAW

The **draft Soil Monitoring Law** (not yet adopted), in Article 10 (1) (b) requires Member States to ensure that the elaboration of sustainable soil practices is done by involving the public concerned

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<sup>4</sup> Art 30 Deforestation Regulation.

with **early and effective participation procedures**. Art 12 (4) (a) similarly requires the participation of the public concerned in the establishment and concrete application of the so-called “risk-based approach”.

## THE EFFORT SHARING REGULATION and LAND USE, LAND-USE CHANGE, AND FORESTRY REGULATION

The **Effort Sharing Regulation** (entered into force May 16, 2023) only refers to public participation in its recital 22 while the **LULUCF-Regulation** (May 11, 2023) **does not include any references** to public participation.

## THE GOVERNANCE REGULATION

The **Governance Regulation** entered into force in 2018 and established the framework for National Energy and Climate Plans (NECPs) for EU member states. It contains **robust public participation requirements**. It mandates that Member States ensure early and effective opportunities for the public to participate in the preparation of National Energy and Climate Plans (NECPs) and long-term strategies. Article 10 explicitly requires participatory dialogue platforms at the national level to facilitate inclusive policy making. [See the NECPs chapter of this report](#) for more information about Member States’ implementation of these requirements.

## THE NATURE RESTORATION REGULATION

The **Nature Restoration Regulation** entered into force on 18 August 2024. It includes the **explicit requirement** that Member States ensure that the preparation of the restoration plans that the member states need to establish is transparent, inclusive and effective and that the public concerned is given early and effective opportunities to participate. This constitutes a strong provision for public participation.

## THE RENEWABLE ENERGY DIRECTIVE

The **renewed Renewable Energy Directive** (RED III) entered into force on November 20, 2023. It also includes a provision regarding public participation and references the SEA Directive, which is relevant to the designation of renewables acceleration areas for which public participation is necessary. It also includes a reference to the Aarhus Convention in its recital 30 which mentions that provisions relating to public participation remain applicable.





## PUBLIC PARTICIPATION OPPORTUNITIES AT EU LEVEL

The EU has a [public consultations and feedback \('Have Your Say' portal\)](#), which is a single portal for citizens and stakeholders to give their views on the Commission's initiatives and contribute to the decision-making process. This portal, however, has its shortcomings, such as not targeting relevant stakeholders via outreach<sup>5</sup> and being a one-way feedback instrument, and does not allow for dialogue. There are also a few **EU public participation mechanisms** which can be initiated by citizens or stakeholders, such as **the European Citizens' Initiative** and **the Right to Petition the European Parliament**. These mechanisms allow citizens and stakeholders to raise issues, but not to engage in discussion or deliberation.

The EU has also introduced some innovations in public participation opportunities. [European Citizens' Panels](#), which bring together randomly-selected citizens from all 27 member states to discuss at European level upcoming proposals, became a regular feature of EU democratic life. With support, citizens discuss and make recommendations for the European Commission to consider when defining policies and initiatives.

Since 2023, the European Commission has launched **several Strategic Dialogues** to involve stakeholders in shaping EU policies on critical issues (some examples of topics covered are the future of agriculture, the clean industrial transition, the car and metal industries) Strategic Dialogues enable participants to contribute to agenda setting. However, this agenda is largely predetermined by the Commission's framing and limited to the invited stakeholders. Furthermore, these Dialogues have been [denounced as potential 'citizenwashing'](#), due to the fact that industry voices have dominated the discussions, while civil society organisations and independent experts have been sidelined, with the result of the failure to fully reflect the public interest and integrate scientific evidence. The Dialogues have been lacking in transparency and accountability too, with most dialogues taking place behind closed doors, with little public information about the agenda, participants, or outcomes, meaning it is difficult to assess how stakeholder input shapes EU strategies.

### Good practice – Future of Agriculture Strategic Dialogue

The [2024 Dialogue on the Future of Agriculture](#) constituted a **more balanced, transparent, and deliberative model**, having included a wide range of voices, contained multiple meetings, and resulted in a comprehensive [final report](#).

