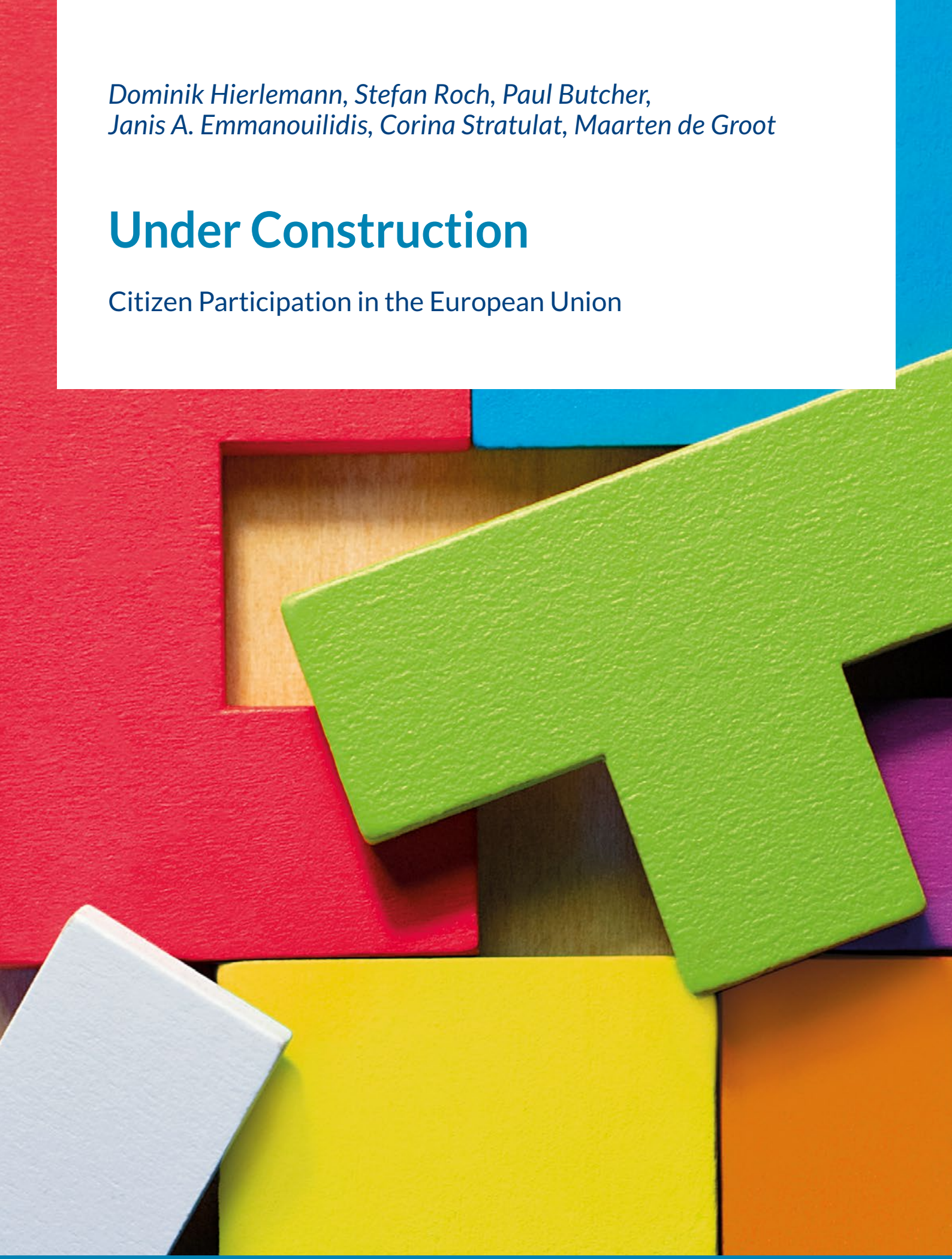
Dominik Hierlemann, Stefan Roch, Paul Butcher,
Janis A. Emmanouilidis, Corina Stratulat, Maarten de Groot

Under Construction

Citizen Participation in the European Union



Verlag BertelsmannStiftung

Dominik Hierlemann, Stefan Roch, Paul Butcher,
Janis A. Emmanouilidis, Corina Stratulat, Maarten de Groot

Under Construction

Citizen Participation in the European Union

EPC EUROPEAN POLICY CENTRE

BertelsmannStiftung

Updated version as of 01.06.2022 (updates exclusively in part 2 chapter IV)

Responsible
Dominik Hierlemann
Stefan Roch

Authors
Dominik Hierlemann
Stefan Roch
Paul Butcher
Janis A. Emmanouilidis
Corina Stratulat
Maarten de Groot

Content support
Alix Brodersen
Nicole Kleeb
Theodora Famprikezi
Anna Rachel Heckhausen

Editorial support
Sandra Stratos
Gaëlle Beckmann

Copy editing
Lucy Duggan

Graphic design
Markus Diekmann

Cover photo
Tamara Pribaten

Picture credits
fotolia/AdobeStock – Matthias Enter (several graphic elements)
fotolia/AdobeStock – Ints (flags of the world)
AdobeStock – entelechie (map of europe)
depositphotos – Jeremy (people graphics)

This study is also available for purchase as a printed book (ISBN 978-3-86793-956-0).

More details under:
www.bertelsmann-stiftung.de/en/publications/books-and-studies/verlag-bertelsmann-stiftung

Contents

Abstract

The European Union (EU) has a plethora of participation instruments at its disposal. Elections, citizens' initiatives, consultations, petitions, and dialogues – citizens can participate in EU politics in various ways. But how well do the existing instruments really work? Are they well-known enough to citizens, and do they actually impact EU policymaking? How can the individual instruments be improved, and should new elements be added to the existing toolbox? This study shows that citizen participation in the EU is a patchwork of instruments that are relatively accessible, but largely unknown among the European public, often have a narrow user-base, are neither transnational nor deliberative enough, and overall create little impact. At the same time, four out of five citizens want to have a greater say in EU policymaking – and the EU and its member states should respond to this demand.

To make participation count, the EU needs to move from a participation patchwork to a participation infrastructure by addressing three gaps: the awareness gap, the performance gap, and the political commitment gap. In a participation infrastructure, the individual instruments would not only work on their own, but would collectively establish the basis for a functioning participatory EU democracy alongside the representative dimension of European policymaking. Democratic accountability and legitimacy would not only come from elections every five years, but from regular and effective participation by citizens. The future of the EU's democracy depends on the political will and ability of the Union and its member states to enhance and extend the possibilities for a more visible, more coherent, and more impactful citizen participation within EU policymaking.

At a glance: from a participation patchwork to a participation infrastructure

It is fundamental for the European Union (EU), as for any democracy, that citizens feel they can participate in different ways in politics and policymaking. Over the years, the EU has put in place a considerable number of participation opportunities for citizens. Still, there is a persistent image of the EU as a distant and complex political apparatus, where decisions are made behind closed doors. The Union wants to be democratic and participatory, as indicated by its rhetoric around initiatives such as the European Democracy Action Plan.[1] But if it is not perceived as such, it has a legitimacy problem.

This study finds that the EU's participation instruments function reasonably well on their own but do not add up to a visible and comprehensive participation infrastructure. In the current system, each instrument works according to its own objectives, is fairly accessible and relatively easy to use. However, citizens are hardly aware of the existence of these instruments and their actual impact on EU decision-making is often difficult to detect.

What we see is a participation patchwork. EU institutions have no common strategy for well-defined, effective and sustainable citizen participation. It is often unclear to citizens which instruments to use and for what purpose. Learnings from one instrument are not sufficiently used to improve other instruments and the overall participation infrastructure. The patchwork provides various participation opportunities, but it does not alter or positively affect a political process that is still driven mostly by elites. Thus, it might be convenient for policymakers to portray the EU as a *Europe of the citizens*,[2] but de facto the Union pursues a rather closed policymaking approach from which citizens feel excluded.

The future of EU democracy depends on the ability of the Union and its member states to enhance and extend the possibilities for more effective and continuous participation by European citizens in EU policymaking. A change in public perception regarding the ability of ordinary European citizens to have a stronger say in EU politics would require a re-evaluation and upgrading of the Union's participatory toolkit. The functioning of existing instruments, as well as their collective contribution to a participatory EU, should be improved. This review could entail tweaks to existing instruments and potentially also the addition of new elements to the current toolbox if they can help to complement and make today's EU participatory repertoire more complete.

To improve citizen participation, the EU needs to construct a participation infrastructure. In this infrastructure, the individual instruments would not only work for themselves, but collectively establish the basis for a functioning participatory EU democracy next to the representative dimension of EU policymaking. In such a participation infrastructure, democratic accountability in the EU would not only mean elections every five years, but more visible, coherent, comprehensive, effective, and continuous participation by European citizens in the process of shaping concrete policies and the overall future of Europe.

Seven EU participation instruments

European Parliament elections are the EU's most significant democratic instrument, through which members of the European Parliament (EP) are directly elected. In 2019, voter turnout increased for the first time, suggesting a potentially renewed interest in European affairs. Still, it remains difficult for European citizens to see how elections make a real difference in the EU decision-making process, given the Union's complex institutional

setup and the still limited powers of the EP, despite its progressive gain in legislative powers via successive treaty reforms over the past decades.

The European Citizens' Initiative (ECI) is another flagship participation instrument enshrined in the EU Treaties, allowing one million EU citizens to call on the European Commission to propose legislation. Until recently, it lacked impact and often left organisers frustrated. With the recent ECI *End the Cage Age*,[3] however, it seems to have finally produced its first true success story.

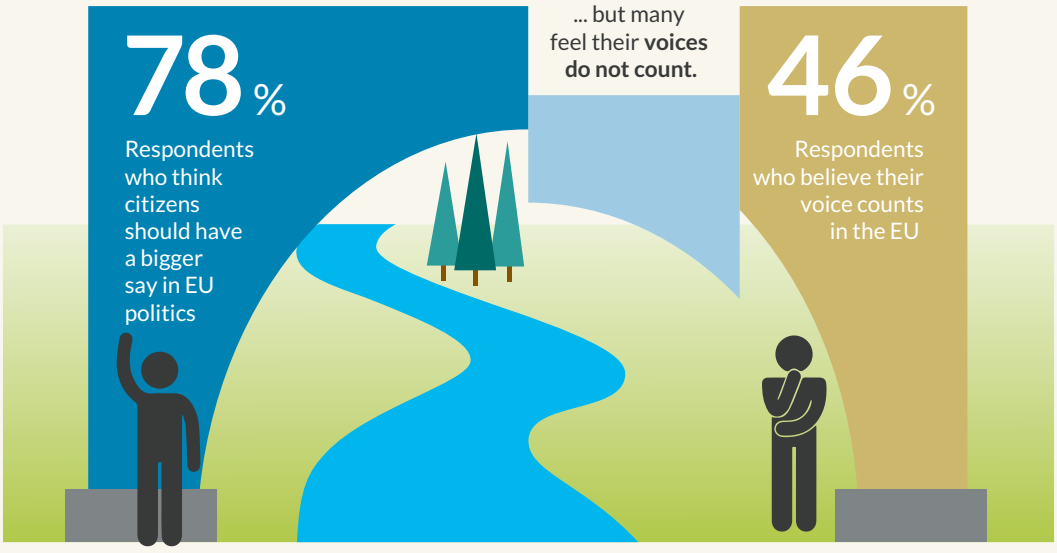
Petitions to the European Parliament can be submitted by any citizen or resident in the EU and are the Union's oldest participation instrument. Petitions are relatively popular in a handful of EU countries, but have otherwise kept a low profile, as the EP itself does not attribute a high priority to them.

The European Ombudsman is an independent institution that investigates complaints against maladministration by EU bodies, whether lodged by EU citizens and residents or undertaken on its own initiative. The Ombudsman has been a key player in making EU public administration more open and accessible, but still lacks wide public attention.

Public consultations are organised systematically by the European Commission for individual policy proposals, inviting citizens and stakeholders to provide feedback. Though the Commission is increasing efforts to make them more visible, participation is often imbalanced towards organised interests, and it remains largely unclear how consultation input is reflected and translated into policy output.

Citizens' Dialogues are town-hall meetings organised by the Commission with Commissioners or other EU officials as speakers. They offer citizens an opportunity to receive immediate feedback on their questions and ideas, but they mainly cater to a pro-European audience and there is a lack of real deliberation between citizens and policymakers.

FIGURE 1 **Citizens want to have a bigger say …**



Question asked:
Imagine you witness two people discussing European politics on the street. Whom would you rather agree with: Person A: "The EU is complex. That is why EU decision-making should be left to experts and politicians." Person B: "The EU affects my daily life. That is why citizens should have a bigger say in EU decision-making."

Question asked:
To what extent do you agree or disagree with the following statement: "My voice counts in the European Union."

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 | BertelsmannStiftung

European Citizens' Consultations were a one-off initiative in 2018 featuring an EU-wide online survey, a European citizens' panel and various events in the member states. They influenced the overall objectives and shape of the Conference on the Future of Europe but lacked any concrete follow-up by decision makers.

Three gaps between patchwork and infrastructure

As is, these seven instruments constitute a participation patchwork. The Union has expanded its participatory scope considerably over time, adding new instruments and reforming existing ones. Today, citizens are offered various ways to participate in EU politics. However, no new instrument and no reform has led to the development of a visible, coherent, comprehensive, and effective participation infrastructure. This is mostly due to three major gaps that need to be addressed: the awareness gap, the performance gap, and the political commitment gap.

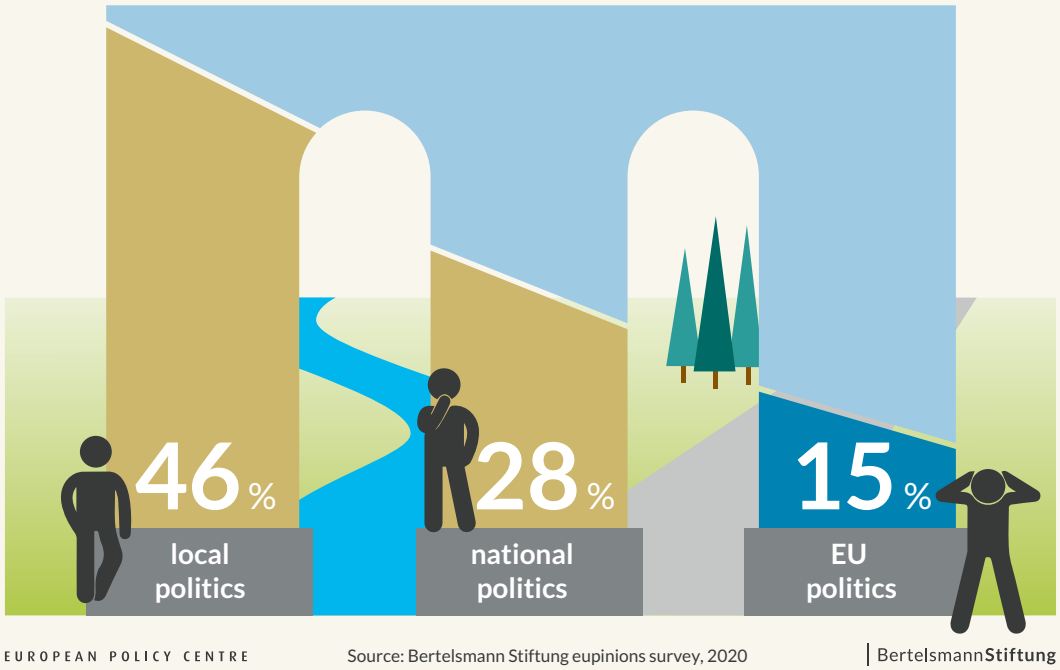
(1) The awareness gap

Citizens want to participate. But many feel that their voices do not count. Citizens think it is difficult to take part in European politics and they have little knowledge of their opportunities to participate. This creates a gap between citizens' ambitions to participate effectively and their perception that there is little opportunity to do so.

According to an eupinions poll conducted as part of this study, four out of five EU citizens want to have a bigger say in EU politics. They feel that European policymaking should not be left to politicians and experts alone. At the same time, only a minority (46 percent) believe that their voice counts in European politics. Citizens experience a discrepancy between their own desire to participate in EU politics and the unclear effect their vote, their opinions, their insights, and their participation have on the EU. Most citizens do not perceive the Union's participatory system as one that they can engage with.

FIGURE 2 **European citizens find it more difficult to participate on the EU level than nationally or locally**

Respondents who answered "[somewhat/very] easy" to the question "how easy or difficult is it for you to participate in ..."



EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 BertelsmannStiftung

The primary level of participation for citizens is neither the European nor the national but the local level. 46 percent of citizens believe that it is rather easy to participate in local politics, compared to 28 percent on the national level and 15 percent on the EU level. Our research found that this is not primarily due to EU participation instruments being difficult to use; they are simply not well-known among European citizens.

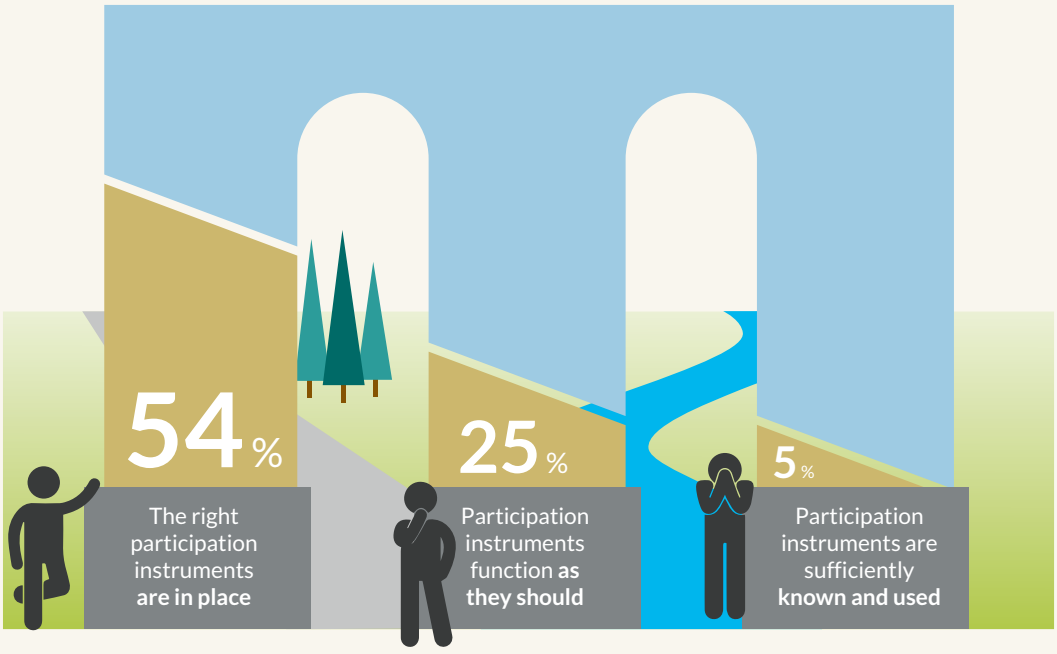
Our eupinions survey also shows that most citizens find it difficult to identify existing EU participation instruments, except for the one that is best known – the European Parliament elections. One of the reasons is that there is hardly any media coverage of citizen participation in any EU member state. It is also largely unclear to citizens what a given instrument does and when to use one instrument or the other. As a result, the EU participation landscape is still *terra incognita* to many citizens.

(2) The performance gap

The EU has an array of different participation instruments at its disposal, but most of these have significant room for improvement. Not only are they unknown, relatively unrepresentative, not very transnational and mostly not deliberative, but their political impact on European policymaking is fairly low.

The EU has a variety of relatively accessible instruments at its disposal. Since the first petition in 1958, the Union has considerably expanded citizens' opportunities to participate. From the possibility to vote for their representatives in the European Parliament, to that of submitting individual complaints to the Ombudsman, joining consultations about legislative acts or having dialogues with politicians, citizens enjoy a broad spectrum of participation opportunities at the European level, more than in many EU member states. The Euro-

FIGURE 3 **Instruments often do not function as they should or could**



59 EU democracy experts were asked to what extent they agree with the following statements:

1. The appropriate instruments for citizen participation at EU level are in place.
2. The existing EU participation instruments function as they should.
3. The existing EU participation instruments are sufficiently known and used.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey | BertelsmannStiftung

pean elections are clearly the flagship instrument, being the most recognisable and most used (53 percent of respondents in the eupinions survey claim to have participated in EU elections).

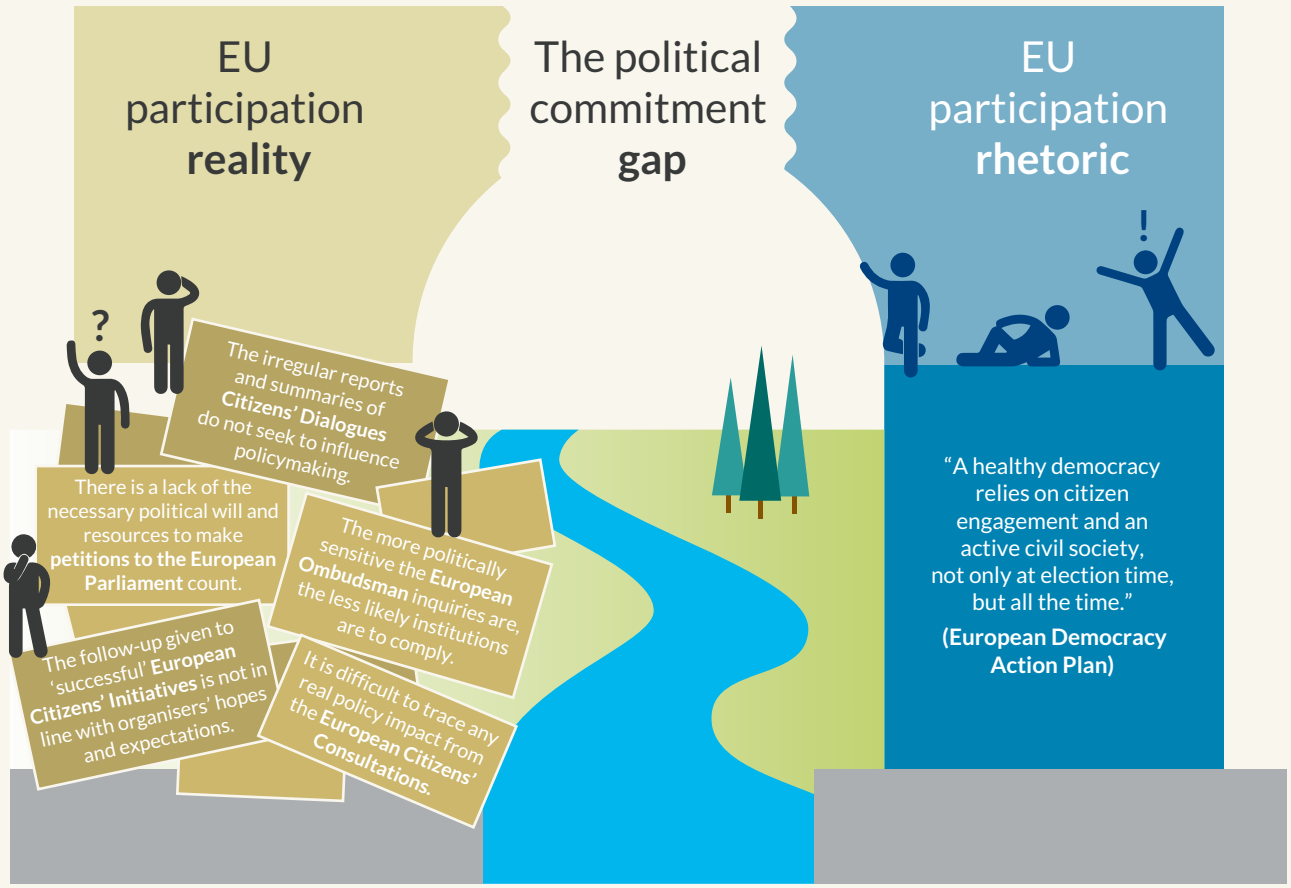
But most instruments do not function as well as they should or could. Our analysis reveals deficiencies, unrealised potential and room for improvement with respect to all of the instruments. They are relatively unrepresentative in terms of participation, catering mainly to a relatively narrow group of highly educated EU supporters. Most instruments exhibit little transnationality, taking place either on the local or national level, with little cross-border interaction. Citizens are often left in the dark as to what happens to their input. Equally important, the actual effect of participation instruments on EU policymaking remains low.

Little surprise, then, that Europeans feel that they have little ability to influence EU decisions. In this sense, the Conference on the Future of Europe presents an important step forward in an attempt to make the Union more participatory. The European Citizens' Panels involving randomly selected citizens from all over Europe, in particular, are a test case of whether citizens' assemblies could serve as an inspiration for future efforts aiming to modernise and further complete the EU's participatory framework.

(3) The political commitment gap

Citizen participation in the EU lacks the political will it needs to succeed. There is a gap between the Union's rhetoric on participation and the actions taken and resources invested to make citizens' voices count.

FIGURE 4 **The EU's participation rhetoric is not in line with its participation reality**



EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

There is no common understanding among EU politicians and policymakers about the importance and the process of citizen participation beyond elections. As a result, communication efforts are often mistakenly perceived as citizen participation. For example, Citizens' Dialogues often seem to be treated as 'PR exercises' rather than tools of concrete dialogue between citizens and EU policymakers. This mindset makes it difficult to develop EU citizen participation further and take it from window dressing to real political influence in EU decision-making processes.

Political enthusiasm and institutional commitment for more citizen participation is still low. For example, the organisers of European Citizens' Initiatives have more often than not been left dissatisfied by the responses they received from the Commission; the Petitions Committee in the European Parliament still suffers from a lack of interest from most MEPs; a real discussion in the European Council about the 2018 European Citizens' Consultations and their results did not take place. However, enthusiasm for participation instruments and their results seems to be slowly growing in the European Parliament, the Commission and in some member states.

Our research suggests that the lack of political commitment leads to short institutional memory. In the past, new participation instruments were often introduced as side products of major integration steps or EU milestones, such as the European Citizens' Initiative resulting from the Constitutional Convention in 2002/3 or the Citizens' Dialogues being created to celebrate the "European Year of Citizens" in 2013. Initial interest in the instruments often subsides as the Union moves on to other priorities. As a result, understanding and knowledge of existing participation instruments is not strong, even among political insiders, although more and more instruments have been created over time. Consequently, the push for more participation often comes from a small circle of participation enthusiasts within EU institutions and is not widely shared among the Union's wider political establishment.