Other **new forms of public engagement** were announced by the Commission for the legislative term 2024-2029, such as [youth policy dialogues](#) to be organised by all Commissioner, and a **Youth Advisory Board**. While this initiative is very recent, it is already possible to identify aspects to improve in the future, to avoid this becoming a 'citizenwashing' exercise. For example,

<sup>5</sup> Court of Auditors (2019), "Special Report. 'Have your say!': Commission's public consultations engage citizens but fall short of outreach activities". N°14. Available at <https://op.europa.eu/webpub/eca/specialreports/public-participation-14-2019/en/>

it is unclear what the process and selection criteria are for the invitation extended to youth organisations and activists. Furthermore, each participant was given the chance to ask only one question, hence not having the space for discussion or dialogue. A testimony of a young participant said that "it was clear the Commissioner organised the dialogue in such a way not to be challenged," and characterised the process as "unfair".

## NATIONAL ENERGY AND CLIMATE PLANS

In 2023 and 2024, EU Member States were tasked with updating their National Energy and Climate Plans and outline their reforms to achieve their climate and energy objectives by 2030.

According to the Governance regulation and the Aarhus Convention, **Member States are obliged to organise early and effective public consultations prior to the submission of draft and final NECPs.** They also had to establish a Multilevel Climate and Energy Dialogue to discuss energy and climate policies, including NECPs. In practice, the reality has been quite different with the majority of Member States falling short of these requirements.



In their paper, *Struggling for a Voice: The Mixed Reality of Public Participation in National Energy and Climate Plans*, CAN E and WWF analyse Member States' inclusion of the public in the development of their NECPs. They highlight that the Commission's own analysis found glaring deficiencies:

***"Out of 27 Member States, 25 received specific recommendations from the Commission to improve their public participation processes. Key deficiencies included late or absent consultations, lack of transparency, and failure to clearly demonstrate how public input was considered. Only a small number of countries ensured consultations took place when all options were still open."***

## **Good practice - Belgium and Lithuania**

### Belgium

Belgium stands out for organising multiple forms of public consultation on its updated NECP, including online consultations, in-person meetings, advisory councils, and citizen panels, tailored to different levels of government. Although the quality varied across regions, the consultations were launched early enough to be meaningful, when policy options were still open, and generally lasted long enough to allow real participation. The public was informed not only about existing and new measures but also about the regulatory context and decision-making process, with formal procedures communicated clearly and discussed in the press.

### Lithuania

Lithuania identified and encouraged broad participation – engaging not just interest groups but also the public. The authorities provided key NECP information upfront, hosted public working group meetings open to all, and ran a comprehensive public consultation (over a month long) from 21 July to 23 August 2023.

They also conducted multilevel climate dialogue via multiple working groups, logged all meeting details, and proposed around 600 new measures based on public input. The draft included a summary of how views were integrated.

## **Poor practice – Format, Timing and Follow-up**

### Format

Several countries only organised an online public consultation (Bulgaria, Croatia and Germany). Some countries organised online consultations with restrictive input limits which made it difficult to meaningfully engage, with tick boxes questions and very limited space to write further comments (Germany, Ireland, Italy).

### Timing

In some countries, a first consultation took place when the draft plan had already been submitted to the European Commission: Germany, Greece, Ireland and Sweden. In these cases, it is clear that the consultation did not happen when all options were still open.

Likewise, in many countries (Austria, Croatia, Czechia, Denmark, Estonia, Germany, Italy and Sweden) the consultation on the draft plan took place too close or even after the deadline for the submission of the NECP to the European Commission in June 2023, which made it hard for national governments to meaningfully consider the comments received.

Moreover, it has been observed by many national level civil society organisations that the length of the consultation was not always sufficient, with nine countries providing a month or less for responses.

#### Follow up

There were at least four countries (Czechia, Hungary, Ireland, Spain) where the government did not (or at least not clearly) give explanations as to how the views of the public were incorporated or not in the final version of the plan.

For more detailed information on any of the Member States' processes with regards to involving the public in the development of the NECP updates, as well as more detail on best practices and recommendations, see CAN E and WWF's *Struggling for a Voice* report.

The next set of the National Energy and Climate Plans (NECPs), for the period 2031-2040, will be due in 2029. Drafts for these updates will be due one year prior, in 2028.