Building a participation infrastructure

For citizen participation to become a more integral, visible and effective part of EU policymaking, the three gaps need to be bridged. To this end, we are making five recommendations:

(1) Strategy: the basis for a comprehensive participation infrastructure

To move from a participation patchwork to a participation infrastructure, the EU institutions and member states need to elaborate and agree on a common strategy. The European Commission, Parliament and Council need a common vision and coordinated action on how to improve and further develop the Union's participation toolbox.

The EU's citizen participation instruments are neither well-known to the wider public nor are they perceived to create a strong impact on EU policymaking. EU institutions have no coherent and common strategy to improve the use and development of existing participation instruments. The instruments function reasonably well on their own, but apart from European elections they remain largely unknown to citizens and short on actual political influence. In addition, for a long time the debate was focused on incremental changes to existing instruments rather than the wider infrastructure, or whether new instruments need to be added to the Union's participatory toolkit.

A common EU strategy demands that EU institutions and member states discuss and develop a shared vision and a shared understanding of the meaning, purpose and benefits of the Union's participation infrastructure. What are the main objectives of individual participation instruments and what purpose should the overall participation infrastructure fulfil? How do the instruments function together and how can they benefit from one another? What kind of positive change is being envisioned and how does it relate to the future interplay between representative and participatory democracy at the EU level? This study argues that our criteria of good participation – visibility, accessibility, representativeness, transnationality, deliberativeness, and impact – are the vital foundation of an EU participation infrastructure and all need to be reflected in a comprehensive

EU participation strategy. While not all participation instruments need to maximise all criteria by design, each of them should be acknowledged and collectively enhanced in a comprehensive participatory system.

(2) Spotlight and exposure: more visibility for EU participation

The best infrastructure is not worth much if citizens are not aware of it. Just as the EU needs a participation strategy, it also needs a joint communication effort to make the participation infrastructure visible to the wider public. It should not be only the 'usual suspects' who know about opportunities to participate and influence the EU; citizens from all over Europe need to know more about how they can get involved in European policymaking.

Our eupinions survey data clearly show that citizens currently only have a vague idea about their participation rights. And 95 percent of the democracy experts we surveyed for the purpose of this study do not believe that the current EU participation instruments are sufficiently known or used. Increasing knowledge about the instruments and their visibility demands political will and sufficient resources. An effective participation strategy requires an effective communication strategy.

(3) Guidance: a central hub for EU citizen participation

An EU participation infrastructure needs a central online hub for all participation instruments to provide networking opportunities, effective communication and civic education on EU citizen participation. According to our eupinions survey, the overwhelming majority of citizens in Europe do not know where to go when they are interested in participating in politics at the European level. Therefore, a participation infrastructure needs a central entry point, including a user-friendly website enabling citizens to explore their participation opportunities at the EU level.

It should draw on existing EU experiences, particularly with the *Have your say* portal, as well as the digital platform of the Conference on the Future of Europe. It should seek inspiration from tested and proven hubs in EU member states. One good example at the member state level is the Finnish platform demokratia.fi.

The EU hub for participation needs to fulfil four basic functions: coherence building, networking, effective communication, and civic education. The coherence building function would require the EU to organise all participation instruments under a central logic. Each instrument needs to be clearly explained and its role in the system and added value need to be fleshed out, so that citizens can receive effective practical guidance about which instrument they could use for which concerns and purposes. The networking aspect entails that citizens should be able to engage with each other and with the platform in any language through automated translation, to share their experiences with instruments and ask for support to be guided to a relevant instrument. Through a central hub, the EU would have a better chance to communicate about participation opportunities and the instruments in a more coherent fashion than it currently does, with different instruments being communicated through different channels and different institutions. Finally, the platform would be an important tool for civic education as it would create the possibility to show the vibrancy and the functioning of European democracy in an accessible format.

(4) Leaping ahead: digital potential plus new participation formats

Modern citizen participation needs stronger digital components. These can enhance the visibility and effectiveness of existing instruments by bringing them to new audiences, making use of social media. Petitions and European Citizens' Initiatives, for example, could gain the support of larger numbers of citizens more quickly through targeted social media campaigns, while organisers could coordinate online wherever they live in Europe. The recent boom in video conferencing triggered by the Corona pandemic has shown that transnational exchange in different languages is increasingly feasible.

However, experience with the Commission's public consultations and, most recently, the rather disappointing participation of citizens in the multilingual online platform for the Conference

on the Future of Europe,[4] have shown that simply providing digital participation formats does not suffice. There must be an added value in the digital mix for every citizen: something for those who want to deal intensively with a subject and contribute with their personal expertise, as well as for those who want to quickly feed their opinion into a discussion process.

At the same time, the increased use of new formats, such as citizens' assemblies, can show a way forward in making citizen participation in the EU more representative, transnational, and deliberative. Such initiatives have been tested in many parts of Europe, as well as in the context of the Conference on the Future of Europe. These experiments at the national and European level can help to further improve and extend the EU's current participation toolbox. But a number of questions need to be addressed and answered in this context: How can these innovative formats be (better) integrated into existing political decision-making processes? Are there possibilities beyond a purely ad hoc use of these formats? How can the EP , collectively or through its individual committees, use citizens' assemblies? When is it appropriate for the European Commission to convene them? Does this format solve problems that could not previously be solved at the European level? Who has the authority to initiate, and who is accountable for the results that citizens jointly produce?

The debate on the possible institutionalisation of citizens' assemblies has only just begun in the context of the Conference on the Future of Europe. The addition of new instruments to the EU's participation toolbox could pave the way towards making citizen participation more transnational, representative, and deliberative. However, one needs to ask how the establishment of new instruments would be linked to existing instruments and what impact they would have on the EU's overall participation infrastructure.

(5) Creating momentum: cultural change and more political will from Brussels and national capitals

Increasing and improving citizen participation is no longer merely a marginal note in Brussels. The debate about participatory democracy at the EU level has intensified, but EU institutions and member states are yet to change their basic understanding of participation from a 'nice to have' to a structural feature of EU democracy. They need to overcome their hesitations or even fears if they want EU democracy to adapt to the needs and developments of the 21st century. The results of our eupinions survey clearly show that citizens want to be more involved in European policymaking, and the EU and its member states should respond to their call.

However, one of the key problems here relates to the fact that we lack a common understanding of the nature, potential and different formats of citizen participation. Even the experts consulted for this study do not have a common understanding of the concept of deliberation. While many politicians in the context of the Conference on the Future of Europe talk about the need for new forms of participation, there still seems to be very little concrete knowledge among national and European policymakers about their potential added value and about how these formats can work in practice. No one can expect this to change overnight. But to strengthen individual participation instruments and the participation infrastructure, more political leadership is needed in the EU institutions.

Most of the EU's participation instruments relate to the European Commission or the European Parliament. These two institutions are thus the focus when it comes to developing a more coherent EU participation infrastructure. However, to achieve real and significant progress, the member states also need to be involved and convinced that the future of EU democracy depends on the ability of the Union and its member states to enhance and extend the possibilities for more effective and continuous participation by European citizens in EU policymaking. Without the willingness of the member states, or at least a majority of them, it will be difficult to achieve the cultural change necessary to enhance the impact of EU participation instruments. In other words, member states need to have a stronger buy-in. They should endorse and help to drive the process of moving democracy to another level by strengthening the Union's citizen participation toolbox as a complementary add-on to the representative dimension of EU democracy.

Introduction

One of the key promises of democracy is the "participation of the governed in government",[1] in other words, the voices of citizens should be reflected in political affairs. But democratic systems almost everywhere are challenged by the perception that people are not sufficiently involved and cannot influence politics effectively. In many European countries, we can observe deep frustrations with political representatives and conventional political processes. The same applies to the European Union. 'Brussels' is frequently portrayed as a synonym for elite-driven politics.[2] Many citizens see Europeanisation as a process in which they are not involved, and feel that they do not have enough of a chance to co-determine the outcome of political processes.

Democracy depends on active citizens' engagement. Without citizens' support, without their participation in elections and public discourse, and without active dialogue between governments and citizens, no form of democracy can prosper. Whether at a local, national, or European level, democracy requires constant support, adjustments and re-adjustments. Even at the national level, maintaining a vibrant democracy has become increasingly difficult. Citizens are not always enthusiastic about democratic participation: some are disillusioned with traditional forms of participation, some seek new forms of participation or protest, and others retreat from the political space all together. At the European level there are additional challenges, including the perceived political remoteness of EU institutions, the lack of a European demos and the absence of a common European *lingua franca*, the focus of the media and the public on national rather than European discourses, and the complexity of the EU's decision-making processes. Given these challenges, democracies at all levels must be modernised and adapted to the needs of the 21st century.

The idea that free and fair elections are no longer enough, that "representative democracy does not necessarily satisfy the citizenries" anymore,[3] has sparked a considerable interest in innovative forms of citizen participation building a "deliberative wave".[4] Innovative forms of participation and deliberation are increasingly gaining ground around the world.[5] This trend has seen – *inter alia* – the emergence of open-source participatory solutions at the local level (like Decidim Barcelona),[6] a surge in citizens' assemblies at the national level (such as in Ireland)[7] and the proliferation of deliberative experiments at the European level (for example, the European Citizens' Consultations, or the European Citizens' Panels in the context of the Conference on the Future of Europe).

Classical liberal conceptions of democracy tend to emphasise representation and largely overlook more direct forms of citizen participation.[8] But representation through elections alone can open a gap between the diversity and complexity of citizens' demands and the political decisions taken.[9] As with the European Parliament, where one member accounts for roughly three quarters of a million citizens (more than the population of the two smallest EU member states, Luxembourg and Malta), representation cannot by itself reflect the whole diversity of ideas or satisfy the increasing demands of European voters to get more involved in policymaking processes.

Furthermore, cleavages in public opinion are less and less reflected in electoral preferences and are increasingly shaped outside the formal party system.[10] This issue is particularly pronounced at the European level, where citizens vote for their national parties in EP elections, which are then represented by their European counterparts in the European Parliament. Thus, it is difficult to see a direct connection between individual citizens and European party preferences.

Citizen participation also has an important educational value.[11] Through participation, citizens learn to interact effectively with one another and with political institutions and processes, gaining insights into the mechanics of European policymaking, which is often portrayed as complicated and opaque.[12] It can also help to keep the power of representatives in check, pressuring them to make decisions with the views and concerns of citizens in mind which, in turn, enables less arbitrary and more informed policymaking.[13]

Rhetorically, the European Commission demonstrates awareness of the importance of citizen participation, as seen in its Democracy Action Plan: "A healthy democracy relies on citizen engagement and an active civil society, not only at election time, but all the time."[14] In practice, the increasing need to involve citizens in politics beyond elections becomes particularly urgent when considering the growing influence of EU decisions on citizens' daily lives. From travel to healthcare, from the price of agricultural products to working time, from fighting against the Corona pandemic to the green and digital transition, every person in the European Union is affected by EU decisions. A Union with such strong impact on its citizens requires democratic consent if it is to maintain and increase its profile.

Public approval for the European integration project relies on people feeling that they have real power to shape the Union's policy outcomes and future. To foster such a perception, the Union has to evolve and become more open and accessible – in a variety of ways – to citizens' input and influence. Article 10 of the Treaty on European Union (TEU) stipulates that the Union is founded on representative democracy (Article 10.1) via the elections to the European Parliament (Article 10.2). But the Union's primary law also states that every citizen has the right to participate in the democratic life of the Union (Article 10.3). In addition, Article 11.1 TEU goes even further, stressing that all EU institutions should provide citizens with the opportunity to publicly exchange their views on all areas of Union action.

Over time, the European Communities and later the European Union have certainly made multiple attempts to better connect with citizens. In its first decades, European integration followed a corporatist tradition, involving citizens only through interest groups and associations. The 'individual citizen' was rather side-lined, except for the right to vote in European elections every five years since 1979, and the right to petition from the very beginning of European integration. But then gradually, and more quickly in recent years, new procedures and instruments have been developed, tested and introduced, giving citizens new avenues to participate in European policymaking. Citizens can now turn to the Ombudsman, participate in Citizens' Dialogues, take part in public consultations, launch a European Citizens' Initiative (ECI), and most recently, participate in the Conference on the Future of Europe.

Today, the EU has a plethora of individual instruments in its participation toolbox. Instruments such as the European Citizens' Initiative, the European Ombudsman or the right to vote in European elections are directly connected with European citizenship rights and were introduced via multiple treaty changes over the past decades. Petitions to parliaments are already well-tested and long-standing elements of most democratic systems. Others, like the Citizens' Dialogues, are newer and still being developed. Some tools are established in the EU Treaties or via regulations, while others, like the European Citizens' Consultations, have a less formal basis. By design, each of these instruments allows for a different kind of participation, with different strengths and weaknesses.

But how well do these instruments achieve their goals? Are they sufficiently known to citizens? Do they have a clear, strong and traceable impact on European decision-making? Do they collectively make the EU more participatory in the eyes of citizens?

This study sets out to assess the state of institutionalised forms of citizen participation in the EU. It evaluates the Union's participation instruments and its overall participatory system. It finds that citizen participation at the European level is a patchwork of disconnected instruments that lack political support. For citizen participation to become a more integral and effective part of EU policymaking, these instruments should be

organised in a shared hub that provides guidance for citizens on how and where to participate; they should collectively aim to advance shared criteria of good participation and they should enjoy political support. To establish such an infrastructure, three gaps need to be bridged. The first is an awareness gap, as EU citizens want to participate effectively but feel that they have little opportunity to do so and are often not aware of the participation opportunities provided in the EU. The second is a performance gap, revealing that most existing EU participation instruments could function more effectively. The third is a political commitment gap between the EU's high-flown rhetoric of a citizens' Europe and the political reality in which citizen participation is neither well known nor taken seriously enough by European and national decision makers. The study puts forward ideas and recommendations for how to close these gaps and develop a more visible, comprehensive, coherent, and effective participation infrastructure.

The approach of this study

This study examines seven EU participation instruments, and their individual and collective performance. The instruments are selected on the grounds that they are institutionalised, i.e. that they have a formal or legal basis, that they allow individual citizens to engage with the EU and that they at least have the possibility of influencing EU policymaking.

The seven participation instruments are analysed in two ways. First, each instrument is assessed according to its own stated objectives. This provides an indication of what the instrument was set up to do and how it performs in relation to its own yardsticks. This part of the analysis has the advantage of remaining very close to the instrument's actual aims and their given role in the institutional system. The disadvantage of this approach is that it neither provides an indication of how each instrument compares to the others, nor how the set of instruments could make up a coherent participatory system.

Thus, the second part of the analysis of each individual participation instrument refers to six criteria of good participation, based on aspects that should be present in the overall participatory system. With these criteria, we describe the individual instruments and evaluate their contribution to the participatory system as a whole. The criteria cover several core dimensions of democratic legitimacy, particularly that of perception (the criterion of visibility), that of process (the criteria of accessibility, transnationality, deliberativeness and representativeness) and that of output (the criterion of impact).[15]

The criteria are built on the assumption that any functioning participatory system at the EU level needs to include each of these aspects to have a high level of democratic legitimacy. Of course, individual instruments do not necessarily seek to maximise all criteria all the time, be it for reasons of their inherent design or the political context in which they operate. Nevertheless, each criterion is still relevant in understanding each instrument, as it can expose precisely where and why certain design choices and political decisions were made.

The first criterion, **visibility**, refers to how well-known the instrument is among the wider public. If citizens are to participate in European politics, they need to know about their options. Even the most perfectly designed instrument will not be used if it remains unknown. A more visible instrument is also likely to be used more frequently, meaning that there will be more input from citizens in general, and people will have a better idea of what they can do to participate.

Relevant research questions related to an instrument's visibility are: What is the level of awareness about the instrument's existence among the European population? Do European citizens know how the instrument works and what effect it may have? Is the instrument covered in the media? Does the EU actively communicate about the instrument?

Accessibility considers the ease with which the instrument can be used by citizens, how 'user-friendly' it is, whether there are barriers to participation and whether sufficient resources are allocated to enable participation. An accessible instrument is one that everyone who wishes to participate can use. An instrument may be open to use by all, or its use may be deliberately restricted, for example by being invitation-only. But instruments that aim to be open but are not easily accessible for many citizens can create participation biases, favouring individuals or groups with better means and more capacity to make their voices heard.

Relevant research questions related to an instrument's accessibility are: How simple and straightforward is it to use the instrument? How easy is it to receive information and advice related to the use of the instrument? Are there personal requirements or other barriers to participation? What support structures are in place to aid access, if any?

Representativeness examines the degree of diversity of the group of citizens participating in the instrument, specifically the extent to which the demographic profile of the group of participants matches that of the wider European population.

FIGURE 5 **Seven EU participation instruments**

European Parliament elections

Direct and EU-wide elections of Members of the European Parliament by the EU's citizenry.

European Citizens' Initiative

An instrument enabling an initiative by at least one million EU citizens to call upon the European Commission to propose legislation.

Petitions to the European Parliament

The right of any EU citizen or EU resident to submit a petition to the European Parliament that comes within the European Union's fields of activity and which affects them directly.

European Ombudsman

An independent EU institution that investigates complaints about maladministration by EU institutions or other EU bodies, lodged by EU citizens and residents or undertaken on its own account.

Public consultations

Public consultations organised by the European Commission online, inviting citizens and stakeholders to provide feedback on EU policy at various stages.

Citizens' Dialogues

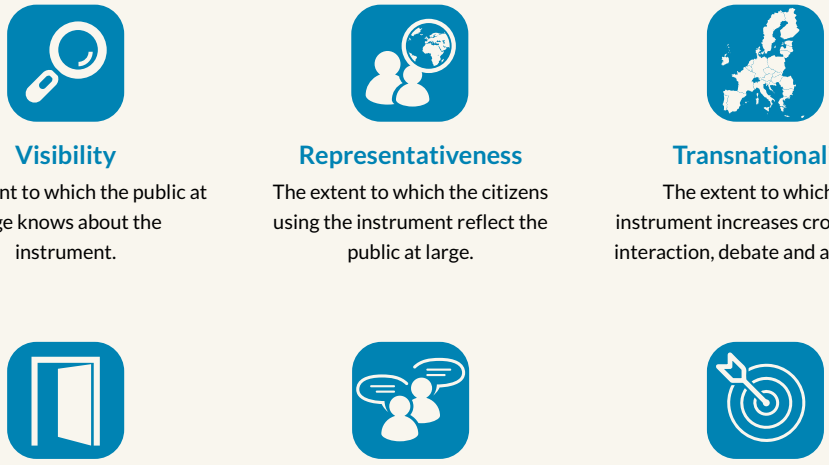
Town-hall meetings organised by the European Commission where citizens can talk directly with Commissioners or other EU officials.

European Citizens' Consultations

Consultations at EU level through an online survey and a Citizens' Panel, and at national level through Citizens' Dialogues, organised by the Council in 2018.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

FIGURE 6 **Six criteria of good participation**



EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

An instrument that is approximately representative is likely to reflect the views of the European population as a whole. A non-representative instrument, meanwhile, may allow for the expression of particular views or interests but does not necessarily provide any information about how widely that view is shared across different demographics. Credible participation must therefore reflect the EU's diversity: if only a relatively narrow audience (such as the highly educated pro-EU 'usual suspects') is engaged, greater participation does not neccesarily lead to more democratic legitimacy. An instrument that attempts to control for representativeness will likely not be open to all, meaning there is a trade-off between representativeness and accessibility.

Relevant research questions related to an instrument's representativeness are: Who uses the participation instrument? Are different societal groups represented among the participants? Are certain groups of citizens implicitly or explicitly excluded from participation? If so, why?

Deliberativeness looks at the extent to which the instrument involves interactive and reflective communication among citizens and/or with policymakers, experts and stakeholders. Deliberation, meaning giving and responding to reasons and arriving at a collective decision,[16] is a concept that is trending across Europe's political discussion circles. It allows for learning, refining demands and solutions, and potentially better decision-making. Encouraging debate may also be considered desirable in itself, for example for its role in agenda-setting.

Relevant research questions related to an instrument's deliberativeness are: Does the instrument allow for an open exchange of ideas and viewpoints among citizens? Does the instrument enable citizens to consult and interact with policymakers, experts and other relevant stakeholders? Does the instrument facilitate reflection and learning among the citizens participating? Does the instrument facilitate the provision of feedback to citizens?

Transnationality refers to the extent to which the instrument leads to cross-border interaction, debate, and awareness, and whether it manages to bring together citizens from different countries. This is what makes citizen participation European: while national citizen participation is supposed to steer national debates, European citizen participation should steer transnational debates.

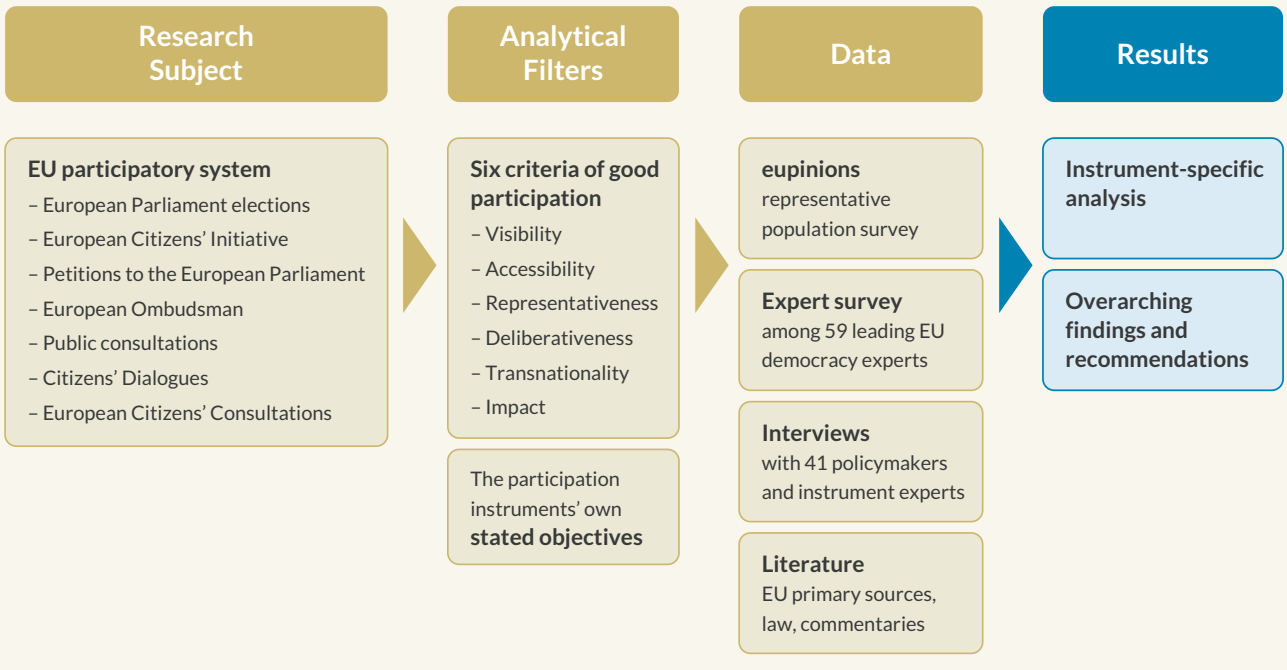
Relevant research questions related to an instrument's transnationality are: Does the instrument feature any specific transnational requirements? Does the instrument foster interaction and debate between citizens and other stakeholders across member state borders? Does the instrument contribute to the development of a European identity or awareness of EU-wide issues?

The final criterion, **impact**, examines the outcome of using the instrument. In particular, it refers to the extent to which the instrument increases citizens' influence on EU decision-making processes, whether their input results in concrete policy changes, and whether they are taken seriously by political decision makers; it may also cover more informal aspects of output, such as influence on a political debate or institutional culture. Participation instruments without impact are not participation instruments, but merely forms of political communication or deliberation without outcome. Those who participate but do not see that their involvement has (at least potentially) some effect and impact will be frustrated and less likely to participate in the future.

Relevant research questions related to an instrument's impact are: Does the instrument produce concrete output that decision makers can follow up on? Has the use of the instrument resulted in any direct, demonstrable impact on EU decision-making? Has the instrument had any indirect impact on EU decision-making or institutional culture?

The analysis of participation instruments and the overall participatory system is based on a multi-method approach combining different sources of data:

FIGURE 7 **The approach of this study – analysing the EU's participatory system**



EUROPEAN POLICY CENTRE

Source: own illustration

BertelsmannStiftung

A representative EU population survey conducted by eupinions, which is the Bertelsmann Stiftung's EU survey tool. The Europe-wide data is collected and analysed by Dalia Research. For this study, a survey was conducted in March 2020. The data are representative for the EU as a whole, as well as for seven individual EU member states (Belgium, Spain, Germany, France, Italy, Netherlands, and Poland). Specific questions and data tables can be found in the annex.

An expert survey of 59 leading European democracy experts. The survey mirrors the study design, asking each expert to evaluate the seven EU participation instruments and the participatory system through the analytical lens of the study, i.e. the six criteria of good participation. Through several questions based on a four-point scale, experts evaluated the extent to which the instruments fulfil their own stated objectives, and assessed them on the basis of the six criteria. In addition, experts were asked to assess the overall state of EU citizen participation.

Qualitative semi-structured interviews with 41 policymakers and instrument experts. These interviews provided deeper insights into the functioning and performance of the individual participation instruments. Interviews were conducted with politicians, officials from the EU institutions and bodies, think tankers, academic experts in EU participation, as well as NGO activists. For each instrument, at least five interviewees representing different perspectives were identified. Each interview lasted around 45 minutes and was conducted in a semi-structured fashion. The interviews took place between September 2019 and April 2021. All interviews were recorded, transcribed, and systematically coded.

EU primary sources, law, and academic literature. To complement the findings from the above-mentioned data collection, the relevant EU legal texts and literature in the form of academic articles, think tank and NGO publications were analysed for each instrument.

The study is structured in two parts:

Part 1 presents the key overall findings of our research. It starts with the main results of the representative EU-population poll ("eupinions") and the Europe-wide expert survey conducted for the purpose of this study. It then presents the study's main findings in relation to the criteria of good participation and deduces three main gaps that need to be bridged to develop EU citizen participation into a coherent participation infrastructure. Finally, part 1 presents several key recommendations for how participation can be improved and how the three gaps could be addressed at the EU level.