## **SOCIAL CLIMATE PLANS**

Social Climate Plans (SCPs) are the national strategies each EU Member State must prepare to show how they will use money from the Social Climate Fund (SCF) - about €86.7 billion for 2026–2032 - to ensure the green transition is socially fair. The plans outline concrete measures to help households, small businesses and transport users cope with the new costs that will arise when the EU extends carbon pricing (ETS II) to buildings and road transport.

Public participation in countries' Social Climate Plans (SCPs) is crucial for ensuring transparency, fostering trust, and building support for climate action. These plans require robust public consultation to identify local needs and enhance effectiveness. Effective public participation ensures that the perspectives, needs, and interests of citizens, particularly vulnerable groups, are considered, leading to more just and inclusive transitions.



The deadline for submitting the plans was 30 June 2025. The majority did not meet the deadline. Moreover, with some countries only beginning public participation in June (and others not having started at all), NGOs are concerned that measures outlined in NSCPs will be insufficient to protect those most vulnerable to ETS2 prices. National governments must prioritise completing their plans as soon as possible, but not at the expense of meaningful stakeholder engagement.

### Development and implementation

Public engagement in the formation of the Plans is critical, but it should not stop there. Public participation should also be integrated into implementation of the Plans. This will ensure that the perspectives, needs and interests of citizens, particularly those potentially most vulnerable, are continually reflected in climate action, helping build consent for just transitions. At the time of writing, no Social Climate Plans are yet publicly available on the European Commission's website.

## Environmental Assessments to Promote Sustainable Development

At the EU level, there are two Directives that govern how to conduct assessments prior to the approval of a project, plan or programme: the [Environmental Impact Assessment Directive](#) (EIAD), and the [Strategic Environmental Assessment Directive](#) (SEAD). The key difference between them is that the SEAD applies to public plans and programmes and operates at a higher planning level, with fewer details and is thus carried out at an earlier stage than an EIA. The public includes affected and interested citizens and stakeholders. Public participation is to be undertaken early to feed into the decision on the relevant projects, plans and programmes. Hence, an effective SEA can directly influence a public strategy, leading to more environmentally friendly plans and programmes. An EIA will then be carried out at a later stage for a specific project that may be part of a larger plan or programme and assesses the specific environmental impacts in more detail. When carried out correctly, environmental and strategic impact assessments allow for a meaningful dialogue between civil society, public authorities and the developers and can lead to projects, plans and programmes that are sustainable and take environmental impacts into account.

In practice, however, there are multiple issues with the implementation and application of the EIAD and SEAD and more could be done to protect the environment and improve public participation, particularly of NGOs. The EIA and SEA Directives are complemented by Article 7



of the Aarhus Convention on public participation concerning plans, programmes and policies, and provide for a high level of transparency and accountability, for example by requiring that decisions should explain how the public's opinions have been taken into account and providing reasons for the eventual decision (SEA Directive, Art. 9(1)). As regards impact, the Directives determine that the decision should “take into account” the results of the public participation.

|   | EIA                         | SEA                                  |
|---|-----------------------------|--------------------------------------|
| <b>Binding</b>  | X                           | X                                    |
| <b>Takes into account the environmental aspects of a project</b>      | ✓                           | ✓                                    |
| <b>NGOs and public can participate – through public participation</b> | ✓                           | ✓                                    |
| <b>Type</b>   | Public and private projects | Public plans, programmes, strategies |
| <b>Evaluations</b>  | Detailed                    | Few details                          |

There are also concerning developments in EU legislation, for example in the Renewable Energy Directive and the Critical Raw Materials Regulation, of “overriding public interest” presumptions.<sup>6</sup>

## CASE STUDIES: CZECHIA AND GERMANY

### Czechia

Czechia should publish more exhaustive information on environmental impact assessment (EIA) and strategic environmental assessment (SEA) procedures, including on public participation possibilities and publication of final decisions, and provide information on the average duration of all steps in the EIA process.

### Germany

Germany makes Environmental Impact Assessment (EIA) portals available at federal and Länder level providing information on projects, including summaries, details on public participation, on progress made on the authorisation procedure and on the final decision on the approval of the project including an explanation of how the reasoned assessment, in particular comments from the public, were considered in the decision.

<sup>6</sup> Devis, Alessio. 2024. “Change of Paradigm in EU Environmental Law: Does the Climate Crisis Now ‘Override’ the Biodiversity Crisis? .” *European Law Blog*, November. <https://doi.org/10.21428/9885764c.eaa4248f>.

## Participation in Member States

### Good Practice - Denmark

Using the national portal “Høringsportalen” in all public consultations in the environmental decision-making procedures to facilitate data collation at national level on participation rates.

### SLAPPS

Strategic Lawsuits Against Public Participation or SLAPPs are manifestly unfounded or abusive court proceedings against journalists and human rights defenders who engage in public participation, normally by speaking out in the public interest. These lawsuits, often initiated by powerful individuals or entities, aim to silence critical voices through intimidation and financial pressure, rather than seeking legitimate legal redress. SLAPPs do not only harm their targets but create a chilling effect, meaning that others who may have considered speaking out in the public interest are afraid to do so.

SLAPPs are on the rise in Europe. Despite the adoption of the [EU anti-SLAPP law](#) in May 2024 and the [Council of Europe Recommendation on countering the use of SLAPPs](#), the number of reported cases continues to increase with very few countries reporting no cases. Additionally, those initiating these cases are getting more and more brazen, targeting big names: 2025 saw Energy Transfer hit Greenpeace (Greenpeace USA, Greenpeace International, and Greenpeace Fund, Inc.) with a record-breaking SLAPP which found entities liable for more than US \$660 million.

The new EU anti-SLAPP directive sets binding minimum standards to protect against abusive lawsuits, but its scope is narrow, covering mainly cross-border civil and commercial cases. By contrast, the Council of Europe’s 2024 recommendation is not legally binding but offers a much broader and stronger framework, addressing SLAPPs in civil, criminal, and administrative contexts, and calling for wider protections and remedies. Member States are free to go beyond the EU minimum, and they can use the Council of Europe’s recommendation as a benchmark to design more ambitious national anti-SLAPP laws that close gaps left by the directive.

European countries have until 7 May 2026 to transpose the law into national law. Belgium is considered a frontrunner in this area,<sup>7</sup> with a draft bill that proposes broader protection than just cross-border cases. The Coalition Against SLAPPs in Europe (CASE; of whom the EEB is a member) launched in September 2025 a [transposition monitor](#) to follow countries’ transposition efforts and support advocacy for robust anti-SLAPP laws.

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<sup>7</sup> <https://www.sustainabilityinbusiness.blog/2025/04/belgium-as-frontrunner-on-rules-to-protect-against-strategic-lawsuits-against-public-participation-slapp-what-you-need-to-know/>

## CITIZENWASHING

As part of its work on public participation the EEB has developed the concept of citizenwashing and further work along these lines.

*“Citizenwashing describes the illusion created by a public or private actor of acting on behalf, or for the benefit of, all or a representative number of citizens. It is an undemocratic strategy which gives the appearance of involving the public in decision-making without actually taking its views into account.”<sup>8</sup>*

## CASE STUDY: CITIZENS’ CONVENTION ON CLIMATE IN FRANCE 2019-2020

The French Citizens’ Convention for Climate (October 2019 – June 2020) was a national government initiative created in response to the Yellow Vests movement, aiming to involve 150 randomly selected citizens in shaping measures to reduce carbon emissions by 40% by 2030. Over seven weekend sessions, the assembly produced 149 proposals, including legislative and constitutional reforms, with President Macron initially pledging to advance them “without filter.” However, only a fraction were fully or partially implemented – about 67% by October 2023<sup>9</sup> – and only 10% of the proposals had been adopted “without filter,” with many others diluted under political and lobbying pressures. While praised for its innovative design and contribution to democratic participation, the Convention is widely seen as a missed opportunity, criticized as “citizenwashing” due to weak government follow-through and undermining of its legitimacy.