Part 2 takes a closer look at each of the seven instruments. We analyse in detail the European Parliament elections, the European Citizens' Initiative, petitions to the European Parliament, the European Ombudsman, public consultations, Citizens' Dialogues, and European Citizens' Consultations.

This study is a collective endeavour of the Bertelsmann Stiftung and the European Policy Centre. Both organisations jointly conceived the research design and conducted the research together. Dominik Hierlemann and Stefan Roch are the lead authors of Part 1 of this study, with input provided by Paul Butcher, Janis A. Emmanouilidis and Corina Stratulat. In Part 2, Paul Butcher took the lead on the chapters on the European elections, Citizens' Dialogues, public consultations, and European Citizens' Consultations. Dominik Hierlemann, Maarten de Groot and Stefan Roch took the lead on the chapter on the European Citizens' Initiative. The lead author of the chapter on petitions to the European Parliament is Maarten de Groot. The chapter on the European Ombudsman was led by Stefan Roch.

PART 1:

Citizen participation in the EU: a patchwork with potential

I. What EU citizens and democracy experts think: survey results

What do Europeans think about citizen participation? How do experts look at and evaluate the existing participation instruments in the EU? To find out, we conducted two distinct surveys. On the one hand, we used the Bertelsmann Stiftung's representative EU population survey (eupinions) to ask European citizens about their expectations, knowledge and experience of citizen participation in the EU. On the other hand, we conducted a survey among 59 academic EU democracy experts to explore how the academic community perceives the seven EU participation instruments studied, and the EU's participation system as a whole.

1. You aren't always on my mind: results from an EU-wide survey on participation in the EU

In the landscape of political participation, the EU remains a *terra incognita* for most people. Four out of five Europeans want to have a bigger say in EU decision-making. But many find it far too difficult to participate and are unsure whether their engagement would make a difference. If at all, voting is the way Europeans participate in European politics. Other participation instruments are rarely used.

Voiceless: more than half of EU citizens think their voice does not count

For a democracy to be legitimate, citizens need to feel that their voice is heard. When asked whether they think that their voice counts in the European Union, a majority of people respond in the negative. 54 percent either tend to or totally disagree with the statement, "My voice counts in the European Union". Only 12 percent of respondents fully agreed with this statement. However, there are considerable differences between countries. In Germany, the majority of respondents feel that their voice is heard in Europe. In Poland, responses are more or less tied. In the other member states, however, the tendency is similar: there is always a slight majority that does not feel heard. Italy is a particularly striking example, with around 65 percent of respondents feeling that their voice does not count in the EU. There are no considerable differences in terms of levels of education and gender, yet when we look at age, we see some var-

iation. Younger respondents were more positive regarding whether their voice counts in comparison to older generations, particularly respondents between 41 and 60.

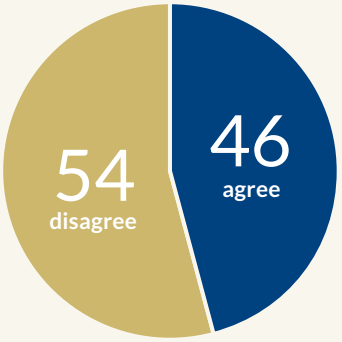
Lack of belief in their power to make a difference and lack of knowledge are key factors preventing citizens from participating

Except for elections, most EU participation instruments are not used in great numbers by the wider European public. What holds citizens back from using these instruments more frequently? Our survey points to a combination of factors. Almost a third of all participants cited a lack of knowledge and a belief that their involvement would not make a difference as factors holding them back from participating. Thus, knowledge about the EU and its policies, as well as an understanding of the importance and impact of one's own voice, are key elements holding back European citizens' motivation to participate.

Nevertheless, results suggest that European citizens do not take political participation lightly and in fact regard participation in European politics as a civic duty. Only 17 percent of respondents do not believe that it is necessary for them to participate and less than 20 percent believe that being politically active is too complicated and burdensome.

FIGURE 8 **More than half of EU citizens think their voice does not count**

In percent — My voice counts in the European Union



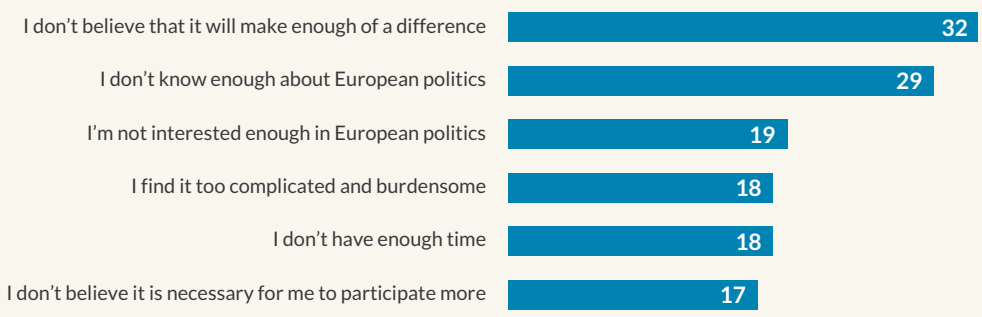
Source: Bertelsmann Stiftung eupinions survey, 2020

EUROPEAN POLICY CENTRE | BertelsmannStiftung

Striking variations are evident across countries: in Italy, one of the EU's founding nations, as in Spain, a high number of respondents say they know too little about the EU (34 percent). In France, the proportion of those who say they are not interested in the EU (28 percent) and/or find European politics too complicated (23 percent) is higher than in any other member state. Poles, who are otherwise generally pro-European, believe more than anyone else asked that it makes no difference whether

FIGURE 9 **Lack of knowledge and belief in their power to make a difference prevent citizens from participating**

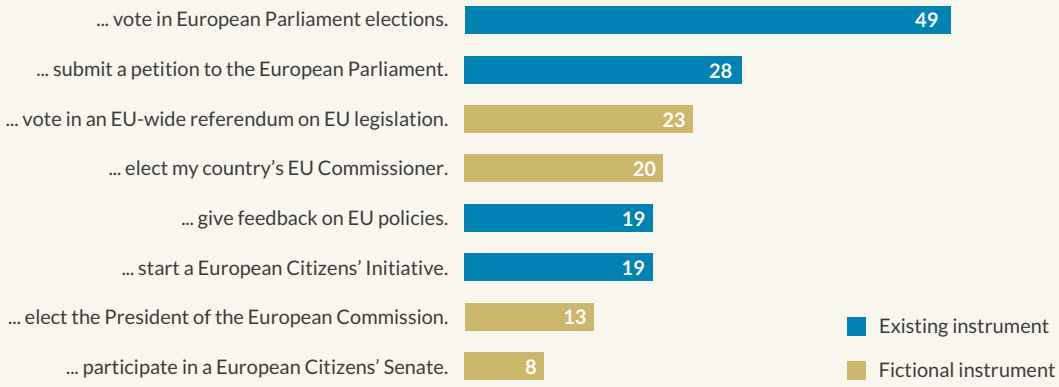
In percent — What, if anything, is it that holds you back from participating more in European politics?



EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 | BertelsmannStiftung

FIGURE 10 **Citizens have a vague idea of their participation rights in the EU**

In percent Which of the following is true? EU citizens can ...



We asked citizens to spot existing EU participation instruments among eight different options. Four were existing instruments; the other four were fictional.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 BertelsmannStiftung

they participate or not (38 percent). Germans state far more than all other respondents that they do not have enough time for more active participation in EU politics (26 percent).

Despite the differences, there is not one single overriding reason that keeps citizens from making use of the different participation channels. Europeans are aware of the importance of their own participation but are not very active. The claim often reported in the media[1] that the EU is too complicated and difficult for citizens to understand is neither the only, nor the main reason for low participation. Nevertheless, only those who believe they understand EU politics, at least in part, and who are convinced of the impact of their own actions, will participate actively in the long term.

Europeans have a rather vague idea about their participation rights within the EU

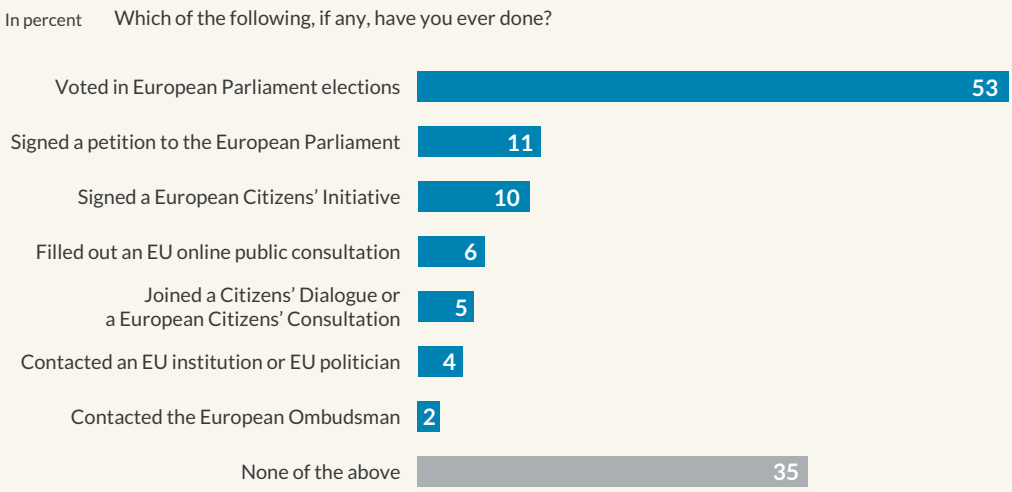
How much do citizens know about their participation opportunities? To find out, we asked citizens to spot existing EU participation instruments among eight different options, four of which existed, while four were fictional.

The overwhelming majority of respondents have only a vague idea about their participation rights and opportunities. Half of the respondents know they can vote in elections to the European Parliament, which is surprisingly low. Only 28 percent were able to identify the possibility of submitting a petition to the European Parliament and even fewer pointed to the European Citizens' Initiative. At the same time, the results also indicate that there are no serious misconceptions about participation opportunities for citizens in the EU. In Germany, for example, all four correct answers received most of the votes.

Voting is the main way Europeans participate in European politics. Other participation formats are rarely used

When citizens participate at the EU level, they do so predominantly through European elections. Half of our respondents stated that they had participated in European elections. All other participation instruments score around 10 percent or less. Actual participation is likely to be even lower. For example, around 10 million signatures have been collected for various European Citizens' Initiatives to date. Even if these signatures came from

FIGURE 11 **Most participation instruments are rarely used except for European elections**



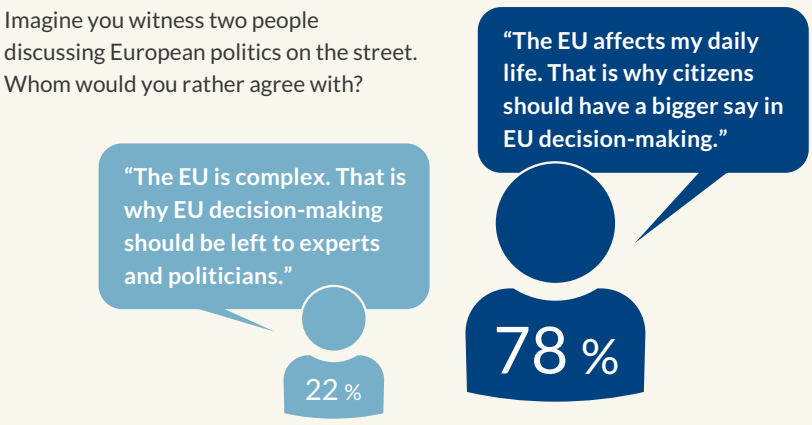
EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 | BertelsmannStiftung

around 10 million different citizens, it would only represent roughly two percent of the EU population (according to data collected by the ECI campaign). Overall, 35 percent of respondents state that they have never used any of the participation instruments mentioned. Direct participation in EU politics essentially takes place via European elections. All other participation formats and instruments reach only a rather small fraction of the overall population.

Four out of five Europeans want to have a bigger say in EU decision-making

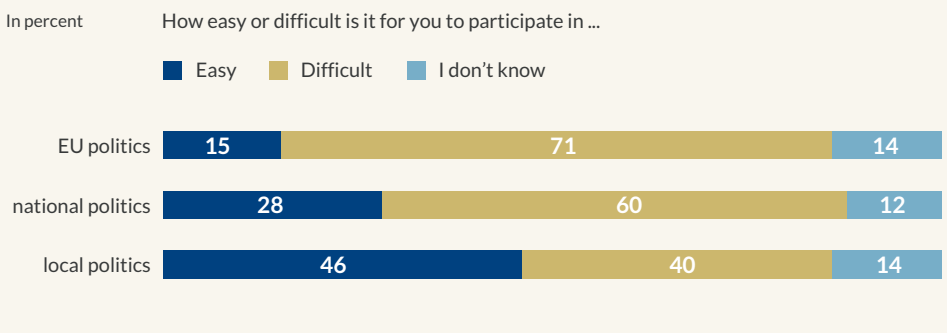
Since institutionalised political participation opportunities in the EU are underused and not well known, are citizens actually interested in participating in EU politics? To find out, we asked respondents to imagine two people discussing Eu-

FIGURE 12 **Four out of five Europeans want to have a bigger say in EU decision-making**



EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 | BertelsmannStiftung

FIGURE 13 **Citizens find it more difficult to participate on the EU level than nationally or locally**



EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 BertelsmannStiftung

ropean politics, with one favouring an EU driven entirely by experts and politicians and the other arguing for more participation by citizens.

78 percent of respondents believe that citizens should have a bigger say. Only 22 percent would give experts and politicians more power. Clearly, citizens want to be involved more in EU decision-making and not leave it to technocrats. There is little variation among countries. Only Dutch respondents were considerably more in favour of leaving decision-making to experts, with 34 percent choosing that answer. Polish respondents on the other hand turned out to be the most determined to give citizens a bigger say, with 83 percent choosing that option. Overall, the older respondents are, the more they want to have a say (70 percent among the youngest cohort, compared to 83 percent of the oldest cohort).

Brussels, it's complicated: citizens find it more difficult to participate in EU politics than nationally or locally

The larger the political entity, the further away the site of participation and its institutions, the more difficult Europeans find it to participate in politics. 46 percent of all respondents consider it easy to participate in local politics, whereas 28 percent say this of national politics, and only 15 percent of EU politics. 71 percent find it difficult to participate in EU politics, compared to only 40 percent at the local level.

Results in Italy and France particularly stand out. Around three quarters of Italian and French respondents consider participation in European politics to be difficult and only a tenth consider it easy. This suggests that the EU has a participation problem in its founding members France and Italy. Most of its citizens feel disconnected from the EU.

Though the EU's approval ratings may have risen again recently,[2] citizens at large do not regard the EU as a political project that is open to their active participation. Brussels seems far away, much further than their home countries and hometowns.

This assessment holds across all population groups. No matter what educational background citizens have, no matter whether they live in the countryside or in the city, no matter their gender or age: local politics is more accessible, easier to influence and easier to participate in than national politics. In the landscape of political participation, the EU remains a *terra incognita* for most people.

2. Unfulfilled potential: what EU democracy experts see and say

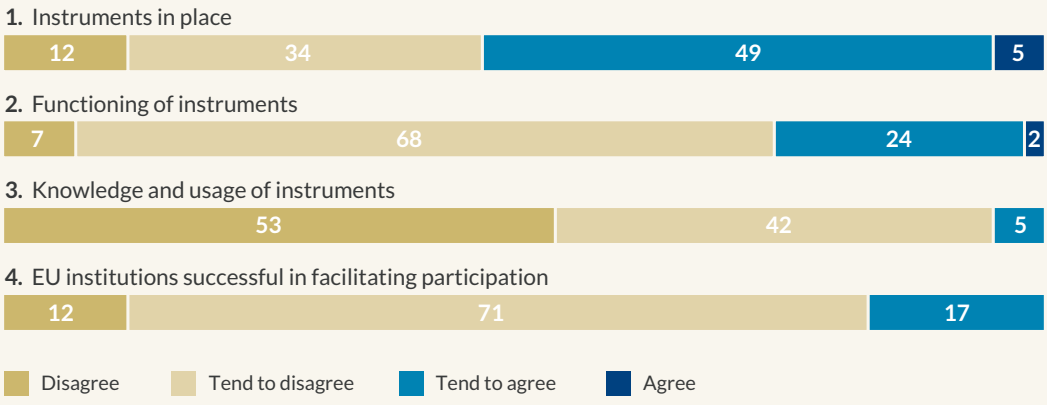
EU democracy and citizen participation have long been the subject of academic research and debate. How do researchers evaluate EU citizen participation? Where do they see strengths and weaknesses? Where do they think adjustments are needed? To find out, we conducted a survey among 59 EU democracy experts from all over Europe. It provides insights into the state of the EU's participatory system and its instruments. The results show that although the right instruments are in place, they do not function as they should, lacking visibility, representativeness, and impact in particular.

Good instruments that lack support

When asked about the state of the EU's participatory system, the experts provide a nuanced interpretation. On the one hand, there is a high level of consensus that the right instruments are in place. Only a minority of experts disagree. Considering the seven instruments studied, the EU does indeed have a diverse portfolio of participation instruments at its disposal. It has a representation-based instrument in the European elections; it has a complaints-based instrument in the European Ombudsman; it has consultations; it has debate-based instruments in the Citizens' Dialogues and European Citizens' Consultations, and it has the European Citizens' Initiative and petitions to the European Parliament, both of which involve submitting requests directly to institutions. In terms of variety, the EU can certainly match many of its member states when it comes to citizen participation. Yet variety is not enough in itself. The experts are nearly unanimous in their opinion that these instruments are both insufficiently known among the EU's population,

FIGURE 14 **Expert opinions on the quality of the participatory system**

In percent



Extent to which experts agree to the following statements:

1. The appropriate instruments for citizen participation at EU level are in place.
2. The existing EU participation instruments function as they should.
3. The existing EU participation instruments are sufficiently known and used.
4. All things considered, the EU institutions are successful in facilitating citizen participation.

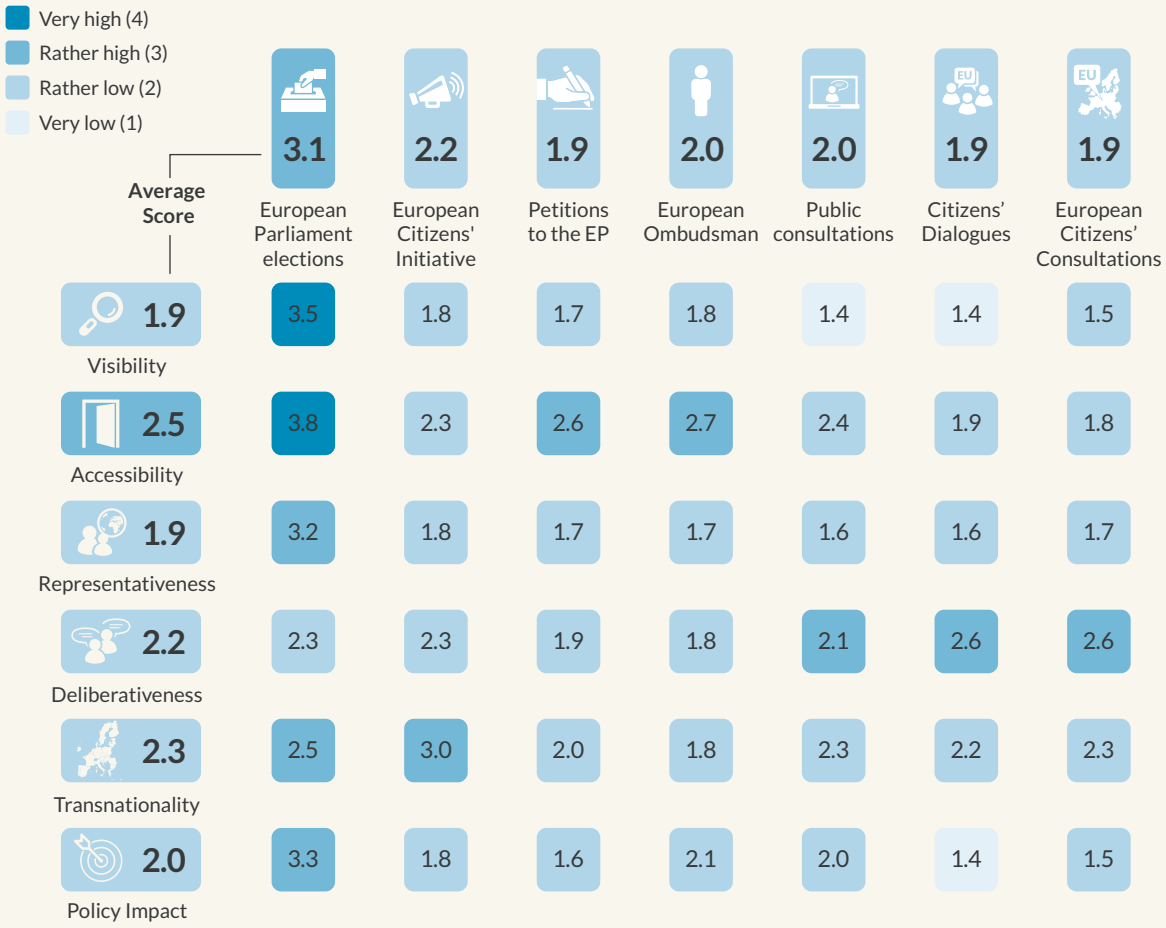
EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

and insufficiently used. Three quarters of the respondents believe that the instruments are not working well and could function better.

Overall, most of the experts agree that the EU is not successful in effectively facilitating citizen participation. The most notable message emerging from the experts' responses is that there is a gap between the EU's actual performance in terms of citizen participation and its performance potential. For a majority of the experts, the right instruments are in place. Up until now, despite having the right instruments at its disposal, the EU has failed to make them well known and ensure that they are used.

For most instruments, best practices exist in several countries or regions. In Latvia, the citizens' initiative ManaBalss.lv is changing national politics. In Spain, the Ombudsman is playing a key role in protecting individual rights. In comparison, the EU's participation instruments do not fare well. Underperformance is not the fault of the instruments, as national examples demonstrate. In order to function properly, participation instruments require political will and credibility. Only instruments that produce results, that are effectively incorporated into the political process, will motivate citizens to participate in EU politics.

FIGURE 15 **An expert assessment of the EU's participatory system**



The scores in the table are the mean of the answers provided by the experts for each instrument and criterion.
Experts could answer on a four point scale: very high (corresponding to a score of 4), rather high (3), rather low (2), very low (1).
The average score at the edges of the table is the mean of the scores in the respective row or column.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

Elections are still the participation frontrunner

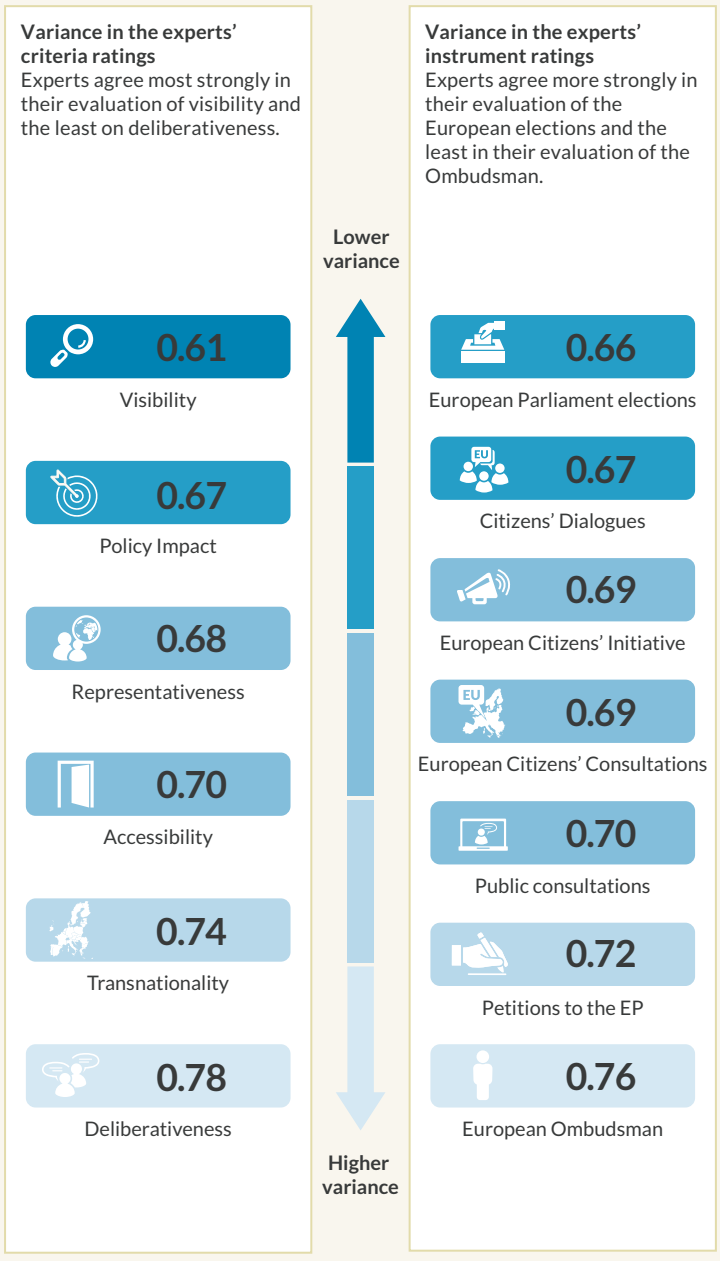
The experts see a considerable gap between the European elections and all other instruments. At a time when new participation instruments are widely discussed in public, it remains clear to the academic community that elections must receive the highest scores among all other instruments of participation. They are more visible, more accessible, more representative and have by far the greatest impact. To a large extent, citizen participation in the EU is synonymous with European elections.

However, there are some instruments that have their own perks, at least in some respects. The ECI stands out in terms of transnationality, mainly due to its unique selling point as the EU's first truly transnational participation instrument. The ECI's requirement to involve a certain number of citizens from different member states is highly effective in making it a truly European instrument. Considering that casting a vote is the most basic form of participation, it is not surprising that experts consider the elections highly accessible. However, the European Ombudsman and petitions to the European Parliament also receive high scores in this regard. Meanwhile, petitions are not always very accessible at a national level, with some countries requiring that citizens find a parliamentary sponsor for their cause. On the EU level, drafting and sending a petition is relatively straight-forward in comparison.