## CASE STUDY: THE ENVIRONMENTAL IMPACT ASSESSMENT FOR COVAS DO BARROSO MINING PROJECT

In March-April 2023, Portugal’s Environmental Agency (APA) held an online public consultation on a proposed lithium mining project in Covas do Barroso, a UNESCO World Agricultural Heritage site. Initially limited to just 10 working days to review more than 7,000 pages of documents, the consultation was extended to 24 days after local associations, residents, and

<sup>8</sup> <https://eeb.org/library/case-studies-citizenwashing-the-greenwashing-of-democracy/>

<sup>9</sup> [https://www.ecologie.gouv.fr/suivi-convention-citoyenne-climat/les-mesures-pour-le-climat?utm\\_source=chatgpt.com](https://www.ecologie.gouv.fr/suivi-convention-citoyenne-climat/les-mesures-pour-le-climat?utm_source=chatgpt.com)

the Municipality of Boticas protested the breach of EU and Aarhus Convention participation standards. The process attracted a record 912 submissions, of which 909 opposed the project, citing severe risks to the environment, biodiversity, local communities, and cultural heritage. Despite this, in May 2023 the APA issued a conditional favourable Environmental Impact Statement, acknowledging significant negative impacts yet authorising the project – the first lithium mine in Portugal to obtain such approval. The process lacked transparency, ignored overwhelming public opposition, and fell short of Aarhus obligations, amounting to “citizenwashing” by fulfilling legal formalities while sidelining meaningful participation.

## CASE STUDY: LACK OF COMMISSION CONSULTATION ON LOWERING THE CONSERVATION STATUS OF WOLVES



In September 2023, the European Commission launched an 18-day “data collection” exercise on wolf populations and their impacts, inviting local communities, scientists, and stakeholders to submit information via email. The call, framed in a press release that included misleading claims about risks wolves pose to livestock and humans,<sup>10</sup> received over 17,000 responses but bypassed the EU’s official “Have Your Say” consultation platform, limiting transparency and public scrutiny. Despite overwhelming concern from environmental NGOs about the process and its framing, on 20 December 2023 the Commission proposed downgrading the wolf’s protection status under the Bern Convention, just one day after reaffirming EU biodiversity commitments, and published an in-depth analysis that provided little scientific justification for such a change. The short timeframe, lack of transparency, and absence of real consultation reveal the process as politically driven,<sup>11</sup> designed to legitimize a pre-determined decision, and therefore at risk of “citizenwashing.”

For more information about any of these case studies, and others, [check out our case study report](#) that presents six full case studies on citizenwashing with analysis and conclusions.

As part of our work on citizenwashing, the EEB has developed a [list of do’s and don’ts](#) to support public officials responsible for public participation.

In addition to these golden rules, the [OECD Guidelines for Citizen Participation Processes](#) are an excellent guide of minimum standards. When engaging in participatory exercises in EU environmental matters, the [REAL DEAL project’s work](#) on “Reshaping citizens’ deliberation for the European Green Deal” is another available resource. Last, but not least, the [Maastricht Guidelines](#) detail what public authorities should do when carrying out public participation in

<sup>10</sup> [https://eeb.org/wp-content/uploads/2023/09/23\\_09\\_11\\_Joint-NGO-letter-on-wolves\\_Final.pdf?utm\\_source=chatgpt.com](https://eeb.org/wp-content/uploads/2023/09/23_09_11_Joint-NGO-letter-on-wolves_Final.pdf?utm_source=chatgpt.com)

<sup>11</sup> [https://eeb.org/europe-turns-its-back-on-wolves-and-on-science/?utm\\_source=chatgpt.com](https://eeb.org/europe-turns-its-back-on-wolves-and-on-science/?utm_source=chatgpt.com)

environmental decision-making, ensuring they fulfil their legal obligations under the Aarhus Convention correctly.

## Squeezing of Civil Society

Civil society is a crucial bridge between citizens and the policymakers who represent them and who develop policies and legislation that affect them. A key component of any truly democratic system, it serves to carry public opinion, give voice to the voiceless, and deliver important messages to decisionmakers on their behalf.

Five years' ago in the original version of this report, the EEB raised the alarm about the squeezing of civil society – both at national and at EU level – citing examples such as XXX. Since then, the situation has worsened with environmental organisations particularly targeted as well as human rights organisations. A rise in authoritarian governance is clamping down on civil society globally, often using intimidation and violence. The rightward swing in the European parliament with the Presidential drive towards defense and unbridled competitiveness isn't helping either.