Deliberativeness is the only criterion on which elections are rated relatively poorly, suggesting that most respondents are not convinced that previous elections created sufficient buzz and reflective debate among citizens. Yet we see relatively high scores on deliberativeness for Citizens' Dialogues and the European Citizens' Consultations. These two instruments are a good indication that the "deliberative wave"[3] has not left the EU untouched. It is important to note, however, that the two most deliberative instruments are also considered to have the lowest impact. This indicates that currently effective deliberation, open debate between citizens and politicians, does not lead to substantial policy change.

FIGURE 16 **Experts agree most on visibility and elections, and least on deliberativeness and the Ombudsman**

Variance in the experts' takes on the performance of EU participation.



In this graph variance is represented by the standard deviation of all relevant scores. The standard deviation indicates how much the expert scores vary from the mean. The smaller the standard deviation, the closer the scores are to the mean.

Source: Bertelsmann Stiftung/EPC expert survey

EUROPEAN POLICY CENTRE | BertelsmannStiftung

The experts rate representativeness as particularly low. Making participation more diverse is a key challenge for the European Union. The phenomenon of the *EU bubble* is well known and influences the participation instruments, as actual participants are predominantly well-educated, pro-EU and often closely tied to EU circles. As a result, for most instruments participants do not reflect the EU's population in all its diversity.

In terms of visibility and impact, it is striking that EU democracy experts rate both criteria as nearly identical on each instrument. The ECI, the Citizens' Dialogues and the European Citizens Consultations have the same scores on both criteria; scores are only marginally different for the elections and petitions. Both criteria are indeed connected. The European Citizens' Consultations for example were hardly known across Europe and as a result could be easly ignored by decision makers. The fact that most other instruments are simply not on the radar of the average European hampers their propensity for policy change considerably. The notable exception is public consultations, in which organised interests participate side-by-side with European citizens, feeding into older, still more established processes of stakeholder- and interest-based participation in European politics.

Deliberation and transnationality: disagreement among democracy experts reveals participation challenges

As much as the experts' average evaluation is telling, there are considerable lessons to be learnt from the extent to which respondents agree and disagree with each other. When it comes to the criteria of visibility and impact, there is substantial agreement. This underlines the observation that the assessment that most instruments are not very visible and do not have much impact is widely shared. The biggest variance among expert opinions exists for deliberativeness. This may point to a difference in assessment, but also to a difference in understanding of the criterion of deliberativeness, despite the fact that a definition was provided. Experts with a stricter definition of deliberation may have given Citizens' Dialogues and the European Citizens' Consultations the lowest rating. Experts with a more lenient definition of deliberation may have given the same instruments much higher ratings, in stark contrast to their peers. The same applies to the experts' assessment of the transnationality criterion where similar variance can be observed.

In terms of the instruments, there is considerable disagreement among experts when it comes to judging the Ombudsman, much less than for example the European elections. The differences in assessment may point to the difficulties experts faced in analysing the Ombudsman, commonly understood through a legal lens, from a participation perspective.

Most of all, the existence of disagreement among experts, sometimes more, sometimes less pronounced, shows that the state of play regarding citizen participation is a contested subject, even among experts in the field.

However, the respondents' differing assessments of some instruments should not obscure the broad consensus in the academic community. While the EU theoretically has many good participation instruments at its disposal, according to the experts consulted in our survey, it struggles to ensure that they are known, used, and effective. The EU's participatory system is still under construction.

II. The EU participation patchwork: six findings and three gaps

In this study we analyse seven participation instruments: European Parliament elections, the European Citizens' Initiative, petitions to the European Parliament, the European Ombudsman, public consultations, Citizens' Dialogues, and the European Citizens Consultations. The analysis is based on the instruments' own objectives and six general criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality, and impact. Each criterion represents a specific quality that should be present in a functioning participatory system at the EU level. Taken together, the Union's toolbox of citizen participation should be visible to citizens; easy to access and use; represent the EU citizenry in all its diversity; provide a chance for real deliberation; cross borders, languages and cultures; and exert an impact on EU policymaking.

The following six key findings take a close look at each criterion based on the analysis of all instruments taken together. They establish which instruments make a big contribution to each aspect of the system and which do not; which still have potential for improvement; and what this means for a participation infrastructure in the making. All findings reflect the results of the analysis of the seven participation instruments, presented in Part 2 of this study.

The state of play in EU citizen participation: six key findings

Key finding #1 – citizens know little about their participation opportunities

The results of this study show that the level of **visibility is very low for most participation instruments and for the participatory system as a whole**. Most participation instruments remain almost invisible and there is no clear strategy on how to raise their individual and collective profile. The EU institutions often use instruments primarily for reasons of communication, rather than genuinely aiming to enhance the participation of citizens in policymaking processes.

The representative opinion poll via eupinions conducted for the purpose of this study shows that citizens have only a vague idea about their rights and opportunities to participate in the EU. In our expert survey, visibility is among the lowest rated criteria for all instruments. Media coverage of citizen participation also hardly exists in any member state, and there is very little communication from the EU's institutions about most instruments. As a result, **citizens have only a vague idea about their participation rights and know little about the existing instruments.** For example, there is hardly any reporting on the European Citizens' Initiative,[1] and even when one is successful, citizens do not hear about it. For other participation instruments it is even harder to gain public attention. A genuine exception are the European Parliament elections, which receive a certain amount of media coverage in all member states and appear to be raising their profile, judging from the increase in turnout to nearly 51 percent in 2019[2] – however, the attention they receive is still primarily framed in national terms, meaning that their visibility as an instrument of EU-level participation remains lower than it could be. At times there are other notable but rare exceptions, such as the Commission's online consultation on summertime arrangements, but overall, most participation instruments receive little attention.

One additional problem is that for a long time there has been a tendency to **mistake communication for participation**. In the past, the EU has been eager to communicate its achievements to

citizens but rather hesitant to involve citizens in the process of reaching policy outputs. But telling citizens they have a chance to participate in EU politics while not actually turning their contributions into relevant decisions will only turn citizens away and further reduce their willingness to be politically active. Citizens' Dialogues, in particular, often seem to be treated as PR exercises rather than as tools of concrete dialogue and political consultation between citizens and EU politicians.

There is no coherent communication strategy about participation instruments and their use. Neither citizens nor the media have a single information hub to gain insights into what participation opportunities there are and how participation works. When it comes to some instruments, such as the Ombudsman, the institutions are more active in their communication; for others, such as the European Parliament petitions, there is little in the way of promotion. When looking at the entire set of available instruments, they are not presented collectively as a toolbox of different options from which citizens can choose depending on the issue they want to raise. This makes it difficult for citizens to identify which instruments there are and which of them is best suited in practice when they wish to influence EU policymaking.

Key finding #2 – it is easier than you think, if you know your way around

Although EU participation instruments are generally accessible and straightforward in their use, **citizens are often confused about how the instruments work in practice and how to choose which of the instruments is the right one for them and for their purpose**.

According to eupinions data, 71 percent of all citizens perceive participating at the EU level to be difficult, compared to 60 percent for the national level and 40 percent for the local level. But although citizens feel that EU participation is difficult, **the Union's participation instruments are relatively easy to use**. Accessibility is among the best-developed aspects for all instruments covered in this study. It is relatively straightforward to submit a complaint to the European Ombudsman; Citizens' Dialogues are generally open to all and easy to access, provided citizens are aware of scheduled events nearby; public consultations are easily accessible through their web-portal; petitions are even easier to submit to the European Parliament than to some national parliaments, where citizens first need to find a member of parliament to sponsor their submission.

Continuous efforts have also been made to increase the accessibility of several instruments. The barriers for organisers to initiate a European Citizens' Initiative (ECI) were substantially reduced in 2020 with a new regulation, limiting the bureaucratic burden; the European Ombudsman has continuously simplified and improved its website and introduced a fast-track procedure for complaints regarding access to documents; Citizens' Dialogues are increasingly taking place in more remote regions of Europe, providing access beyond national capitals.

But for individual instruments, some barriers still exist or have been introduced. Before being able to submit a petition on the online portal, citizens must complete a set of preliminary questions that are difficult to comprehend for the average citizen; and despite substantial improvements to the ECI regulation, organising a European Citizens' Initiative remains highly demanding, given that individual citizens can hardly gather the resources to run an ECI without organisational backing.

However, **knowing which instrument to use for what purpose at what time is far from easy**. When can I complain to the European Ombudsman? Is my concern eligible under the EU Treaties to start a European Citizens' Initiative? Is the petitions committee the right body to which to address my concern? Even for EU experts, these questions are not easy to answer, and currently citizens are generally left alone with those decisions, making anyone who wants to participate and is not an EU expert feel overwhelmed. Despite occasional pushes in the right direction, such as petition responses suggesting petitioners start an ECI, **the guidance citizens receive to know what instrument to use at what time is insufficient**. There is no easy-to-use general participation guide for citizens, and no single platform listing all instruments, their opportunities and individual access points.

Participation instruments often remain poorly understood. Although instruments are accessible, many people still feel that they know very little about EU politics (29 percent) and do not feel that their contribution would make a difference (32 percent). As a result, a lack of knowledge about EU politics leads to a lack of knowledge about participation opportunities. In addition, it is no surprise that fairly accessible instruments are perceived as being complicated, when the EU itself is regarded as too difficult to comprehend, as indicated by the 29 percent of eupinions respondents who state that not knowing enough about European politics keeps them from participating more.

Key finding #3 – participation beyond the usual 'Brusspects' is lacking

Even the instruments that aim for a broad variety of backgrounds end up attracting a relatively narrow user base of highly-educated pro-EU citizens. New formats, currently still in the experimental phase, like the European Citizens' Panels in the context of the Conference on the Future of Europe and new Citizens' Dialogues formats, may help to strengthen the participatory system's representative dimension by involving a stratified random sample of citizens from all over Europe.

Most EU participation instruments are not very representative. This is partly because most instruments do not even aim to be representative. The Ombudsman and petitions focus on individual complaints or requests rather than concerns of the wider population; Citizens' Dialogues and European Citizens' Consultations have been mainly self-selecting events; public consultations mostly attract participants who have an interest in the topic, rather than a diverse sample of the population. The European Citizens' Initiative and public consultations also function to a large extent based on the involvement of organised civil society rather than individual citizens. European elections are the exception. For one, in any democracy, elections are still the instrument that comes closest to reaching a pure statistical representation of the population. Also, different instruments draw on different groups. In the EP elections, citizens over 55 are most active, those under 40 much less;[6] when it comes to the European Citizens' Initiative, however, it is citizens between 21 and 30 who are most represented among organisers.

Most instruments are used mainly by the usual 'Brusspects': highly educated citizens with pro-European convictions. The empirical analysis conducted in the context of this study has shown that this has much to do with the low visibility of all instruments, given that participation opportunities are known mainly by those who are already active in EU politics. Several European Citizens' Initiatives, for example, have reached beyond the usual suspects by being able to get signatories from all walks of life. Yet when they were able to do so, this was mainly a result of outreach activities by the organisers and not due to the design of the instrument itself. Citizens' Dialogues are usually attended by a rather pro-EU crowd, diminishing their potential for contentious discussions or breaking new ground. Particularly with complaints- and request-based instruments, we see that usage differs between countries: the EP petitions have considerable usage in Spain and Italy but much less in other countries; the Ombudsman tends to be more used in countries with pre-existing and highly visible national ombudsmen than in countries where there are no comparable institutions or they are less known.

The EU has been experimenting with new modes of participation to boost diversity. In recent years, several Citizens' Dialogues have been organised as transnational events with randomly selected audiences, making them more representative than the established format of a self-selecting local audience. The Conference on the Future of Europe features several European Citizens' Panels with randomly selected citizens from the entire EU. These new models are relatively resource-intensive and difficult to undertake in large numbers. But they are effective in reaching out to communities and citizens that so far have not participated in EU politics. Their long-term impact on the system of EU participatory democracy, however, remains to be seen.

Key finding #4 – a trend that is not yet taken seriously enough

A 'deliberative wave' is rolling through many countries, as well as the EU. Yet **most EU participation instruments feature very little deliberation**. According to our expert survey, the instruments that are the strongest in terms of deliberation, like the Citizens' Dialogues or the European Citizens' Consultations, are simultaneously the weakest in terms of their impact on EU policymaking. However, the old model of top-down, one-way communication instruments, where citizens are not able to communicate with each other or with policymakers, is beginning to give way to more deliberative formats, such as the Citizens' Dialogues (started in 2012), the European Citizens' Consultations (between 2018 and 2019) and the Conference on the Future of Europe (between 2021 and 2022).

Only a handful of EU participation instruments are truly deliberative. Citizens' Dialogues as carried out by the Commission include some basic aspects of deliberation, in the sense that citizens usually receive responses to their questions but hardly ever get to fully deliberate with policymakers. The European Citizens' Consultations were a first genuine attempt to link new deliberative procedures with EU decision-making processes. Other instruments, such as the European Ombudsman or European Parliament elections, are not deliberative in and of themselves but can encourage deliberation: the European Ombudsman can create European debates by publicising high level EU investigations, while European elections can bring contentious political issues and questions about the future of European integration into the public eye and into public debates. All instruments, whether inherently deliberative or not, therefore have **scope to create more and better interaction among citizens and between citizens and policymakers**.

Although deliberation is increasingly becoming part of the political scene, there is still **a lack of clear evidence at the EU level that deliberative instruments have had political impact** and led to concrete policy change. Considering the results of the experts' survey and the interviews, our analysis suggests that there is a trend that the more deliberative elements an instrument features, the less impact it is likely to have. The instruments that are considered to have the most impact on public debates and/or EU policymaking are European Parliament elections, public consultations and the European Citizens' Initiative, and it is notable that these instruments' main modus operandi is not deliberation but rather aggregation – of votes, of responses, and of signatures.

There is **a noticeable trend in EU participation away from one-way communication and towards sustained exchange and modern deliberation formats**. The Commission has begun to conduct Citizens' Dialogues over several days with randomly selected citizens; the European Citizens' Consultations featured the first Citizens' Panel with randomly selected participants from all over Europe – the blueprint for the European Citizens' Panels taking place in the Conference on the Future of Europe. At the same time, instruments such as the European Citizens' Initiative put increasing emphasis on interaction and exchange among participants, as well as between participants, organisers, and policymakers.

Some EU countries are exploring new avenues of deliberation, but not everyone feels comfortable with these developments. Some member states, such as Belgium, France and Ireland, increasingly use deliberative formats in national politics.[3] Other countries are more hesitant to change their domestic democratic status quo by introducing participatory exercises. In any case, **there is still no common understanding of deliberation in the EU**. Politicians frequently understand deliberation as just another form of communication. At the same time, however, our analysis shows that an increasing number of decision makers within the European Parliament and the Commission recognise that better participation formats and more deliberative elements are needed in the future. But the EU27 are still far away from a shared understanding of the potential added value of citizens' deliberations in EU policymaking processes.

Key finding #5 – cross-border interaction is the exception, not the rule

National and local participation live off a sense of shared space, shared language, shared identity,

and shared media. European participation lacks these features to varying degrees and struggles to break beyond the national setting or the EU's Brussels bubble. And **most participation instruments are not well equipped for enabling and fostering transnational debates.** But new ways to facilitate more transnational perspectives are developing.

EU citizen participation generally lacks transnationality. Citizens' Dialogues primarily take place on the local level – participants are generally from that location, often conversing with an EU representative from their country. Meanwhile, public consultations are used by actors and organisations from all over Europe, who all answer the same questions, but do not meet or discuss directly with each other. Petitions to the European Parliament hardly ever start transnational cross-border debates and MEPs are mainly interested in petitions from their own countries. Nor does the Ombudsman actively incentivise cross-border interaction in its complaints-based work. Thus, the various participation instruments do not manage to promote conversation between the European, national and sub-national levels.

Yet **there are traces of transnational debates taking shape**. One of the accomplishments of the European Citizens' Initiative has been that, when successful, as with the six initiatives that have gathered the required one million signatures, it has managed to connect existing national debates. The ECI on banning glyphosate, for example, started from the initiative of several domestic conversations on the use of the pesticide and managed to connect them in one European initiative. The Citizens' Panel as part of the European Citizens' Consultations brought together citizens from all member states into a single conversation. That experience is now being built upon in the Conference on the Future of Europe. Public consultations also had their transnational moment when the consultation on summertime clock changes attracted millions of responses.

The instruments are not yet able to tap into a real European public and build a shared European conversation, but there are opportunities to change this. Several Citizens' Dialogues have taken place in cross-border formats, but the norm remains Dialogues in one country and one language. During the Corona pandemic, digital means have opened a new door for more transnationality. Meeting instantaneously from the confines of one's home in a digital space has become the norm rather than the exception. Simultaneous translation has become part of meeting software, and AI-based automated translation techniques are becoming ever more sophisticated. The Conference on the Future of Europe is making strides by offering a multilingual digital web-platform that allows the automatic translation of citizens' ideas into any official EU language. It remains to be seen whether these technical advances and the new *Zeitgeist* of digital interaction are taken on board by the EU's participation instruments to foster truly transnational conversations.

Key finding #6 – success stories and political will are still lacking

There are only a **few success stories showing how citizen participation has directly resulted in legislative change or other notable output**. The current set of participation instruments does not lead to a strong and systematic impact on EU policymaking, mainly due to a lack of political will. But recent developments suggest that this may be beginning to change.

Overall, the impact of EU citizen participation on European policymaking is perceived as low. "I don't believe it would make enough of a difference" is the answer given by most citizens (32 percent) in our eupinions survey when asked what holds them back from participating more. Most experts also rate the impact of the existing participation instruments as rather low or very low. The exception is the European elections. This is due, on the one hand, to the institutional set-up: the European Parliament has received more competences and legislative powers in successive rounds of treaty reform and has over time become a powerful co-legislator, even though it still lacks a right of initiative. By directly determining the distribution of seats in the European Parliament, European elections have a clear and undeniable impact on the composition of one of the EU's core legislators: quite unlike the other instruments of participation, it thus has a much more visible influence on EU policymaking.

From a formal point of view, all instruments more or less fulfil their intended functions: there is dialogue in the Citizens' Dialogues; petitions and the Ombudsman enable citizens to contact EU institutions directly; public consultations allow citizens to express their individual opinions; and the procedure of the European Citizens' Initiative creates a clear pathway for a legislative proposal to be considered by the Commission. But no matter what the institutional design looks like, the yardstick for a well-functioning participation infrastructure is actual examples of successful and sustainable citizen participation in EU decision-making. And here our analysis shows that the picture is rather bleak. There is hardly any case of citizen participation beyond elections having significantly shifted the political debate and decision-making processes. The Commission's response to the most recent End the Cage Age ECI is a positive exception, but there is certainly room for more success stories.

Ultimately, **political will from the side of all institutions has been missing**. The Commission speaks of a "new push for European democracy",[4] but is rather hesitant when it comes to involving citizens more closely in the elaboration of legislative proposals. Most member states only see the need for better communication between politics and citizens, but not for deeper participation structures. And the European Parliament talks a lot about citizens and participation, but largely neglects its own petitions, the only instrument for which it bears the main responsibility.

Despite all the shortcomings, there are signs that the mindset of European and national policymakers is slowly changing. The more governments of individual member states employ anti-EU rhetoric, and the more fundamental rights and basic principles are openly attacked, the more the EU depends on its citizens to uphold the foundations laid down in Article 2 of the Treaty on European Union (respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights), or what Ursula von der Leyen called "our European way of life".[5] As a result, **the question of how the EU can better involve citizens in EU politics and in discussions about Europe's future has gained traction and is likely to gain more urgency in future**. The establishment of the Conference on the Future of Europe is a testimony to this, as the exercise starts from deliberations taking place in the framework of four European Citizens' Panels, including randomly selected citizens from all EU member states.[6]

Awareness, performance, political commitment: three gaps between patchwork and infrastructure

The seven instruments covered in this study, taken together, constitute the EU's existing participatory system. The Union has expanded its participatory scope considerably, adding new instruments and reforming existing ones. To date, this has created a set of instruments that offer citizens different ways to participate. However, **no new instrument and no reform has led to the development of a comprehensive and coherent participation infrastructure with a visible and effective influence on EU policymaking.** What we see is a patchwork of individual instruments that do not consistently adhere to a shared set of goals and criteria of good participation and that lack political support from all sides, including EU institutions and member states.

In the current participatory system, each instrument is working relatively well according to its own objectives: each instrument is fairly accessible and easier to use than most would think. However, the main findings of this study have shown that **citizens are hardly aware of the existence of these instruments and the political impact of the existing participation toolbox is limited**. EU institutions do not share a common strategy for visible, effective and sustainable citizen participation and there is no common hub that citizens could use to find their way through the existing patchwork of participation instruments.

The future interplay between representative and participatory democracy can only function if the involvement of European citizens in EU policymaking becomes a constant feature of EU policymaking. **The future of an EU democracy fit for the 21st century will depend on the political will and ability of the Union and its member states to enhance and extend the possibilities for more**

visible, more comprehensive, more coherent, and more effective citizen participation in EU policymaking.

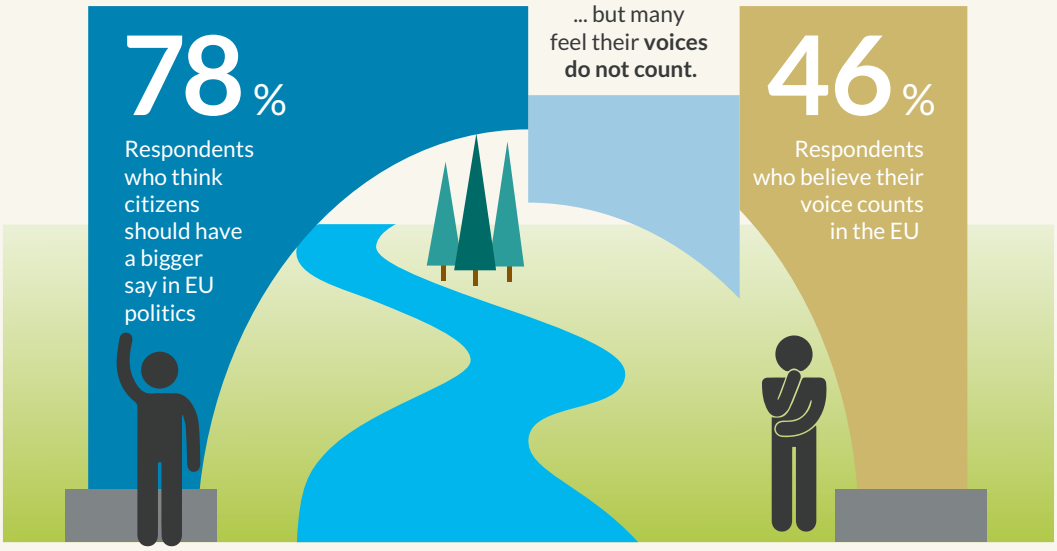
The findings of this study point to **three major gaps** that need to be bridged to move in this direction: **the awareness gap**, **the performance gap** and **the political commitment gap**. The awareness gap reflects our main findings on visibility, particularly that citizens know little about their participation rights. The performance gap is based on our findings on deliberativeness, transnationality and representativeness, and impact, displaying some of the major functional shortcomings of the existing toolbox of participation instruments. The political commitment gap reflects on a particular aspect of the impact criterium, the role a lack of political will has played in limiting the impact of citizen participation.

These three gaps need to be bridged if the EU wants to move from a participation patchwork to a participation infrastructure. In this infrastructure, the individual instruments would not only work for themselves, but collectively establish the basis for a functioning participatory EU democracy next to the representative dimension of EU policymaking. It would be a participation infrastructure in which democratic participation would not be limited to elections every five years, but would entail more visible and regular participation of European citizens in the process of shaping concrete policies and the overall future of Europe.

(1) The awareness gap

An eupinions poll conducted as part of this study shows that citizens want to participate. But many people feel that their voices do not count. Citizens think it is difficult to take part in European politics and they do not know much about opportunities to participate. This creates a gap between their ambitions to participate effectively and their perception that there is little opportunity to do so.

FIGURE 17 **Citizens want to have a bigger say ...**



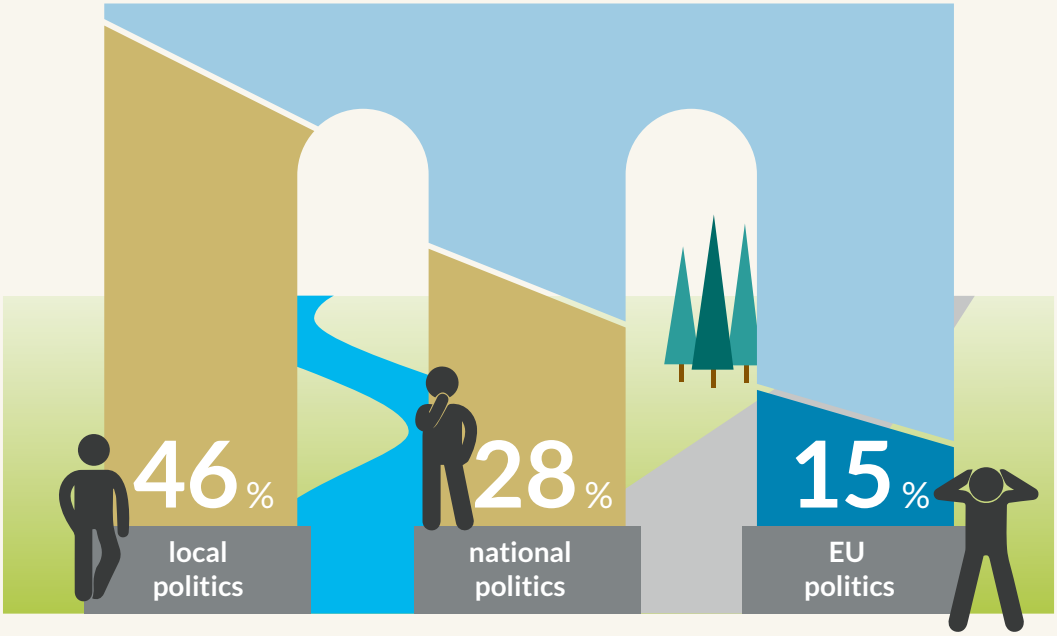
Question asked:
Imagine you witness two people discussing European politics on the street. Whom would you rather agree with: Person A: "The EU is complex. That is why EU decision-making should be left to experts and politicians." Person B: "The EU affects my daily life. That is why citizens should have a bigger say in EU decision-making."

Question asked:
To what extent do you agree or disagree with the following statement: "My voice counts in the European Union."

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 BertelsmannStiftung

FIGURE 18 **European citizens find it more difficult to participate on the EU level than nationally or locally**

Respondents who answered "[somewhat/very] easy" to the question "how easy or difficult is it for you to participate in ..."



EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung eupinions survey, 2020 | BertelsmannStiftung

There is little awareness or knowledge of the existing EU participation instruments among citizens, and many doubt that their voice counts. At the same time, people are asking to be more involved in EU policymaking. Currently, what citizens know, think and want has only partially to do with what the Union is able and ready to offer.

Four out of five EU citizens want to have a bigger say in EU politics, but only 46 percent currently think their voice counts.

The overwhelming majority of Europeans (78 percent) agree that citizens need to have a bigger say in EU politics. They feel that policymaking should not be left to politicians and experts alone. At the same time, only a minority (46 percent) believe that their voice currently counts in European politics. Citizens experience a discrepancy between their own desire to participate in EU politics and the unclear effect of their vote, their opinions, their insights and their participation on the EU. Most citizens do not perceive the Union's participatory system as one that they can engage with in practice.

Currently, the primary level of participation for citizens is neither the European nor the national but the local level. 46 percent of citizens believe that it is rather easy to participate in local politics, compared to 28 percent on the national level and 15 percent on the EU level. Our research found that this is not primarily due to EU participation instruments being difficult to use; European citizens are simply unaware of them.

Little awareness of EU participation instruments among citizens

The results of this study also show that the EU participation landscape is still a *terra incognita* to many. What a certain instrument does to what effect and when to use one instrument or another is largely unclear to the common citizen. EU-specific instruments, such as the European Citizens' Initiative, have hardly any recognition among the Union's citizens. Instruments such as petitions and the Ombudsman are mainly recognised in countries where they have a well-known domestic counterpart. Our eupinions survey shows

that most citizens find it difficult to identify existing EU participation instruments when they are presented, except for the one that is best known, the European elections. Media coverage of citizen participation is hardly existent in any EU member state, and for most instruments there is very little communication from the EU's institutions.

(2) The performance gap

The EU has an array of different participation instruments at its disposal, but most instruments have significant room for improvement. Not only are they unknown, relatively unrepresentative, not very transnational and mostly not deliberative, but their political impact on European policy-making is fairly low.

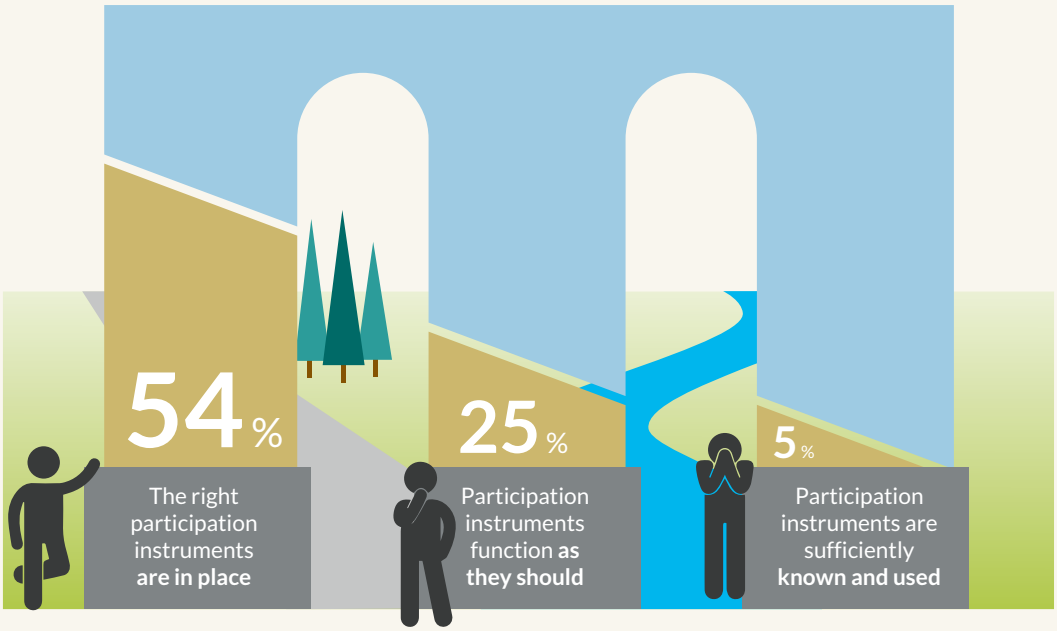
The EU has a variety of relatively accessible instruments at its disposal …

Since the first petition was submitted to the Common Assembly[7] in 1958, the EU has considerably expanded citizen participation opportunities. From the possibility to vote for their representatives in the European Parliament and the right to submit individual complaints to the Ombudsman, to the opportunity to respond to Consultations about legislative acts or hold discussions with politicians, citizens enjoy a broad spectrum of participation opportunities at the EU level; more than in many member states. The European Parliament elections are clearly the flagship instrument, being the most recognisable and most used (53 percent of respondents in the eupinions survey claim to have participated in EP elections) and by far the highest-rated instrument by EU democracy experts.

… but most instruments still do not function as they should or could

Our analysis reveals deficiencies, unrealised potential, and room for improvement with respect to all of the participation instruments. The instruments are relatively unrepresentative in terms

FIGURE 19 **Instruments often do not function as they should or could**



59 EU democracy experts were asked to what extent they agree with the following statements:

1. The appropriate instruments for citizen participation at EU level are in place.
2. The existing EU participation instruments function as they should.
3. The existing EU participation instruments are sufficiently known and used.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

of participation, catering mainly to a relatively narrow group of highly educated EU supporters. Most instruments exhibit little transnationality, taking place either on the local or national level, with little cross-border interaction. And, last but certainly not least, at the end of participatory processes citizens are often left in the dark on what actually happens to their input, which in return leads to frustrations and, ultimately, undermines people's readiness to get involved in the future.

The actual effects of participation instruments on policymaking remain limited

The tangible consequences of participation instruments for EU policymaking remain rather insignificant. Although deliberation is a clear trend in EU participation, it is notable that for instruments where experts rate deliberativeness the highest, i.e. Citizens Dialogues and European Citizens' Consultations, they rate impact the lowest.

While relatively clear procedures exist for many of the instruments, the handling of outputs is still not clearly defined. The outcome of complaints addressed to the European Ombudsman are an exception to this, as they state relatively clear pathways as to what outcomes complainants can expect once a case is opened. Yet the remedies achieved are mainly of a narrow, administrative nature and do not necessarily constitute a major policy impact. When it comes to the more political own-initiative inquiries by the Ombudsman, effects on policymaking remain as uncertain as for other instruments. Petitions are sometimes open for years without any indication of an outcome; the conclusions of the European Citizens' Consultations were merely acknowledged by the European Council but barely discussed by EU leaders. In the 2019 European elections, a number of candidates ran as *Spitzenkandidaten* for the position of European Commission president, and none of them got the job. And while public consultations are a formal part of the EU's policymaking process, a clear connection between EU policy and consultation input remains the exception rather than the rule.

New pathways towards more deliberation are being sought

Little surprise, then, that the performance gap has led to demands for new and more deliberative instruments, such as citizens' assemblies. In this sense, the Conference on the Future of Europe represents an important step towards making the EU more participatory. The European Citizens' Panels, in particular, and their link to the Union's representative dimension in the context of the so-called Conference Plenary, which involves 'Ambassadors' from the Panels as well as representatives from EU institutions and national parliaments and other stakeholders, are a test case of whether citizens' assemblies with randomly selected citizens could serve as an inspiration for future efforts aiming to modernise and further complete the EU's participatory framework.

(3) The political commitment gap

Citizen participation in the EU still lacks the political support and the political will it needs to succeed. There is a gap between the Union's rhetoric on participation and the actions taken and resources invested to make citizens' voices count. The rhetoric is often based on grandiose promises such as a "Europe of the citizens" or "Bringing the EU closer to its people". But the reality is that there are many promising but deficient participation instruments that citizens do not know about, and a lack of political will to make EU citizen participation fit for purpose.

Communication is not participation

There is no common understanding among EU politicians and policymakers as to the importance and the process of citizen participation beyond elections. As a result, communication efforts are often mistakenly perceived as citizen participation. For example, Citizens' Dialogues often seem to be treated as 'PR exercises' rather than tools of concrete dialogue and consultation between citizens and EU policymakers. This mindset makes it difficult to develop EU citizen participation further and take it from window dressing to real political influence in EU decision-making processes.

Political enthusiasm for more citizen participation is still low, but growing

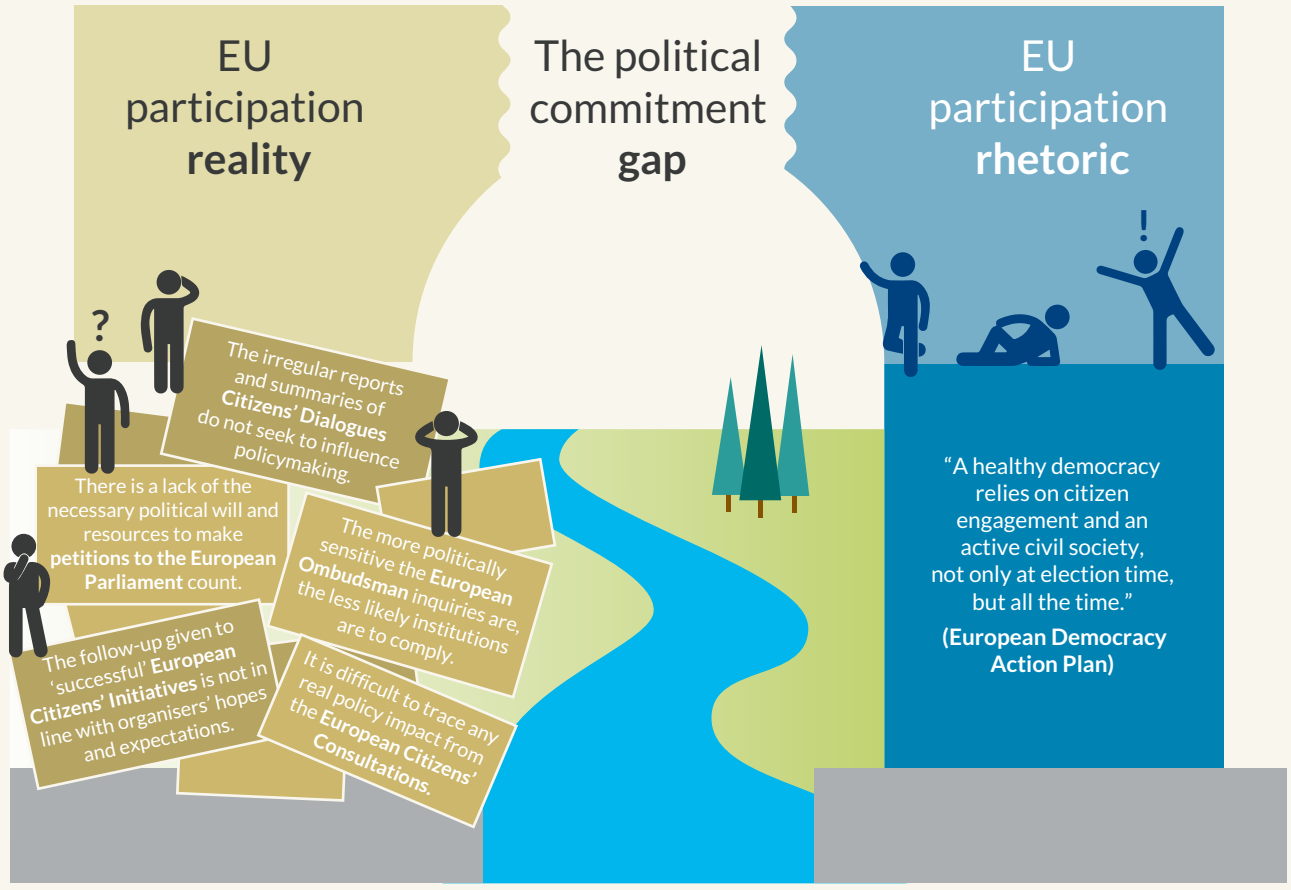
Institutional commitment to participation processes is often low in the EU. For example, the organisers of European Citizens' Initiatives have

more often than not been left dissatisfied by the responses they received from the Commission; the Petitions Committee in the European Parliament still suffers from a lack of interest from most MEPs; discussion in the European Council about the 2018 European Citizens' Consultations and their results was very limited. However, enthusiasm for participation instruments and their results seems to be slowly growing in the European Parliament, the Commission and some member states.

Lack of political commitment leads to short institutional memory

In the past, new participation instruments were often introduced as side products of major integration steps or EU milestones. For example, the Ombudsman was a by-product of European citizenship established in the Maastricht Treaty in 1992; the European Citizens' Initiative was a result of the EU's constitutional Convention in 2002/3; and Citizens' Dialogues were created to celebrate the "European Year of Citizens" in 2013. These instruments followed the political agenda of their time, but often failed to become integrated into a wider EU political narrative. Initial interest for instruments often subsides as the Union moves on to other priorities. As a result, understanding and knowledge of existing participation instruments is not strong, even among political insiders, although more and more instruments have been created over time. Consequently, the push for more participation often comes from a small circle of participation enthusiasts within the EU institutions and is not widely shared among the Union's wider political establishment.

FIGURE 20 **The EU's participation rhetoric is not in line with its participation reality**



EUROPEAN POLICY CENTRE

Source: own illustration

BertelsmannStiftung

III. Building a participation infrastructure

This study argues that although the EU has expanded its participatory toolbox over time, citizen participation still resembles a patchwork of individual instruments rather than a comprehensive and coherent participation infrastructure with a visible and significant influence on EU policymaking. The existing instruments do not consistently adhere to a shared set of goals and criteria of good participation and lack political support from all sides, including EU institutions and member states. The toolbox remains fragmented, and although it offers citizens various opportunities to participate, it does not substantially affect the Union's political processes, which remain mostly driven by political elites. The EU has still some way to go before it can be considered a *Europe of the citizens*.

Every functioning democracy depends on a functioning institutional infrastructure. Parliaments, governments, public administrations, and independent judiciaries are vital ingredients for the EU as for any democracy; so are intermediary bodies such as political parties, trade unions, civil society organisations and free media. There is a place for all of them in the infrastructure of democracy and when one is deficient, democracy itself is deficient.

But a smoothly functioning democratic infrastructure also requires opportunities and instruments for citizens to actively participate in political discussions and in the development and implementation of policy decisions. As such, participatory democracy is not in competition with representative democracy; it is an increasingly vital element and indispensable dimension of contemporary democracies.

The interplay between representative and participatory EU democracy can only function if the involvement of European citizens in the Union's decision-making processes becomes a regular feature. For this to happen, EU institutions and member states should embrace and further exploit the potential of participatory democracy by improving and extending the possibilities for more visible, more effective, and more continuous forms of citizen participation.

To reach that objective, all three gaps identified in this study – the awareness gap, the performance gap, and the political commitment gap – need to be collectively addressed. Aiming to close one gap while leaving the others untouched will not suffice. To bridge the gaps and to move from the existing participation patchwork towards a more comprehensive and coherent participation infrastructure, this study puts forward five recommendations:

(1) Strategy: the basis for a comprehensive participation infrastructure

To move from a participation patchwork to a participation infrastructure, EU institutions and member states need to elaborate and agree on a common strategy. The European Commission, Parliament and Council need a common vision and coordinated action on how to improve and further develop the Union's participation toolbox.

The EU's citizen participation instruments are neither well-known, nor are they perceived to have a strong impact on EU policymaking. Our results show that there is no coherent and common strategy on the part of EU institutions to further improve the use of existing instruments and the development of new tools of participation. The instruments function reasonably well by themselves, but apart from the European elections they remain largely unknown to citizens and fall short on actual political influence. In addition, for a long time the debate was rather focused on incremental changes to existing instruments than the wider infrastructure, or whether new instruments need to be added to the Union's participatory toolkit. Debates in the context of the Conference on the

Future of Europe provide ample opportunity to discuss the perspectives for more citizen participation, as proposed by one of the European Citizens' Panels.

A common strategy demands that EU institutions and member states discuss and develop a shared vision and a shared understanding of the meaning, purpose and benefits of the Union's participation infrastructure. What are the main objectives of individual participation instruments and what purpose should the overall participation infrastructure fulfil? How do the instruments function together and how can they benefit from one another? What kind of positive change is being envisioned and how does it relate to the future interplay between representative and participatory democracy at the EU level? This study argues that the key criteria of good participation – visibility, accessibility, representativeness, deliberativeness, transnationality, and impact – are the vital foundation of an EU participation infrastructure and all need to be reflected in a comprehensive EU participation strategy. While not all participation instruments seek to maximise all criteria by design (see the individual instrument chapters for more detail), each of them should be acknowledged and collectively enhanced in a comprehensive participatory system.

While there are some active Parliamentarians and Commission officials, the European Parliament, Commission and Council have not developed a shared understanding of the objectives and functioning of citizen participation. And the initial experience with the Conference on the Future of Europe has shown that the vast majority of EU countries have little interest in developing more far-reaching participation instruments. In any case, the EU cannot simply copy any national system: as a unique political system, it needs its own approach to involving citizens and providing them with an effective voice in EU policymaking. In other words, the EU27 need to elaborate a *sui generis* participation strategy.

(2) Spotlight and exposure: more visibility for EU participation

Even the best infrastructure is not worth much if citizens are unaware of it. Just as the EU needs a participation strategy, it also needs a joint communication effort to make the participation infrastructure known to the wider public. It is not only the 'usual suspects' who should know about opportunities to participate and influence the EU; citizens from all over Europe need to be better informed about their ability to get involved in EU policymaking.

EU institutions and governments invest considerably in awareness raising about key policy concerns and public services. Take, for example, the numerous campaigns around Europe promoting vaccinations against COVID-19, campaigns promoting recycling or encouraging citizens to donate blood. All these campaigns are based on the simple premise that in order to raise awareness or to make sure that public services are used by citizens, they need to be visible and known by the wider public. Only when citizens are aware of opportunities provided to them and convinced of their benefits will they use them in practice.

The same goes for citizen participation instruments. But the eupinions survey data clearly shows that citizens currently only have a vague idea about their participation rights. And 95 percent of the democracy experts surveyed for the purpose of this study do not believe that the current EU participation instruments are sufficiently known and used. Increasing knowledge about the instruments and their visibility requires political will and sufficient resources.

The Conference on the Future of Europe presents a step forward in this regard. High-level support from the Commission and the Parliament, an information campaign that extends beyond Brussels circles into more traditional national media,[1] as well as the outspoken support and involvement of at least some European governments,[2] is more than what many other EU participation instruments have received in the past. Similar concerted initiatives can be used to promote the EU participatory system as a whole, to make citizens aware that opportunities to participate in EU decision-making are not limited to European elections every five years. Essentially, an effective participation strategy requires an effective communication strategy.

(3) Guidance: a central hub for EU citizen participation

An EU participation infrastructure needs a central online hub for all participation instruments to provide networking opportunities, effective communication and civic education on EU citizen participation. It should draw on or seek inspiration from tested and proven hubs in some member states.

According to the eupinions survey conducted in the context of this study, the overwhelming majority of citizens in Europe do not know where to go when they are interested in participating in politics at the European level. Therefore, a participation infrastructure needs a central entry point, including a user-friendly website enabling citizens to explore their participation opportunities at the EU level. It should draw on existing EU experiences, particularly with the *Have your say* portal, as well as the digital platform of the Conference on the Future of Europe, and seek inspiration from good member state practices. One good example at the member state level is the Finnish platform *demokratia.fi*. The platform is a central hub run by the Finnish Ministry of Justice, bringing together all online participation services available to Finnish citizens, from the local to the European level. The platform also provides up-to-date information on ongoing participation processes and decision-making processes following citizen participation. It packs all of this into an accessible and straightforward format, which makes it easy for citizens from all walks of life to engage with. It has around 20,000 visitors per month.[3]

A central hub at the EU level needs to fulfil four basic functions: coherence building, networking, effective communication, and civic education. The coherence building function entails that the platform pushes EU institutions to organise all participation instruments under a central logic. Each instrument needs to be clearly explained and its role in the system and added value needs to be fleshed out so the citizens can receive effective practical guidance about which instruments they could use for which concern and purpose. Just presenting instruments as they are, without explaining the differences and potential links between them, would not help citizens choose which instrument to use for what purpose. The networking aspect entails that citizens should be able to (transnationally) engage with each other and with the platform in any language through automated translation, to share their experiences with instruments and to ask for support to be guided to a relevant instrument. Through a central hub, the EU would have a better chance to communicate about participation opportunities and the instruments in a more coherent fashion. Finally, the platform would be an important tool for civic education as it would create the possibility to show the vibrancy and the functioning of European democracy in an accessible format, while also conveying information about the functioning of the EU to a wider public.

(4) Leaping ahead: digital potential plus new participation formats

Modern citizen participation needs stronger digital components. Digital means can enhance the visibility and effectiveness of existing instruments by bringing them to new and wider audiences via social media. At the same time, the increased use of newer formats, such as citizens' assemblies, can show a way forward in making citizen participation in the EU more representative, transnational and deliberative.

The digital space opens up new possibilities to increase the visibility and potential effectiveness of existing participation instruments. Petitions and European Citizens' Initiatives, for example, can gain the support of large numbers of citizens across national frontiers more quickly. The recent boom in video conferencing triggered by the Corona pandemic has shown that transnational exchange in different languages is increasingly possible. What is most important is that more and more citizens who have never participated in European politics have the chance to connect and become more involved via modern means of communication.

At the same time, experience with the Commission's public consultations and, most recently, the rather disappointing participation of citizens in the multilingual online platform for the Conference on the Future of Europe have shown that simply providing digital participation formats

does not suffice. There must be something in the digital mix for every citizen: for those who want to deal intensively with a subject and contribute their personal expertise, as well as for those who want to quickly feed their opinion into a discussion process and thereby influence EU policymaking.

New and constantly changing digital participation opportunities are one trend. A second trend is interactive and deliberative procedures with randomly selected citizens, which have been tested in many parts of Europe and in the Conference on the Future of Europe.

At the same time, the increased use of new formats, such as citizens' assemblies, can show a way forward in making citizen participation more representative, transnational and deliberative. Such initiatives have been tested in many parts of the Union, and also in the context of the Conference on the Future of Europe. These experiments at the national and European level can help to further explore, improve, and extend the EU's current participation toolbox by addressing a number of key questions: How can these new formats be (better) integrated into existing political decision-making processes? Are there possibilities beyond a purely ad hoc use of these formats? How can the EU as a whole or individual committees use citizens' assemblies? When is it appropriate for the European Commission, Parliament or Council to convene them? Do such formats solve problems that could not previously be solved at the EU level? Who has the authority to initiate, and who is accountable for the results that citizens jointly produce?

The debate on the possible institutionalisation of citizens' assemblies has only just begun in the context of the Conference on the Future of Europe. The addition of new instruments to the EU's participation toolbox could pave the way towards making citizen participation more transnational, representative, and deliberative. However, one needs to ask how the establishment of new instruments would be linked to existing instruments and what impact they would have on the EU's overall participation infrastructure.

(5) Creating momentum: cultural change and more political will from Brussels and the member states

Increasing and improving citizen participation is no longer merely a marginal note in Brussels. The debate about participatory democracy at the EU level has intensified. But EU institutions and member states are yet to change their basic understanding of participation from a 'nice to have' to a regular feature of EU democracy. They need to overcome their hesitations – or even fears – if they want EU democracy to adapt to the needs and developments of the 21st century. The results of the eupinions survey clearly show that citizens want to be more involved in European policymaking, and the EU and its member states should respond to their call.

Numerous examples have shown that the use and importance of participation instruments at the EU level has changed in recent years. Following the success of the recent ECI *End the Cage Age*, there is a European Citizens Initiative that will have a legislative impact. More than 4.6 million citizens took part in the online consultation on the abolition of summertime clock changes. New forms of Citizens' Dialogues are being tried and tested, and European Citizens' Panels with randomly selected participants from all over Europe are the central innovation in the Conference on the Future of Europe. There is a clear trend: citizen participation is no longer simply used for communication purposes; when given the opportunity, EU citizens are showing their willingness and ability to engage in processes shaping EU policymaking.

Still, one of the key problems relates to the fact that the EU and its member states still lack a common understanding of the nature, potentials and different formats of citizen participation. While many politicians in the context of the Conference on the Future of Europe talk about the need for new forms of participation, there still seems to be very little concrete knowledge among national and European policymakers about their potential added value and how these formats can work in practice.[4] No one can expect this to change overnight. But to strengthen individual participation instruments and the participation infrastructure, more political leadership is needed in the EU institutions.

Most of the EU's participation instruments relate to the European Commission or the European Parliament. These two institutions are thus the main focus when it comes to developing a more visible, comprehensive and coherent EU participation infrastructure. However, to achieve real and significant progress, national capitals also need to be involved and convinced that the future of EU democracy depends on the ability of the Union and its member states to enhance and extend the possibilities for more effective and continuous participation by European citizens in EU policymaking. Without the willingness of the member states, or at least a majority of them, it will be difficult to achieve the cultural change necessary to enhance the impact of EU participation instruments. What is needed is the understanding that the EU will only be able to maintain and strengthen its legitimacy if citizens feel that their voices count.

This means that national capitals need to have a stronger buy-in when it comes to citizen participation at the EU level. Participatory democracy at EU level can only work if member states are part of the process. They should endorse and help drive the process of moving EU democracy to another level by strengthening the Union's citizen participation toolbox, going beyond the representative dimension of EU democracy. As this study shows, citizens need to know better how they can participate, and they need to be convinced that their participation makes a difference. Both objectives can only be achieved in cooperation with member states. More leadership and a stronger commitment to citizen participation is therefore needed – not only in Brussels but also in national capitals.

Where do we go from here: The Conference on the Future of Europe as a push towards an EU participation infrastructure?

The most recent major European project of citizen participation is the Conference on the Future of Europe. It is an important step in the EU's participatory development. The Conference is the most intense experiment in citizen participation the Union has ever conducted: it includes four European Citizens' Panels, involving a total of 800 randomly selected citizens from all over Europe, dealing with a plethora of topics and challenges for the EU and its member states. The process has political buy-in from all EU institutions, and the Conference in itself represents their commitment to expanding opportunities for citizen participation. It also raises expectations that citizens' deliberations can have a real impact on the future of the European integration process. If, at the end of the day, the Conference is perceived as a success, it should have a positive effect on existing and novel forms of citizen participation. Should the experiment fail from the perspective of citizens involved in the process – which cannot be ruled out at the time of writing –, the reputation of participatory procedures will suffer a blow. However, whatever its outcome, the quest for citizen participation in European policymaking will and should continue, and EU institutions should draw lessons from the Conference experience and use it as an opportunity to further improve and develop the Union's participatory toolbox.