### HUNGARIAN FOREIGN AGENTS LAW

Some of these authoritarian shifts are being justified under the guise of promoting “transparency” and “protecting democracy.” One of the most striking recent examples comes from Hungary, where a member of the ruling Fidesz party submitted a new bill entitled the “Transparency of Public Life”, which would enable the government to target, defund and dissolve any organisation in receipt of foreign funding that it designates as “a threat to Hungarian sovereignty”.

This bill, if adopted, would provide the government with the final tools to effectively and completely silence the remaining independent voices in Hungary.



## Conclusions

At both EU and Member-State levels, mechanisms privilege private economic stakeholders over citizens and civil society groups. Research shows that both EU-level and Member State-level deliberative mechanisms prioritise stakeholder involvement over citizens engagement, and that participation mechanisms tend to reinforce existing power or financial imbalances, favouring private economic interests over public-interest groups.<sup>25</sup>



There is limited impact, accountability and transparency. Many mechanisms struggle to meaningfully shape decision-making and often lack transparency and accountability, especially newer mechanisms with weak institutionalisation (e.g. Strategic Dialogues). low public visibility of participation mechanisms. Most mechanisms are poorly known to the public, which severely limits the possibility for broader engagement.

There are many opportunities for improvement. Environmental Impact Assessments at national level happen constantly and can always benefit from more public input. The heyday of climate assemblies may be over but there are always hopeful regional initiatives. The next set of the National Energy and Climate Plans (NECPs), for the period 2031-2040, will be due in 2029. Drafts for these updates will be due one year prior, in 2028. Nature Restoration Plans (NRP), too, need to be submitted by Member States by 1 September 2026. These provide a golden opportunity for meaningful and early public participation to be undertaken.

## Recommendations

1. Set EU-wide participation standards: EU-wide best-practice standards for public participation to improve the quality and consistency of existing and emerging mechanisms for participation, which engage both stakeholders and citizens, should be embedded into the Commission's Better Regulation framework and revisions to the Governance Regulation and/or the European Climate Law;
2. Revision of the Governance Regulation: the revision should clarify the link with the Strategic Environmental Assessment (SEA) Directive by ensuring its applicability to National Energy and Climate Plans (NECPs) and mandate the applicability of the SEA through amendments to Articles 10, 12 and Recital 28. The revision should also specify a minimum time-frame for consultations, clarify the timing of the obligation to consult the public and also specify that it should take place when all options are still open (i.e. well before the submission of drafts to the Commission), to give the consulting entity/ministry a reasonable opportunity to incorporate any views raised;
3. Promote national deliberative mechanisms: The EU should introduce best-practice standards for deliberative processes of citizen engagement, such as mini-publics, citizens' assemblies and focus groups, at national and subnational levels, into the relevant legislation. Participatory approaches have a positive impact on the quality and long-term benefit of political decisions but they cost money in the short run. National and EU level funds need to be dedicated to support existing and novel structures of involving people in the public life outside of the voting cycles.
4. Empower and support civil society participation: The EU should ensure balanced representation and participation by civil society across participation mechanisms. This means ensuring there are adequate resources for public-interest and marginalised groups to engage effectively with these mechanisms. The Civil Society Strategy offers a good opportunity to do this;

5. Mainstream participation in national climate and environmental governance: The EU should facilitate Member-State efforts to systematise and streamline meaningful public participation into national climate governance, biodiversity protection, and other relevant processes. This requires defining best-practice standards in EU legislation, in line with the Aarhus Convention, including for National Energy and Climate Plans, Long-Term Strategies, Multilevel Energy and Climate Dialogues, and Nature Restoration Plans;
6. Improve the quality of existing EU participation mechanisms: Identify and implement improvements to strengthen transparency, balance participation, avoid corporate capture, and ensure integration into decision-making. More space for discussion and deliberation is needed in these mechanisms, not just one-way feedback or a restrictive framework with leading questions;
7. Adopt a dedicated communication and education strategy to raise visibility and awareness of existing participation mechanisms;
8. The EU and Member States need to draw an important distinction between stakeholder and citizen participation.<sup>27</sup> Robust participation requires engagement of both stakeholders and citizens.<sup>28</sup>