The Conference demonstrates the political relevance of the recommendations put forward in this study. It is an initiative where each of the three main EU institutions has an equal stake, and it required significant negotiations among them to get it off the ground. It has been accompanied by a promotional push, including an advertising campaign and a significant level of engagement from civil society actors. It includes a multilingual online platform that serves as a common hub for events and proposals. It enhances the use of deliberative processes, as it involves randomly selected citizens from all over the EU, and it is also an attempt to marry participatory and representative democracy through the Conference Plenary, which brings together 'Ambassadors' from the European Citizens' Panels and from national events, representatives from EU institutions, national parliaments and governments, and other EU bodies and civil society. Finally, the fact that the Conference is happening in itself reflects a cultural change among EU institutions and member states regarding the potential of citizen participation methods: not only have the institutions agreed to implement the process, but they have committed to following up on it.[5] However, they all still need to prove individually and collectively that they will live up to their political promises.

Democracy is constantly evolving, and whatever the results of the Conference on the Future of Europe, this experiment should lead to further discussions about the future shape and structure of EU democracy. The Conference should be used as an opportunity to further reflect on how new forms of participation could modernise and complement the Union's participation infrastructure. The European Citizens' Panels should not remain a one-off; rather, they should mark the start of more serious engagement by EU institutions and member states with the question of how to bring citizens into European policymaking. The addition of new instruments could pave the way for making citizen participation more visible, accessible, representative, transnational, deliberative, and impactful. By doing so, the experience of the Conference could contribute to fulfilling the criteria of good participation and thereby enhance the basis for a functioning participatory EU democracy alongside the representative dimension of European policymaking, aiming to make EU democracy fit for the 21st century.

PART 2:

A closer look: seven EU participation instruments

I. Elections to the European Parliament: the cornerstone of EU citizen participation

Members of the European Parliament are elected by universal suffrage once every five years. The European Parliament elections therefore constitute both a key part of the EU's representative democracy, and the most notable single act of citizen participation. However, the elections in practice unfold differently in every member state, with the debate rarely reaching beyond national concerns or creating a truly European discussion. Although the most recent elections in 2019 provide some cause for optimism that the previous trend of declining turnout may be reversing, the elections remain in the shadow of their national counterparts. Some ideas for reforming the electoral system have been suggested or partly implemented, in the form of *Spitzenkandidaten* and transnational lists, but so far there is little political will to formalise them.

Facts and figures

1979, the year the first European elections were held

5 years between European elections

27 different national electoral systems

705 MEPs are elected to the European Parliament

~ 400 million Europeans are eligible to vote

51 % voter turnout in the 2019 European elections overall

23 % voter turnout in the 2019 European elections in Slovakia (the lowest)

88 % voter turnout in the 2019 European elections in Belgium (the highest)

Strengths

- **Representativeness**
  The elections are the moment when all citizens vote together, and the most representative instrument in the EU.
- **Democratic authority**
  Citizens are formally represented in an EU institution, creating a source of legitimacy for EU decision-making.
- **Transnationality**
  Campaigns and debates are becoming more European as new cross-border issues gain salience.

Shortcomings

- **Not one election but many**
  Effectively, 27 national elections take place rather than one European election, both in terms of procedure and debate.
- **Reform impasse**
  Reform proposals for increased democratic legitimacy (*Spitzenkandidaten*, transnational lists) are incomplete or blocked.
- **Impact**
  It is difficult to trace a direct impact from election results to policies, as EU decision-making is complex and the Parliament's powers are limited.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

1. Introduction

The European Parliament (EP) is the EU institution with the closest connection to citizens. It is the only one that fulfils a direct representative purpose, allowing people's voices to be heard via Members of the European Parliament (MEPs). The Parliament is, of course, an institution of representative democracy; but that representation is guaranteed through an act of citizen participation, namely voting in European Parliament elections. By casting a ballot paper, European citizens decide the composition of the Parliament chamber – the members who will go on to play a significant role in determining the EU's agenda and approving or amending legislation. At the same time, although the Parliament's powers have grown from Treaty to Treaty, EU decision-making remains complex, and the choices made by citizens during the elections are not always easy to trace through subsequent developments.

Elections take place every five years, usually in May or June. More than 400 million Europeans are eligible to vote, making the elections the second-largest democratic vote in the world after those to the Parliament of India. Although voters are all electing candidates to the same chamber, national electoral laws apply. This means that, procedurally speaking, the elections look somewhat different in each member state: polling stations are open for different amounts of time (sometimes even on different days), candidates are elected on different types of list systems, and campaigns are subject to different rules. The debate, too, only rarely takes on a truly European dimension. Numerous experts and commentators have described EP elections as "second-order national elections":[1] rather than being significant events in the political calendar in their own right, they merely give national political parties another chance to conduct campaigns on national issues, treating the elections as just another opportunity to hone campaign messages or land a blow against an incumbent national government.

The history of the European Parliament elections

The European Parliament has not always been directly elected. For the first 20 years following the establishment of the European Parliamentary Assembly by the Treaty of Rome, members were appointed by the member states, which selected members of their own parliaments to join the chamber. Nevertheless, from the beginning the Treaty did in fact stipulate that the Parliament's composition should be determined through universal suffrage and a common voting system, although the Council of the European Union had yet to take steps to implement this.[2] It took until the mid-70s, and a threat by the Parliament to take the Council to the European Court of Justice, before direct elections finally became a reality.[3] At the Paris Summit of 9 and 10 December 1974, it was decided that "the election of the European Assembly by universal suffrage [...] should be achieved as soon as possible," and in 1976 an Act arranging for this was approved by the Council.[4] As a result, the first elections took place on 7–10 June 1979, marking the first direct election to an international chamber in history.

The argument for introducing direct elections went beyond the need to fulfil the requirements of the Treaty. Elections were also expected to encourage the development of a European political perspective, especially through European political parties, and they were intended to introduce a sense of public control and scrutiny over European affairs. Above all, they sought to turn the European Communities into a legitimate democratic polity.[5] This reflected the changing nature of the Community and the political developments surrounding it. The European level was becoming more and more significant in terms of its impact on citizens' lives, thus requiring a better option to allow them to exert some control over it. While national governments could negotiate with the Commission and shape policy through the Council of the European Union, national parliaments and opposition parties were left out.[6] At the same time, the Commission was also negotiating terms of membership

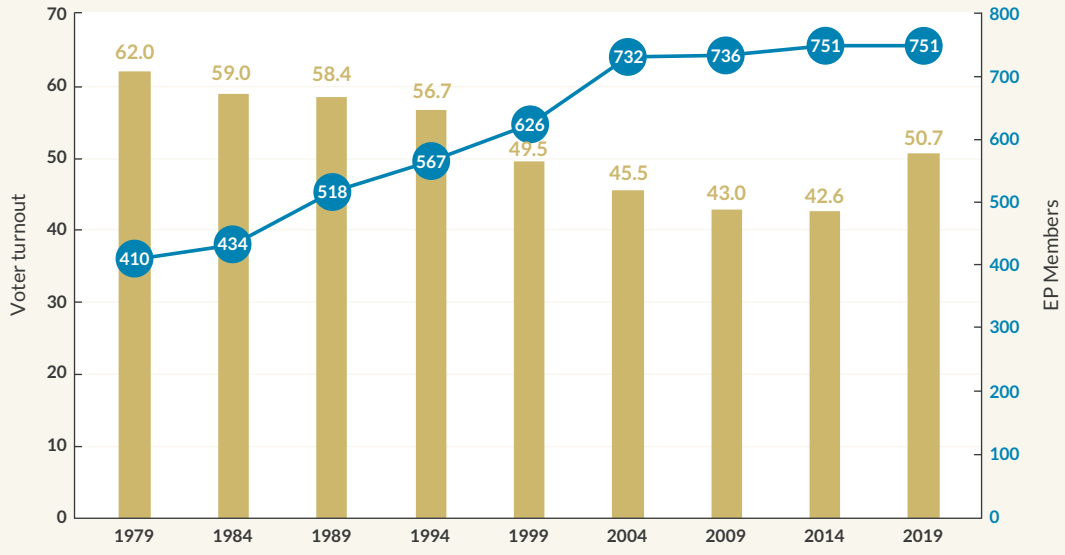
for Greece, Spain and Portugal – countries that were just emerging from authoritarian dictatorships. The European Community made the holding of democratic elections a prerequisite for these countries to join, which only called attention to the fact that its own Parliament was still not directly elected.[7] It had become clear that the system needed a stronger source of democratic legitimacy.

In practice, the very first elections set the script for later elections to follow. While some politicians treated them as a significant European development, campaigning across borders (notably Willy Brandt), others saw them as a trial run for 'more important' national elections: in France, Jacques Chirac used the elections mainly to test his support against Valéry Giscard d'Estaing ahead of a Presidential bid in 1981.[8] National parties grouped together under European-level headings and on occasion supported one another's campaigns. However, the public was largely uninterested and unmoved by the campaign.[9] The turnout, at 62 percent, was lower than most national elections (although relatively high in comparison to subsequent EP elections). Academic onlookers coined the term "second-order national elections" to describe the nine rather isolated member state campaigns – a description that continues to be applied today.[10]

The EU has changed significantly since 1979, taking on further powers and expanding its borders to include new member states. The European Parliament, too, obtained more and more influence in the EU system, including further co-decision powers and full budgetary competences, thereby increasing the potential impact of the vote. But the EP elections have seemingly always failed to excite people, registering lower and lower turnout figures. In an effort to strengthen the connection between citizen input and the EU leadership, the Treaty of Lisbon granted the Parliament the responsibility to elect the President of the European Commission, on the basis of a candidate proposed by the European Council – and required the European Council to "take into account" the outcome of the EP elections when choosing that candidate.[11] This was an upgrade to the Parliament's earlier role of merely approving the designation of the Commission President. For the 2014 elections, this principle was implemented through an experimental and informal system of 'lead candidates'

FIGURE 21 **Voter turnout has declined as the parliament has grown**

Voter turnout in percent / number of members

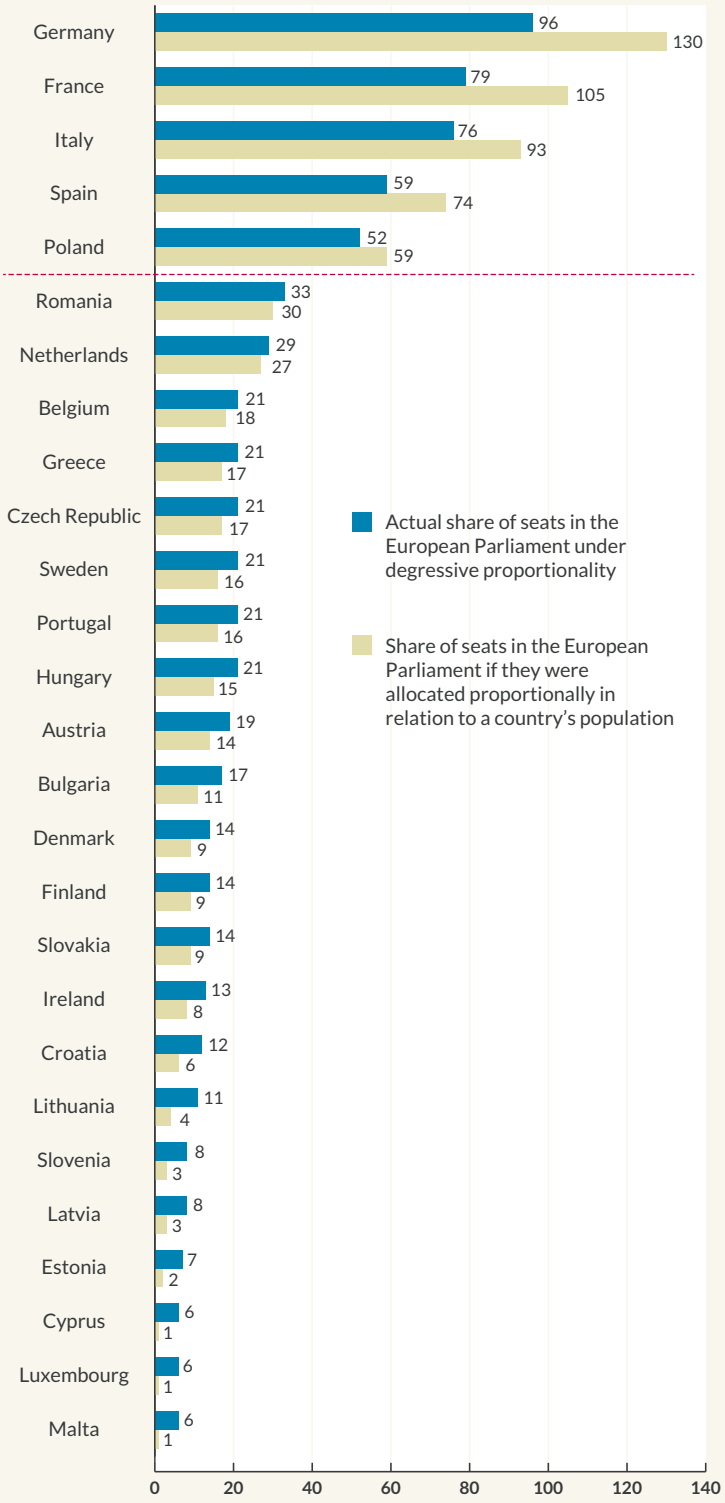


EUROPEAN POLICY CENTRE Source: European Parliament, 2019 BertelsmannStiftung

or *Spitzenkandidaten*. On the initiative of European Parliament President Martin Schulz, the *Spitzenkandidat* system meant that each European political party named their candidate for the position of Commission President; the party that received the most votes was then considered to have a special mandate for their candidate to be nominated for the Presidency. In a resolution, the European Parliament urged the parties not only to nominate candidates, but to ensure that they played a leading role in the electoral campaigns, for example by presenting their political programmes in all the member states.[12] The Parliament also asked parties to make the nomination "sufficiently well in advance of the election" to allow candidates to mount an EU-wide campaign concentrating on European – not merely national – issues.[13] Thus, the *Spitzenkandidat* experiment was supposed to increase the European dimension of the elections, while also making individual candidates visible to voters and connecting the vote with a recognisable political outcome – the appointment of Commission President. In reality, not all parties were on board with the idea, with the Alliance of European Conservatives and Reformists refusing to name a candidate on the basis that the informal agreement had no legal grounding.

In 2014, the *Spitzenkandidat* system worked more or less as intended. Jean-Claude Juncker, the candidate of the European People's Party (EPP), was duly nominated and approved as Commission President after his party received the highest share of the vote. By the time of the next elections in 2019, however, the idea was beginning to meet with less enthusiasm. Wary of automatically handing the Presidency to the EPP, political leaders represented in the European Council made clear that the *Spitzenkandidat* agreement did not mean that they would give up their right to decide the nominee. The liberal ALDE group declined to name a single candidate, instead presenting a team of seven profiles that would represent the party at various debates. The Greens and GUE/NGL each nominated a gender-balanced pair of candidates. And after the elections, which were once again won by the EPP, *Spitzenkandidat* Manfred Weber was passed over in favour of a different politician who had not run as a *Spitzenkandidat* but was nevertheless more acceptable to the European Council: Ursula von der Leyen.

FIGURE 22 **Which country is underrepresented? Effects of degressive proportionality**

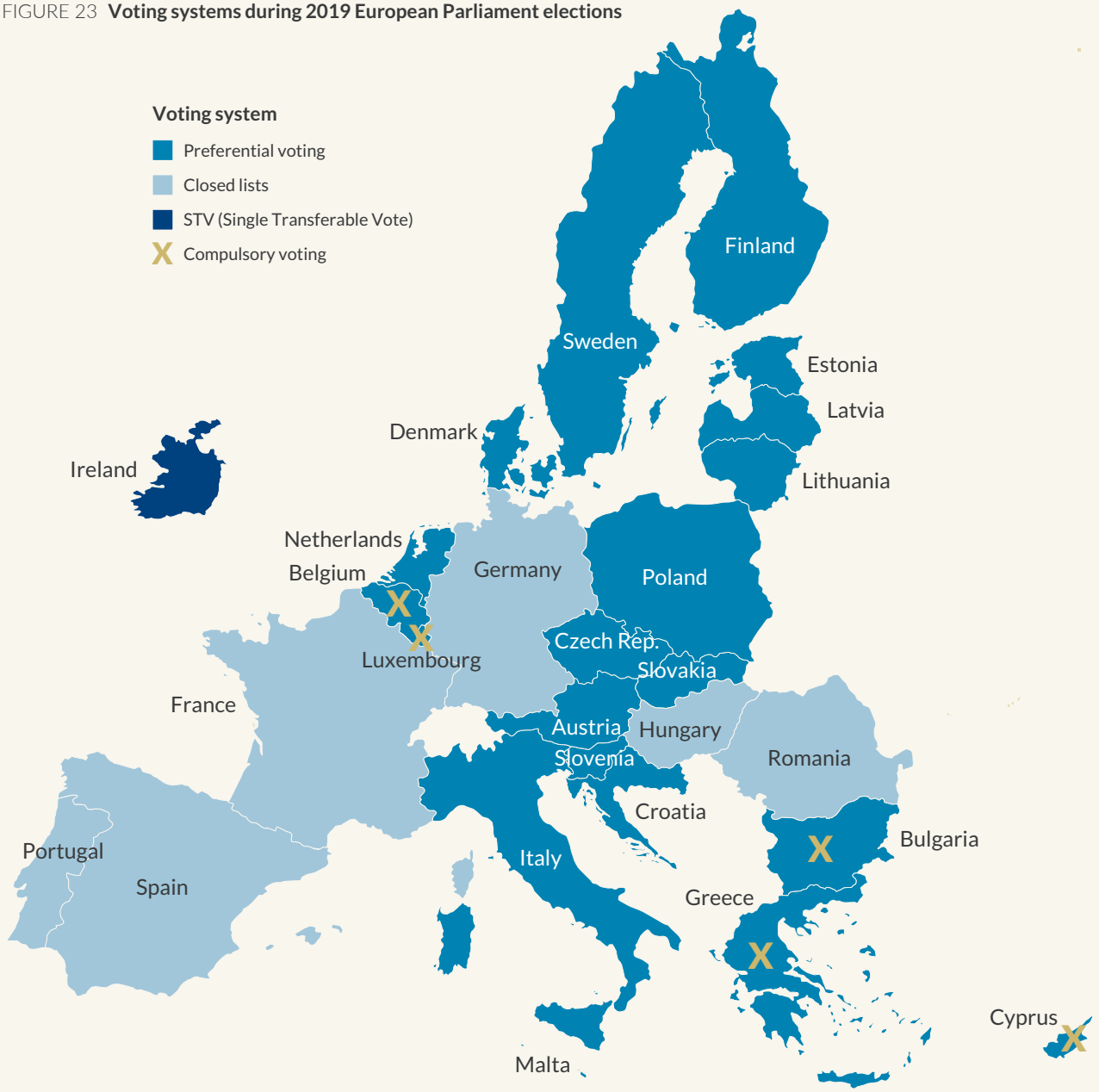


Source: European Parliament; Eurostat, 2020; own calculations

EUROPEAN POLICY CENTRE | BertelsmannStiftung

In the words of one former MEP interviewed for this study, the *Spitzenkandidat* system only worked "by accident" in 2014, because the candidate chosen by the EPP – the party that was always almost certain to win first place – was already likely to be acceptable to the European Council and to a majority of the Parliament chamber.[14] Juncker was a moderate centre-right former Prime Minister, and thus an easy choice for cross-party appeal; Weber, meanwhile, was from the CSU, the conservative party from Bavaria in Germany, with no high-level national government experience. Thus, by selecting him as candidate, as one interviewee noted, the EPP undermined the whole process, revealing that it

FIGURE 23 **Voting systems during 2019 European Parliament elections**



EUROPEAN POLICY CENTRE

Source: European Parliament, 2021; Venice Commission, 2015

BertelsmannStiftung

was never sufficiently accepted to work.[15] Following its failure to function as intended in 2019, the future of the system is uncertain.

The *Spitzenkandidaten* process is not the only idea that has been raised over the years to try and improve the European aspect of the elections. The concept of transnational lists for the EP elections has acquired some support in recent years, and received a particular push after the departure of the United Kingdom from the Union opened up the opportunity to reallocate the 73 vacated British MEP seats. This idea would mean that citizens would cast two ballot papers: one for their constituency lists as they do currently, and a second ballot for a list of candidates who would represent the entire territory of the Union as their constituency, rather than a member state or a region of a member state. This would supposedly help to strengthen the European element of the campaign and the Parliament's subsequent functioning, as transnational candidates would have to campaign and work on cross-border issues. Much like the *Spitzenkandidaten* system, the idea has not caught on sufficiently widely to obtain support on a formal level, with opponents concerned about severing the link between MEPs and their electorate, potentially creating a distinction between two 'classes' of MEP (those elected for transnational lists and those with national constituencies), and the possibility of a populist hijack of the process.[16] In fact, the European Parliament itself voted against the idea (with 368 against and 274 in favour) in a vote on the topic in 2018, opting instead merely to reallocate a few of the post-Brexit vacant seats among other member states and shrink the total size of the Parliament from 751 seats to 705.

Legal basis and modus operandi

The EU's democratic basis in the European Parliament and its elections are described in Article 10 of the Treaty on European Union, which declares that "the functioning of the Union shall be founded on representative democracy". It is explicit that "citizens are directly represented at Union level in the European Parliament". Article 10 also gives European political parties the responsibility of contributing to "forming European political awareness and to expressing the will of citizens of the Union", thereby identifying the parties, via their place in the European Parliament, as the voice of the citizens in the EU's institutions. Article 14 gives further details on the role and composition of the Parliament, indicating that members "shall be elected for a term of five years by direct universal suffrage in a free and secret ballot".

Article 223(1) of the Treaty on the Functioning of the European Union further explains how the EP elections should work:

> *"The European Parliament shall draw up a proposal to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States."*

The Council has the responsibility to "lay down the necessary provisions". In practice the "uniform procedure" suggested by the Treaty has never been implemented. Instead, since 1979 elections have been implemented according to member states' own national rules and electoral laws. They do, however, follow certain common principles, as referred to in the Treaty: each country uses a system of proportional representation, usually based on a list system.

2. Assessment of the European Parliament elections against their stated objective

In the following section, the European Parliament elections are assessed in relation to their own stated objective. The objective is derived from article 10 of the Treaty on European Union.

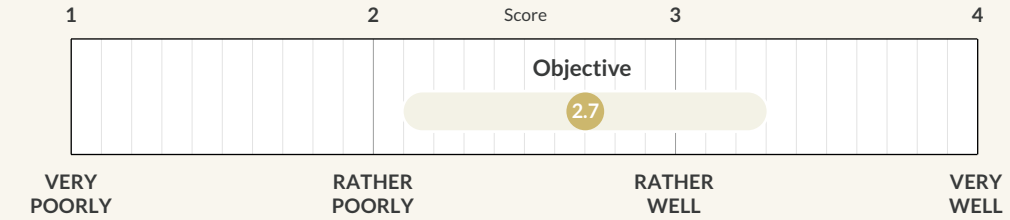
To provide direct representation for EU citizens at Union level

> *"1. The functioning of the Union shall be founded on representative democracy.*
> *2. Citizens are directly represented at Union level in the European Parliament. [...]*
> *3. Every citizen shall have the right to participate in the democratic life of the Union."*
>
> Article 10 TEU

The European Parliament is not the only source of the EU's democratic legitimacy, as European citizens are also represented indirectly via their national governments in the European Council/ Council of the European Union. But the Parliament is the only means by which citizens are *directly* represented in the EU institutions, as MEPs are directly elected. This means **the EP elections are the instrument that provides the EU with its *own* source of democratic legitimacy, independent of national governments or national election results**. In the words of one of our interviewees, the elections are what give the EU "autonomous status as a democratic system".[17] Furthermore, citizens are represented "at Union level" as all MEPs have equal voting power in an EU-level institution: although they represent national (or regional) constituencies, an MEP's country of origin has no bearing on the voting procedure and they sit according to party group rather than nationality.[18]

FIGURE 24 **Expert views on the European Parliament elections – stated objective**

How well or how poorly do the European Parliament elections perform in relation to their stated objective?



Average expert evaluation Variation of expert evaluations (standard deviation)

Objective: To provide representation for EU citizens at Union level

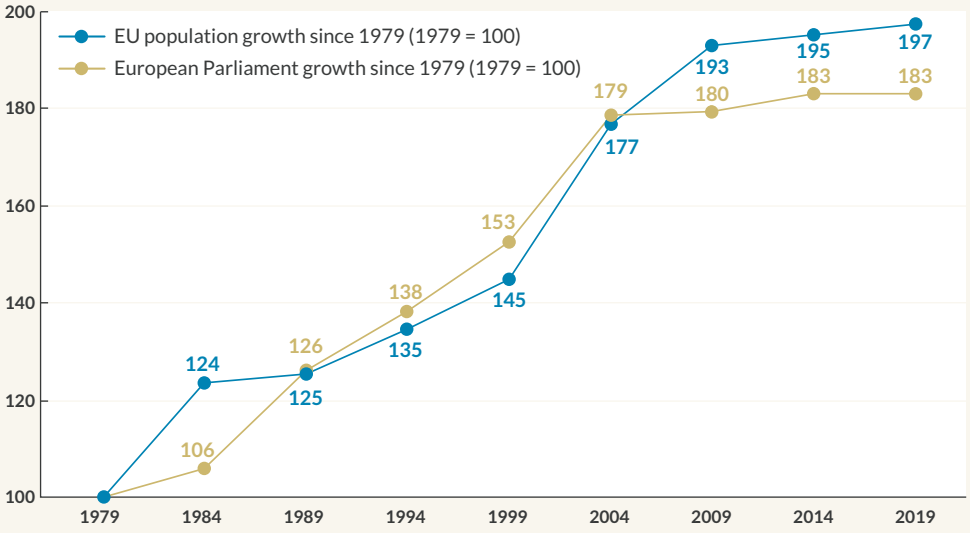
The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

FIGURE 25 **Growing population, growing parliament**

Increase in EU population and increase in the size of the European Parliament growth since 1979 (UK included)



Year	Total EU population (in millions)	Members of European Parliament
1979	260	410
1984	322	434
1989	327	518
1994	350	567
1999	377	626
2004	460	732
2009	503	736
2014	508	751
2019	514	751

EUROPEAN POLICY CENTRE Eurostat and European Parliament, 2019 BertelsmannStiftung

Every EU citizen of voting age has the right to participate in EP elections, confirming that the elections provide representation to all. This right to vote applies no matter where in the EU a citizen resides, meaning that those who have exercised their right to move to a different EU country can still participate. These voters can choose whether they wish to vote for candidates standing in their country of citizenship, or in the country where they currently live.[19] EP elections are therefore unlike national elections in this sense. EP elections provide a form of direct representation at the EU level that treats all EU citizens equally regardless of where they reside.

However, this representation is not identical for all citizens. The EP's principle of degressive proportionality (referred to in Article 14 TEU) means that MEPs from larger countries represent more citizens than those from smaller countries: while each of the 96 German MEPs represents 854,000 citizens, the six MEPs from Malta represent only 72,000 citizens each. This principle guarantees that no country has fewer than six seats, while still allowing larger member states to have more seats in total. The method of selecting MEPs is also not identical, as each member state applies its own electoral procedure. European voters do not all get to choose from the same list of candidates or even the same list of parties, as the lists are determined by member state. However, each of these points is directly analogous to most national elections, in which citizens choose from candidates standing in local constituencies, which may not be the same size. In principle, then, despite the somewhat unique features of the EP elections resulting from the fact that they take place in many different countries with different electoral traditions, it is fair to say that they guarantee EU citizens direct representation at the EU level.

Additional expectations

The Lisbon Treaty introduced another passing reference to the EP elections:

> *"7. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission." (Article 17 TEU)*

This raises the expectation that the election results should in some way **inform the decision of the European Council to nominate a candidate for President of the European Commission**. However, the treaty is vague on what exactly "taking into account" should mean.

The *Spitzenkandidat* experiment is one interpretation of this phrasing. With each party presenting a candidate for Commission President during the EP election campaigns, proponents of the *Spitzenkandidat* system hoped that there would be a stronger link between the legislative and the executive, as would be the case in most political systems at the national level: the idea was that it would strengthen and demonstrate the EP's role not only in supervising the Commission, but in actually forming it in the first place.[20] However, this interpretation is disputed by others who feel that the *Spitzenkandidat* idea goes too far in implying that the largest party to emerge from the elections has an automatic right to the position of Commission President.[21] The European Council, in particular, wanted to maintain its ultimate right to decide on the candidate for the position, potentially including candidates who did not stand as *Spitzenkandidaten*. Under this interpretation, "taking into account" the result of the elections does not necessarily require a defined procedure, and should in any case only be one of the factors informing the European Council's decision.

Thus, although the treaties mention this role for the EP elections, it remains a matter of debate and it is not clear – for citizens or for experts – what exactly should be expected when the elections are over. One expert interviewed for this study suggested that the role of the elections in determining the Commission President is not yet embedded in the culture of the EU's political system: there is a growing feeling that the election results should be of some relevance for the selection of EU leadership positions, but the formal link is still lacking.[22]

3. Assessment of the European Parliament elections against six criteria of good participation

In the following section, the European Parliament elections are assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

Visibility – high as an instrument, but low for elections

In comparison with other EU-level participation instruments, the EP elections enjoy a very high profile; but they are still considerably less visible than national elections. The latest elections in 2019 appear to have attracted somewhat more attention, potentially indicating a changing trend.

EP elections are by far the most visible and well-recognised means for citizens to participate in EU politics. In comparison with the other instruments, they are well recognised and participation rates are very high. When asked which of the instruments they have actually used, 53 percent of citizens surveyed responded that they had voted in the EP elections (a figure which is more or less in line with the turnout figures of the 2019 election, at 50.7 percent),[23] compared to just 11 percent for the next-nearest instrument, the EP petitions. Thus, it is clear that the EP elections are in a different category to the other instruments when it comes to visibility and awareness.

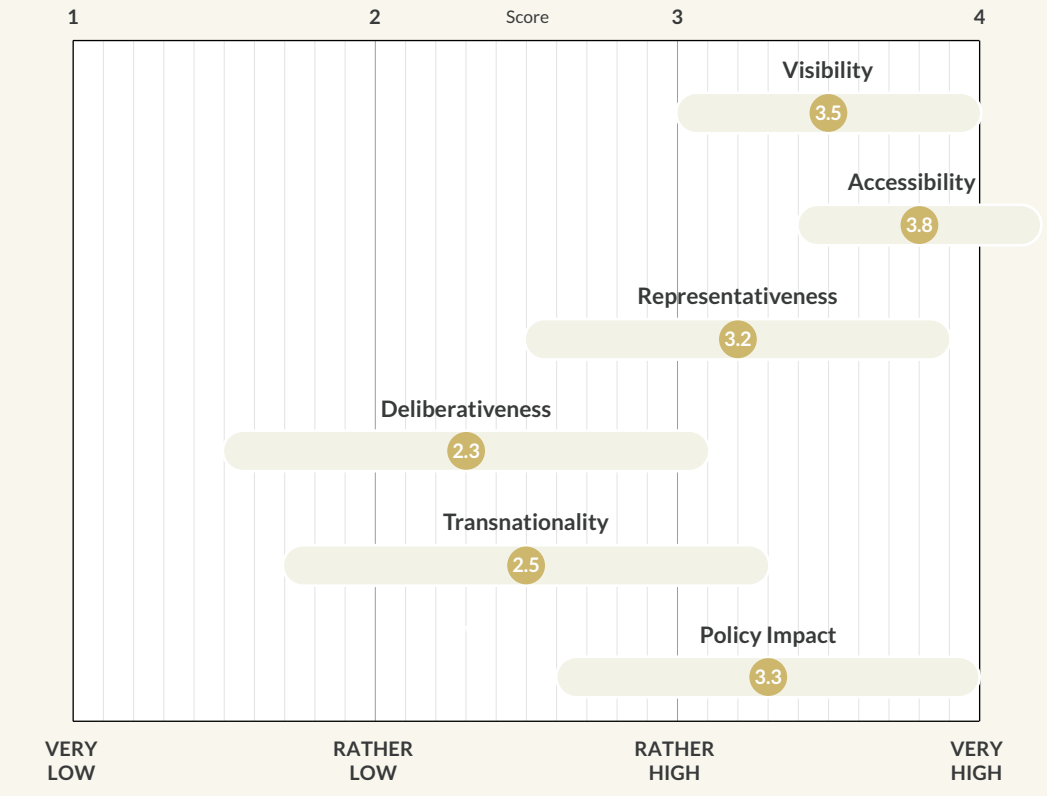
However, **EP elections are still in the shadow of national elections**. The figures may be impressive when compared to other EU-level instruments,

but compared to national elections the EP elections fall short. They are generally perceived by voters, parties/candidates and the media as "second-order national" elections, or elections that are primarily national in character but not as significant as the national parliamentary or presidential votes.[24] Indeed, to the extent that EP elections are highly visible, much of this is due to the fact that they have the force of national parties behind them – and these parties bring the elections directly into comparatively high-salience national political spheres.[25] In other words, there is a much stronger political force behind the EP elections than the other instruments, but this political force is national in nature and promotes the EP elections mostly as a part of a national political story rather than a Europe-wide one.[26]

The elections are "second-order national" not only in terms of how they are perceived by citizens and the media, but also in terms of the effort and resources put in by **national political parties**, which generally **do not invest much in the campaigns**.[27] Where there are exceptions, this may have more to do with the timing of the election in the national political 'story' than with any special interest in the EU: the German Greens, for example, used the 2019 elections, which came at a time when they were increasing their profile nationally, to further boost their position, as they were already mobi-

FIGURE 26 **Expert views on the European Parliament elections – criteria of good participation**

How high or low do the European Parliament elections score in relation to six criteria of good participation?



The above scores are the result of an expert survey conducted among 59 EU democracy experts.

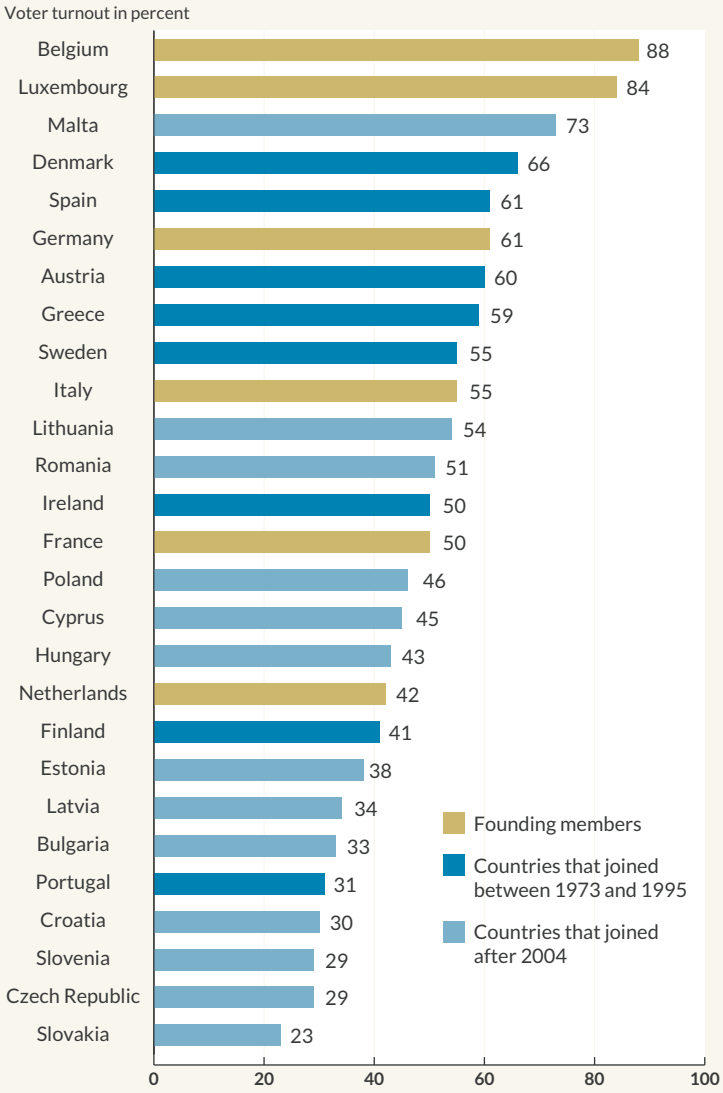
The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

lised in response to climate issues and opposing the extreme right.[28] In most cases, national parties do not make their European affiliations clear, and when confronted with a ballot paper offering the same options as national elections, there is little incentive for a citizen to act as a European voter rather than a national one.[29]

Despite these limitations, there are some indications that **the EP elections are increasing in visibility and importance**, and potentially beginning to shed some of their national focus. The most obvious indication of this effect is that during the 2019 elections, the turnout rose for the first time. EP elections have historically recorded a lower turnout rate at each vote, declining from 62 percent in the first elections in 1979 to just 42.6 percent in 2014 – well below the average turnout in most national elections, which is typically around 65 percent.[30] In 2019 the turnout figure rose to 50.7 percent, suggesting that the trend may be reversing. However, some experts have warned that comparing historical data for EP election turnout is difficult as each election was effectively for a different Union: the process of enlargement means that the EU has expanded to include more member states with typically lower turnout rates. Among the nine member states that participated in the first elections in 1979, turnout remained relatively steady until 2014.[31] It rose in 2019 in most member states, although in many this was a rather modest rise. The overall increase in the average appears to be driven largely by a small number of significant increases – most notably in the largest member state, Germany, where turnout rose from 48.1 percent in 2014 to 61.4 percent in 2019.[32]

FIGURE 27 **Voter turnout in the 2019 European Parliament elections by nationality**



Source: Eurobarometer, 2019; European Commission, 2020

EUROPEAN POLICY CENTRE | BertelsmannStiftung

Nevertheless, there is a general feeling that the significance of the EP elections is increasing as a result of the higher salience of European or international political issues. Many of the experts interviewed for this study referred to recent crises that affected the whole EU as a motivating factor for citizens to take the EP elections more seriously. In particular, the climate crisis, Brexit, the migration crisis in 2015 and financial shocks during and after the Eurozone crisis are all recent events that have highlighted the need for a common EU response, thus raising the profile of EU politics and the importance of EP elections for many citizens. A Eurobarometer survey found that in 2019 a significantly higher proportion of EU citizens felt that it was their duty as citizens to vote in EP elections (52 percent, up from 43 percent in 2014).[33]

Another important factor that distinguished 2019 from earlier elections is the fact that Eurosceptic or populist forces engaged far more seriously with the vote, seeing an opportunity to increase their voice: one interviewee referred to the media attention given to former Donald Trump aide Steve Bannon's attempt to make a mark on the EP elec-

tions by founding a new movement and trying to coordinate European far-right parties.[34] This reveals that actors across the political spectrum are beginning to take the EP elections more seriously as an important political event in their own right, rather than merely national skirmishes ahead of more significant national elections. On the other hand, the traditional parties of government on the centre-left and centre-right mostly did poorly in the 2019 election, with small parties and protest parties doing well, suggesting the EP elections attract protest votes more than established traditional options.[35]

The *Spitzenkandidat* experiment was partly intended to raise the profile of the elections, and may have had some success in doing so. The aim of the procedure was to "make the European elections more relevant" and to "foster the political awareness of European citizens in the run-up to the European elections".[36] In the view of many experts and candidates, the process boosted the visibility of the elections not only because people could recognise 'their' candidate – an effect that may only be limited to particular countries or parties – but because it introduced an element of competition and drama through a confrontation between candidates for high office.[37] The unexpectedly good result for the Dutch Labour Party during the 2019 election has been explained in this way, as the Party of European Socialists' candidate Frans Timmermans was closely associated with the party.[38] One study has found that there was indeed a correlation between *Spitzenkandidat* campaigning and higher turnout locally.[39] But in countries where the *Spitzenkandidaten* are not visible, because they don't speak the local language or have no connection to national politics, the whole element of confrontation between candidates was played down or absent. Thus, if there was a '*Spitzenkandidat* effect' it was limited to places where the candidates could be especially active: mostly, countries where they already had a political profile or French-, German- or English-speaking countries where multiple candidates could campaign and debate.[40]

The visibility of the elections and individual candidates also depends on the voting system. Each country applies its own voting system to the elections: while each country uses a list system, some use 'closed' lists (where the order of the candidates is decided by the party) while others have a system of 'open' lists or preferential voting, allowing voters to assign preferences to individual candidates. Research has demonstrated that candidates conduct more active campaigns and take greater measures to increase their profile in countries where there are open lists: this system contributes to more personified and therefore more visible elections.[41] In Finland, for example, many citizens can name the country's MEPs because they try very hard to raise their profiles;[42] in Austria, former Freedom Party leader H.C. Strache was boosted from 42nd place to the top of the party list after resigning his position in the national government, receiving more than 37,000 first-preference votes;[43] in Ireland, there is a strong tradition of independent candidates who carry out very personal campaigns. Thus, voters experience the EP elections differently depending on the electoral system used in their countries, with higher profiles for individual candidates generally leading to higher visibility and more media coverage.

Accessibility – a simple cross in a box

EP elections are generally simple to participate in, and open to EU citizens wherever they live in the Union. However, participation opportunities vary according to national electoral procedures, and exercising the right to vote is not always straightforward for those who live abroad.

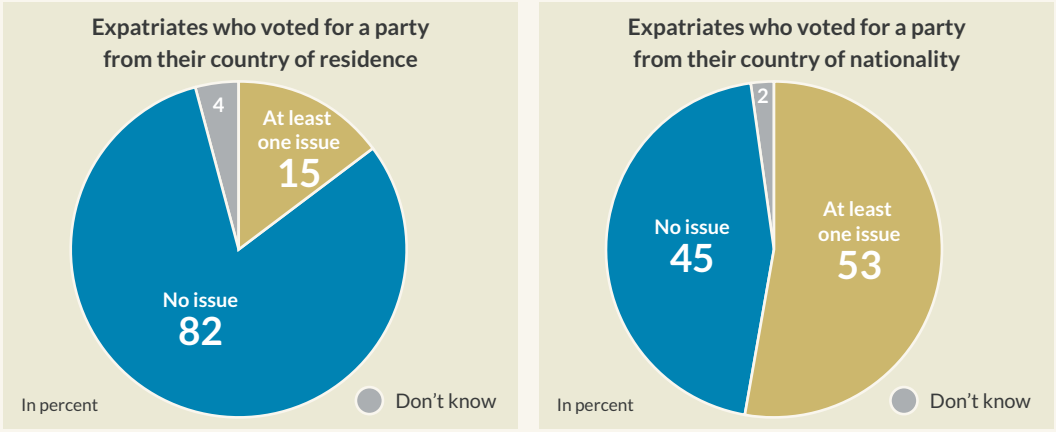
"There is nothing easier than putting a cross in a box."[44] The EP elections are straightforward to participate in, using the same means as any other election to cast a ballot. By their nature, elections are restricted to a single 'event' rather than being accessible on a constant basis like some other instruments; but during that event, participation is as simple as visiting a polling station and marking a ballot paper.

Accessibility varies somewhat between countries, in line with national voting procedures. Some countries also have other means to participate for those who cannot or do not want to participate in person: in Estonia, for example, electronic voting over the internet has been available for all elec-

FIGURE 28 **Expatriates who want to vote in European Parliament elections often face problems in their country of nationality**

European citizens living in another EU country can choose whether they participate in the European election either in their country of residence or their country of nationality.

Question asked: When you voted in the recent European Parliament elections, did you face any [...] difficulties as a result of living abroad?



EUROPEAN POLICY CENTRE Source: Eurobarometer, 2019 | BertelsmannStiftung

tions since 2005, and in the 2019 EP elections 46.7 percent of Estonian voters opted for this method.[45] Most countries provide an option for postal voting, but in some countries, such as Bulgaria, only voting in person is possible.[46] The accessibility of the elections therefore varies somewhat between countries in line with their usual election procedures, but is generally at a very high level.

Beyond the physical act of delivering a ballot, there are certain other features of different voting systems that are relevant for accessibility. For example, in Austria and Malta the voting age is 16, and in Greece it is 17, meaning that 16–18-year-olds from these countries can vote in EP elections, but not those from other member states. The European Parliament has passed a resolution calling for 16 to become the new standard throughout the Union, but this has not yet been ratified by the member states.[47]

Voting is open to EU citizens living outside their country of origin – but this is not without issues. The franchise for EP elections includes all EU citizens regardless of where in the Union they reside: this means that EU citizens who are resident in a country where they do not hold citizenship can still vote (or stand as a candidate), with a choice of whether they want to vote for candidates in their country of citizenship or in their country of residence. However, they have to register proactively, with no automatic system in place guaranteeing their place on the electoral roll, meaning that in practice many people are not aware of their voting rights.[48] In 2019, of the 14 million voting-age EU citizens living in other EU countries, 5.5 million registered to vote in their country of citizenship, and only 1.3 million in their country of residence – less than half of eligible voters.[49] Many of those who do attempt to vote face issues with doing so, such as unclear information about the registration procedure, missed deadlines for postal votes, or excessive queues at embassies and consulates.[50]

Representativeness – the formal channel of EU representative democracy

EP elections are the instrument that allows European citizens to be formally represented in an EU institution, thus making it representative in a way that other instruments are not. In practice, however, there is still a representation gap, as turnout is not equal among all countries and demographic groups.

The EP elections are the only citizen participation instrument in the EU that aims for full representativeness, and the Parliament is the only EU institution designed to be "a microcosm of European society".[51] Voting is open to all EU citizens, and the constitution of the Parliament chamber that results from the election is in theory representative of the full diversity of Europe.

Low turnout and considerable gaps in voting-behaviour among different countries and societal groups has prevented the EP elections from becoming fully representative. Even despite the 2019 election's stronger showing for young and first-time voters (42 percent of under-25s voted, up from only 28 percent in 2014), older people remain more likely to vote (52 percent and 54 percent of the 40–54 and 55+ age groups).[52] Men vote in larger numbers than women (54 percent turnout vs. 51 percent), and those who are more highly educated are also significantly more likely to vote than those without higher education (e.g. 50 percent turnout among those who left education aged 16–19; 61 percent among those who finished education in their twenties).[53] And while each member state is appropriately represented according to the principle of degressive proportionality, turnout varies enormously among member states. Some countries implement compulsory voting and thus have very high turnout rates (e.g. 88 percent in Belgium), while many countries from Central and Eastern Europe record very low rates (e.g. 23 percent in Slovakia, up from just 13 percent in 2014). Most of these gaps are not unique to the European elections,[54] but the lower overall turnout in EP elections tends to magnify their effect.[55]

Politically, the chamber is becoming more diverse. The result of the 2019 elections was a poor showing for established 'traditional' parties on the centre-left and centre-right, with a variety of new parties and other political movements gaining ground: most notably the Greens, Liberals, and various shades of Eurosceptic or populist parties. While this reflects a changing political scene across Europe, it also indicates changes in attitudes towards the EP elections among certain parties. In previous elections, many populist parties did not pay much attention to EP elections or did not participate much in them. Their resulting under-representation in the Parliament chamber, despite

FIGURE 29 **The biggest participation gaps: whose voices were absent during the 2019 European Parliament elections?**

In percent

	Share of population	Share of voters
Age		
16/18–24	13	9
+55	39	43
Profession		
Manual worker	22	19
Manager	11	14

Whether citizens agree to the statement "My voice counts the EU"

"My voice counts"		
Disagree	39	29
Agree	55	68

Explanation:

The data is based on the 2019 post-election Eurobarometer survey, with a total sample of 27,464 participants. The 'share of voters' column shows the proportion of people who actually voted in an election within their respective group. 43 percent of voters aged 55+ means that of all citizens who voted, 43 percent were 55 and above. The share of population was calculated through the proportions of citizens who voted and did not vote in a given group (e.g. citizens aged 55+ represent 43 percent of those who voted and 35 percent of those who did not vote in the election) against the overall turnout in the 2019 EP elections (50.66 percent). Note that the share of population calculated may differ from the actual share of population. This is particularly due to the biases that come with post-election surveys such as the 2019 Eurobarometer, since non-voters tend to participate less in such surveys than voters, and non-voters are less inclined to label themselves as "non-voters".

Source: Eurobarometer, 2019

EUROPEAN POLICY CENTRE | BertelsmannStiftung

FIGURE 30 **Differences in voter turnout between the 2014 and 2019 European Parliament elections**

In percent

	Voted 2014	Voted 2019	Diff. '14–'19
EU28	43	51	+8
Gender			
Male	45	52	+7
Female	41	49	+8
Age			
16/18 –24	28	42	+14
55+	51	54	+3
Profession			
Manual worker	35	42	+7
Manager	53	61	+8

Source: Eurobarometer, 2019

EUROPEAN POLICY CENTRE | BertelsmannStiftung

around 25 percent of European voters expressing support for such parties,[56] was a matter of concern for the true representativeness of the institution. With these parties now engaging more with the Parliament's procedures, it is coming closer to a true reflection of the diversity of Europe.

> *"I think it is positively healthy for the European project that there are Eurosceptics getting elected to the European Parliament. Because the European Parliament is actually meant to be a microcosm of the pluralist views of the European public on European issues. So, in that sense I actually think that the elections have been very successful in creating a chamber which really does represent the plurality of citizens' views across Europe and all the key issues of the day. That is not the case in the Commission; that is not the case in the Council. The European Parliament does then become this microcosm of European society, which is one of the major roles of representative institutions."*[57]

In other ways too, **the representation gap appears to be closing**, with younger citizens participating in greater numbers than before. The figures mentioned above represent a significant increase in young people's participation compared with previous elections, with turnout in the under-25 age group increasing by 14 percentage points and in the 25–39 age group by 12 points between 2014 and 2019.[58]

The diversity of candidates selected as MEPs remains somewhat low. While the numbers of underrepresented profiles in the Parliament chamber are increasing, they remain some distance from a true reflection of the diversity of Europe. The proportion of female MEPs, for example, has increased from 37 percent in 2014 to 39.4 percent in 2019 – in this respect the EP has a better gender balance than many national parliaments, but is still a long way from a 50–50 split. Gender diversity among MEPs also varies among countries, with all six Cypriot MEPs being men.[59] There are very few ethnic minorities among MEPs, especially after the UK representatives withdrew from the Parliament following Brexit, and MEPs are predominantly older, with an average age of 50. However, the representativeness of the chamber is a different matter from the representativeness of the elections themselves. The instrument itself allows for equal representation; while the resulting makeup of the Parliament may not be so diverse, this is not in itself an indication that the instrument does not function as intended.

FIGURE 31 **Representation of women in the European Parliament in 2019, by country**

Numbers as of constitutive session in percent

EUROPEAN POLICY CENTRE Source: European Parliament | BertelsmannStiftung

Deliberativeness – second-order campaign debates

The election campaigns provoke a certain degree of deliberation, especially the latest election in 2019. However, this is limited by the low profile of the elections and the fact they take place almost entirely in national contexts.

Election campaigns by their very nature stir up debate and get discussion going on policy issues. The EP elections are no exception to this. By engaging parties, candidates, and voters in a political contest, the elections provide a platform for a great deal of debate, especially via the media. However, as the EP elections are generally less prominent than other campaigns such as national, local or regional elections, the level of deliberation they provoke is also lower.[60] The issues raised tend to be national, or at least couched in national terms, meaning that EP elections often end up rehashing arguments and talking points from national elections rather than opening up entirely new areas of debate (see also Transnationality, below). It is thus rather unsurprising to see that the experts surveyed for this study were split in their interpretation of the instrument's deliberativeness: on the one hand, it has huge potential and clearly kick-starts debate on a larger scale than the other instruments analysed; on the other, this potential is largely unfulfilled so long as the elections remain "second-order national" rather than true European elections that occupy their own niche in the political debate.

The 2019 election represented a greater engagement with European issues. As mentioned above (under Visibility), several experts and politicians have described the 2019 elections as a turning point, with topics of cross-border relevance gaining a far higher profile than in the past. Some have also noted that the occasion of the EP elections

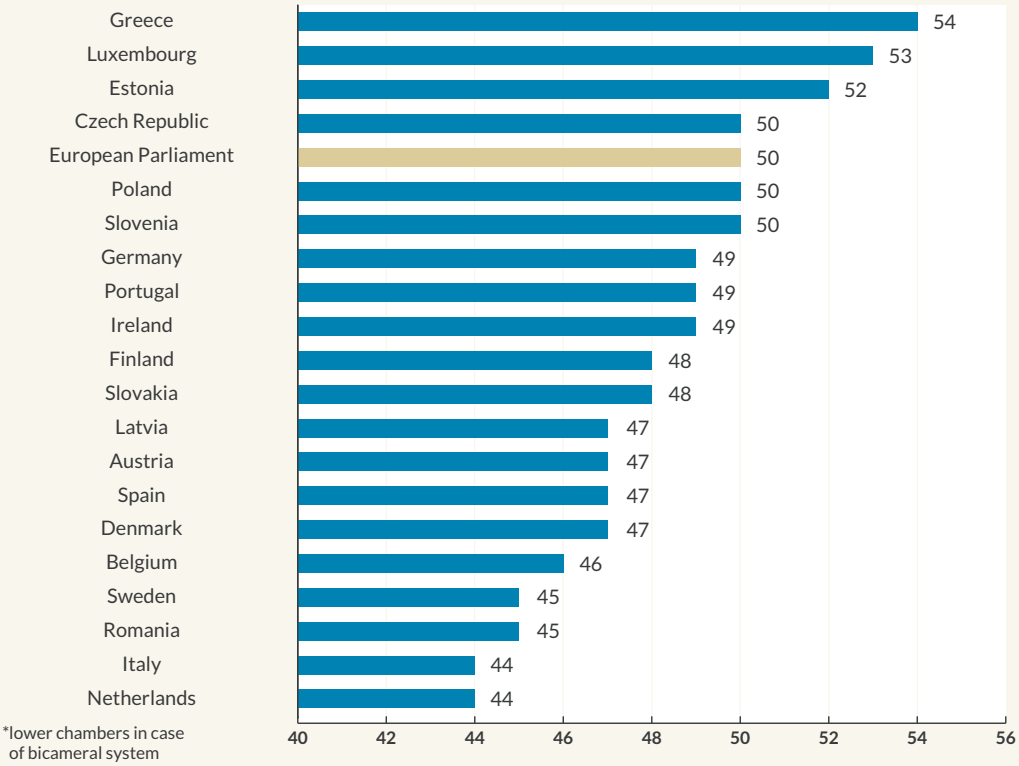
has also begun to engage civil society on European issues a lot more, contributing to the beginnings of a Europe-wide debate and community on certain topics such as climate change.[61] Thus, even if there is still some distance to go before the general public is consistently engaged on EU issues, the EP elections are increasingly making their mark in the political calendar.

The *Spitzenkandidaten* experiment introduced high-level debates between candidates. A number of televised debates were held in both 2014 and 2019 featuring *Spitzenkandidaten* from the largest party groups – from one-on-one debates with the two frontrunners (the candidates of the European People's Party and the Party of European Socialists) to 'Eurovision debates' featuring all the main candidates. These debates represented one of the few venues for European issues to be debated without a national focus. For example, the final debate in 2019 covered issues such as a common European minimum wage, a European business tax, and solidarity efforts to assist in controlling the EU's external border – issues that would not normally be discussed in the context of a purely national campaign.[62] However, it is unclear whether the debates ultimately made much of an impact on citizens' views or the election campaign as a whole. While they were broadcast prominently in some countries, in others they were relegated to small television channels with fewer viewers.[63]

There is little to no dialogue between national parties and their European-level counterparts. The elections are contested by national parties, and voters have the opportunity to choose candidates from lists representing these parties. In the Parliament, however, MEPs sit according to a European-level affiliation and much of the debate and voting takes place along party lines, following the positions of the European parties and their parliamentary groups. In practice this

FIGURE 32 **Members of the European Parliament are on average older than many of their counterparts in member states' parliaments**

Comparing the average age of MEPs to that of members of parliament* in selected EU countries



*lower chambers in case of bicameral system

EUROPEAN POLICY CENTRE

Source: European Parliament, 2019; IPU Parline

BertelsmannStiftung

means that the debates within a given party group at the European level in most cases are never reflected at the national level or discussed with voters directly.[64] For example, a national party that supports the use of nuclear energy may join the European Greens, which oppose nuclear; but this conflicting position between the national and European affiliations is generally not apparent to voters in the EP elections.

Transnationality – mostly national in debate and procedure

Although EP elections take place more or less simultaneously across the whole Union, they remain mostly unconnected elections in each member state, with the debate framed in national terms and the procedure depending on national electoral laws.

In terms of procedure, the elections are different in every member state. Each member state applies its own electoral laws, uses its own voting system (open or closed lists), and has its own rules or traditions about how elections should be conducted. For example, the EP elections do not even all happen on the same day, but are spread out across four days: while most member states generally hold elections on Sundays, the traditional election day is Thursday in the Netherlands and the UK, Friday for Ireland, and Saturday for Latvia, Malta and Slovakia – with the Czech Republic splitting its elections over Friday and Saturday.[65] Effectively, with the exception of the fact that they are all electing members to the same institution, the EP elections in each country do not have that much in common.

The debate around EP elections is also generally tailored to national audiences. As "second-order national" elections, EP election campaigns tend to focus on national policy questions more than European ones. The national parties have little motivation to compete on EU issues when they could instead use the elections as another opportunity to repeat their national campaign messages, treating it as a skirmish ahead of the next 'more important' election. Typically, the only parties to make a big deal out of the EP elections or treat them differently from national elections have been Eurosceptics who run single-issue campaigns directed against the EU, such as the United Kingdom Independence Party (UKIP). Many mainstream parties, meanwhile, are themselves divided on the issue of Europe and so have little incentive to really engage with European issues in their campaigns.[66] Even the EP itself, in its outreach campaigns, must adapt its get-out-the-vote message to national circumstances in order to be heard.[67] As with deliberation, there is a rather even split between the experts surveyed for this study with regard to the question of transnationality, perhaps reflecting the fact it is a very transnational instrument by design that has not yet fulfilled its potential in this area.

> *"People tend to think of the European Parliament as a sort of extension of their own national parliamentary experiences. So a Frenchman will think of the European Parliament rather differently to a German, for example."*[68]

Attempts to increase the transnational dimension of the elections have promise, but are yet to meet with wide acceptance. Although there is still no truly European public debate around the elections, an extra European dimension was added through the *Spitzenkandidaten* process, at least for those who followed it. One interviewee felt that turning the *Spitzenkandidat* competitions into a bigger, longer-term contest similar to the US primaries, where candidates must visit every part of the continent to gather support, would encourage more media coverage, increase the European side of the debate and get it beyond merely national discussions.[69]

Besides *Spitzenkandidaten*, the other big reform proposal on the table for EP elections is that of transnational lists. By arranging for a certain number of candidates to stand not for national or regional constituencies, but a single Europe-wide constituency, this idea aims to Europeanise the whole process by requiring voters to select from a second list where the candidates do not represent national parties, but European ones. This would have the effect of strengthening the European-level parties,[70] and potentially help to turn the EP elections from second-order to first-order elections by making them a qualitatively different

contest to any kind of national election, with the European-level debate potentially also spilling over to the constituency list candidates.[71]

So far, however, neither of these ideas have met with support from the European Council: no move towards adopting transnational lists has been made, while the *Spitzenkandidat* experiment (which always remained informal) did not work smoothly in 2019, making its future uncertain.

Impact – citizens shape the chamber

The EP elections determine the composition of the Parliament chamber, thereby having a strong direct effect unlike that of any other participation instrument. But beyond this formal impact, the influence of the elections themselves on EU politics is somewhat limited.

There is an undeniable direct impact, guaranteed by the treaties, between the EP elections and the makeup of the European Parliament. This is the only method by which MEPs may be selected, and the only way in which citizens can exert a direct and binding choice on an EU institution. The instrument therefore effectively fulfils the purpose of elections: the formal procedure of filling a parliamentary chamber with candidates selected by the citizens.

But the promised impact on the selection of the Commission presidency has not materialised. The *Spitzenkandidaten* process did not work out in 2019, and the link between the election result and the creation of the new Commission is rather unclear. For the moment, the EP elections remain an instrument that impacts only one institution directly – the Parliament itself.

"Politically the elections don't really matter much."[72] While the exact makeup of the Parliament changes as a result of the elections, the nature of the institution – where outright majorities are rare and compromises and coalitions are required to pass anything – means that it makes relatively little difference overall if the balance of the chamber is somewhat further to the left or to the right.[73] For voters, it is quite difficult to see how things have changed as a result of their votes, unlike in a national election where there is usually a clear winner. While the EP does play an enormously important role in the EU's legislative procedure (and its powers have been steadily growing over time), the complex decision-making process and the fact that the EP has no right of initiative makes it hard to identify a clear connection between the vote and the EU policies that follow. Changes at the EU level are slow, and it takes a long time to perceive changes of direction, with the policy process often lasting years. This makes it difficult to communicate to voters the direct impact of their participation via the elections.[74]

An opposing view is that the somewhat more diverse – or fractured – Parliament that resulted from the 2019 elections has also contributed to a lower level of ambition in what the Commission is prepared to put forward. With a higher proportion of anti-EU forces represented in the Parliament, and a pro-EU faction divided between four large party groups, some experts have voiced concern that legislation will be held up or blocked in the Parliament to a greater extent than before. In this view, the EP elections have an indirect effect on what the Commission proposes, as it must take into account what is likely to pass through the Parliament.[75]

However, **the elections play a very important role in agenda-setting**. As the only time in a typical political cycle when the whole of the European public is asked to give indications of their political desires and requests, the EP election campaigns are an opportunity to define the future direction of the EU. The priorities of the new Commission following the elections generally reflect topics that were prominent subjects of debate during the elections.[76] Rhetorically, the Commission frequently refers to the debates and outcome of the EP elections in justifying its policy initiatives. By deciding the shape of the Parliament, elections typically also decide the general direction of EU policies. But as the Parliament is not the only institution that decides this, it cannot set the agenda alone: the Commission, as the only institution with the right of initiative, makes proposals, and a majority in the Parliament is not enough to approve a proposal as there must be a similar majority in the Council.[77] Nevertheless, as the body with the most direct connection with the citizens, the voice of the Parliament has significant rhetorical effect.

FIGURE 33 **The European Parliament elections through the lens of six criteria of good participation**

Visibility

In comparison with other EU-level participation instruments, the EP elections enjoy a very high profile; but they are still considerably less visible than national elections. The latest elections in 2019 appear to have attracted somewhat more attention, potentially indicating a changing trend.

Deliberativeness

The election campaigns provoke a certain degree of deliberation, especially the latest election in 2019. However, this is limited by the low profile of the elections and the fact that they take place almost entirely in national contexts.

Accessibility

EP elections are generally simple to participate in, and open to EU citizens wherever they live in the Union. However, participation opportunities vary according to national electoral procedures, and exercising the right to vote is not always straightforward for those who live abroad.

Transnationality

Although EP elections take place more or less simultaneously across the whole Union, they remain mostly unconnected elections in each member state, with the debate framed in national terms and the procedure depending on national electoral laws.

Representativeness

EP elections are the instrument that allows European citizens to be formally represented in an EU institution, thus making it representative in a way that other instruments are not. In practice, however, there is still a representation gap, as turnout is not equal among all demographic groups.

Impact

The EP elections determine the composition of the Parliament chamber, thereby having a strong direct effect unlike that of any other participation instrument. But beyond this formal impact, the influence of the elections themselves on EU politics is somewhat limited.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

4. Conclusion

The European Parliament elections are unlike every other participation instrument. They are the only one with a direct binding impact on an EU institution, namely the Parliament and the composition of its chamber. They are thus the foundation of European representative democracy, but also unite representative and participative democracy by being the moment when citizens across Europe cast their ballots to declare their preferences for the future direction of the Union.

However, that moment of European participation, and the elections' potential as an instrument of citizen participation at the EU level, are held back by the fact that they still function primarily as national elections. Procedurally, they unfold differently in each member state according to national electoral laws, while the debate remains very much framed in national terms, effectively leading to 27 different national elections rather than a single cohesive event. Furthermore, the EP elections generally do not even play a very significant role in the national political calendar, as they remain "second order" – less important than other political events that may shape representation closer to home. The result of this effect is not only that the elections fail to reach the standard of visibility that their importance in the EU system suggests they deserve: it also means that the vote fails to express the will of European citizens on EU policy issues, instead reflecting a conglomeration of national interests.[78]

This predominantly national focus may be starting to change as issues of cross-border impact – such as the climate – gain in importance, which could lead to European-level politics becoming more significant for voters. Much has been made of the growing participation of youth and the first ever increase in turnout in the 2019 elections – but at 51 percent, it is still considerably lower than most national elections and arguably problematic for the EU's democratic legitimacy, with the instrument's theoretically very high representativeness suffering as a result. The picture is still worse in some countries, notably newer member states in Central and Eastern Europe, where turnout struggles even to exceed 30 percent.

The second-order national character of the EP elections is well-recognised among academics and EU officials alike, and there is a general consensus among policymakers that increasing the elections' European character would be desirable. There is no shortage of ideas of how this might be done, but they each face practical or political hurdles: the *Spitzenkandidat* experiment may have played a limited role in boosting contestation and deliberation by putting a face to voters' party options, but ultimately it failed to work in 2019 when the European Council declined to select the Commission President from among the candidates who put themselves forward. The idea of transnational lists, which would theoretically Europeanise the debate while also giving all citizens a chance to vote for a *Spitzenkandidat*, was rejected by the Parliament itself in favour of merely reducing the size of the chamber. Neither formalising the *Spitzenkandidat* procedure nor introducing transnational lists would necessarily turn the EP elections into a genuinely European event in one stroke, but the reluctance among high-level decision makers to engage seriously with the ideas indicates that further cultural change and political will is needed to overcome the EP election stalemate. Cultural change will also be needed in national politics, so that candidates start to treat the EP elections as something distinct from national campaigns.

II. The European Citizens' Initiative: an unfulfilled promise

Established in April 2012, the European Citizens' Initiative (ECI) allows one million EU citizens to invite the European Commission to propose legislation. Within the first nine years, 102 initiatives have been started and six of these have been successful in collecting the necessary signatures. The ECI is a network catalyst and it brings new topics on the EU's agenda. However, true success stories remain lacking: only one of the "successful" initiatives has had its core demands translated into EU legislation. In order to make this instrument a success, all EU institutions need to do more to ensure that citizens' voices and efforts are taken seriously.

The ECI process in six steps

Strengths

- **Agenda-setting**
  The instrument has brought new items on to the European political radar.
- **Transnationality**
  This is the only instrument that stimulates citizens to collaborate with citizens from other countries.
- **Accessibility**
  It has become significantly easier for people to start citizens' initiatives.

Shortcomings

- **Visibility**
  Only a very small proportion of EU citizens know that the instrument exists.
- **Digital campaigning infrastructure**
  Organisers are limited in their opportunities to campaign digitally – only very few reach the one million threshold.
- **Impact**
  The follow-up given to 'successful' initiatives is not in line with organisers' hopes and expectations – success stories remain scarce.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

1. Introduction

The European Citizens' Initiative (ECI) allows one million EU citizens to invite the European Commission to propose legislation. The instrument came into being in 2012, making it the world's first ever instrument of transnational, participatory and digital democracy. Initiatives can be launched by seven EU citizens residing in seven EU countries. If an initiative is deemed admissible by the Commission, it is registered and then organisers have one year to collect one million signatures from at least seven EU countries. Since its inception in 2012, 102 initiatives have been started and six of these have been officially recognised as 'successful' in their signature collection effort.[1]

The history of the ECI

The ECI has its origins in the Convention on the Future of Europe that took place from February 2002 until July 2003. While the draft Constitutional Treaty coming out of the Convention process never saw the light of day due to negative referendum results in France and in the Netherlands in 2005, the ECI found its way into the Lisbon Treaty, which came into effect on 1 December 2009. By means of the ECI, citizens were granted the same agenda-setting right as the EU's co-legislators – the European Parliament and the Council – while respecting the Commission's exclusive prerogative to propose legislation.[2] Following the end of the Convention, it was almost a decade before the first ECI regulation came into effect. The long wait led to rising expectations: was the ECI the answer to the long-debated democratic deficit in the European Union?

From the start of the first regulation in April 2012, we can differentiate between three phases in the historical development of this instrument: the period until April 2017, characterised by teething problems and unmet expectations; the period from April 2017 until December 2019, which saw the reform and revival of the instrument, following a number of important court rulings and the announcement of the legislative revision; and the current period from January 2020, which has brought new beginnings in uncertain times, following the entry into force of the new regulation and the outbreak of the COVID-19 pandemic.

Phase 1 – April 2012 to April 2017: teething problems and unmet expectations

The launch of the ECI in April 2012 came with high expectations.[3] Before the end of 2012, a total of 23 requests to register an ECI were submitted – a number that has not been reached again in a comparable period. A first source of frustration in this period was the high number of ECIs which the Commission refused to register, mostly because they were allegedly beyond the scope of EU competence. In the case of two of these – *Minority Safepack*[4] and *Stop TTIP*[5] – organisers went to the Court of Justice, which found the Commission mistaken in its assessment, in rulings published in February[6] and May 2017[7] respectively. A second source of frustration was the Commission's software for online signature collection. According to one stakeholder, "for the first half year the ECI online collection system of the Commission did not work at all."[8] The Commission compensated for this by extending the collection period for ECIs registered by 31 October 2012.[9] Of the first wave of 23 ECIs, only three managed to reach the signature threshold: *Right2Water*,[10] *Stop Vivisection*[11] and *One of Us*.[12] It was the perceived lack of follow-up on these ECIs that turned disappointment into scepticism about the potential of the ECI, resulting in a historically low number of ECIs in 2016, with only three new initiatives registered in 2016, and no new successful ECIs after the aforementioned three registered in 2012.

Phase 2 – April 2017 to December 2019: reform and revival

From the beginning, the Commission has been under pressure to address the problems experienced with this new instrument.[13] In addition to civil society, various EU institutions and bodies added to this pressure: the European Ombudsman started an own-initiative inquiry on the ECI in December 2013 in order "to investigate the proper

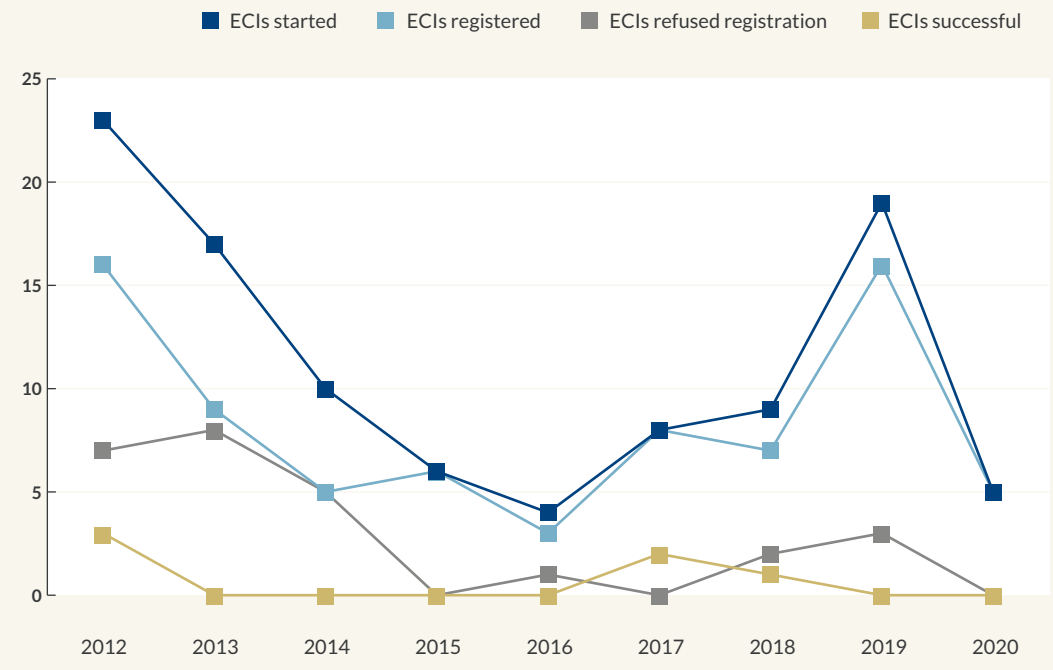
functioning of the ECI procedure and the Commission's role and responsibility in this regard".[14] Furthermore, as early as October 2015, the European Parliament called upon the Commission to revise the regulation in an own-initiative report developed in response to the Commission's first three-year review of the regulation.[15] In response to the pressure, the Commission addressed some of the problems through non-legislative action: it made improvements to the Commission software for online signature collection and it started registering ECIs that were at least partially within the scope of EU competence, thereby significantly reducing the number of ECIs that were rejected. However, it was only in April 2017 – during the annual ECI Day[16] at the European Economic and Social Committee (EESC) – that it committed to launching a legislative revision of the instrument. Additionally, it decided to set up an online collaborative platform – now known as the ECI Forum – and a communication campaign for the ECI. It was also during the first half of 2017 that a fourth successful ECI emerged: *Stop Glyphosate*[17] collected the necessary signatures in a record time of less than six months. Following these developments, a new wave of ECIs emerged, with the number of registered ECIs reaching the same level in 2019 as in the peak year of 2012: 16 registered initiatives.

Phase 3 – January 2020 onward: a new beginning in uncertain times

During the period of legislative revision of the instrument, the Commission was careful to avoid creating high hopes, trying to prevent a repetition of the scenario that unfolded with the launch of the instrument in 2012: 'expectation management' was at the heart of First Vice-President Frans Timmermans' message when presenting the Commission's proposal for a new regulation to the Constitutional Affairs Committee of the European Parliament in November 2018.[18] After a lengthy negotiation process concluded in December 2018, the new regulation came into effect on

FIGURE 34 **Historical development of the ECI**

Number of ECIs per year (by date of registration)



EUROPEAN POLICY CENTRE Source: The ECI Campaign BertelsmannStiftung

1 January 2020. Timmermans' note of caution is mirrored in the objectives of the new regulation:

> *"This Regulation aims to make the European citizens' initiative more accessible, less burdensome and easier to use for organisers and supporters, and to strengthen its follow-up in order to achieve its full potential as a tool to foster debate. It should also facilitate the participation of as many citizens as possible in the democratic decision-making process of the Union."*[19]

The changes in the Regulation are mainly expected to improve the accessibility of the instrument. However, in parallel to the adoption of the new Regulation, the European Parliament also agreed to change its Rules of Procedure, making plenary debates on 'successful' ECIs a standard element in the follow-up procedure.[20] The impact of the overall reform of the instrument, as well as the investment in the ECI Forum and the communications campaign, remains to be seen. The start of the new regulation has been disrupted by the outbreak of the COVID-19 virus, which led the EU institutions to adopt temporary measures to mitigate the impact of the pandemic on the ECI.[21] As part of these measures, organisers of ongoing ECIs received a six-month extension for signature collection, and two further three-month extensions afterwards.[22]

The legal basis of the ECI and its modus operandi

The founding document of the ECI is the Treaty of Lisbon:

> *"Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties."*[23]

While the Treaty article sets the framework conditions for the functioning of the instrument, the details and concrete procedures are decided by means of the ordinary legislative procedure, with the European Parliament and the Council acting as co-legislators. Regulation (EU) 2019/788[24] came into effect on 1 January 2020, replacing the original ECI regulation - Regulation (EU) No 211/2011.[25] Further details related to online signature collection are specified by means of Commission Implementing Regulation (EU) 2019/1799. Lastly, the European Parliament's Rules of Procedure include a number of rules related to the ECI (Rules 222 and 230).[26]

Citizens' initiatives can only be established by seven EU citizens residing in seven EU countries – the group of organisers. They need to agree on the title and objectives of the initiative, after which they can submit a request for registration to the European Commission. The Commission replies within two months (or sometimes four), explaining its decision to (partially) register or not to register the initiative with reference to the criteria set out in the Regulation.[27] If an initiative is registered, organisers have six months to schedule the official launch of their signature collection campaign. Once the collection starts, organisers have one year to collect a total of one million signatures and reach the designated signature thresholds in at least seven EU countries.[28] Signatures are collected both offline – on paper – and online by means of the Commission's central online collection system.[29] Once the collection period is over, organisers need to group the signatures by nationality and submit them for verification to the competent national authorities within three months. Verification should take a maximum of three months, after which organisers submit the signature collection certificates from national authorities to the Commission. Upon receiving the necessary certificates, a six-month examination period begins: organisers are invited for a meeting with the Commission within a month and are invited to participate in a public hearing in the European Parliament within three months. After this hearing, the European Parliament will hold a debate in plenary about the ECI. At the end of this examination procedure, the Commission issues a response to a 'successful' initiative in the form of a communication, explaining "the action it intends to take, if any, and its reasons for taking or not taking action".[30]

2. Assessment of the ECI against its stated objectives

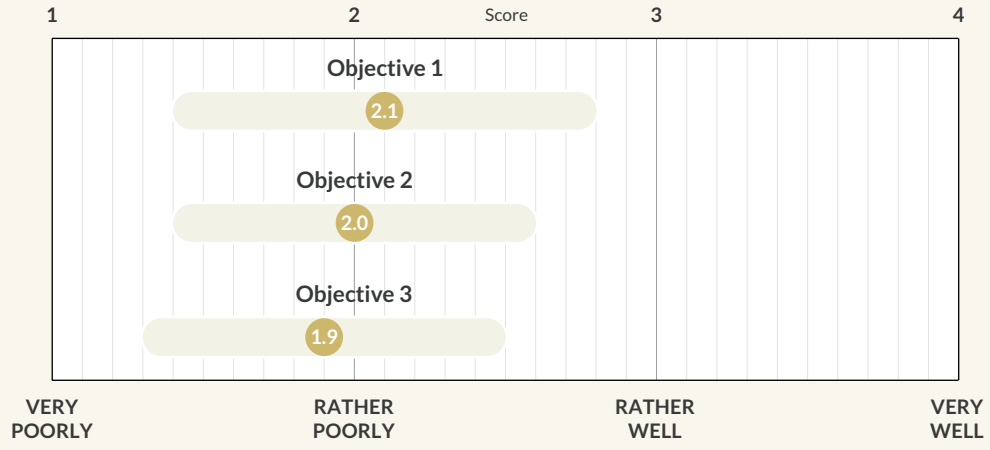
In the following section, the ECI is assessed in relation to its own stated objectives. The objectives are derived from article 11 of the Treaty on European Union and Regulation (EU) No 211/2011 on the citizens' initiative.

To allow EU citizens to invite the European Commission to submit a legislative proposal

Initially, the EU Commission was very strict on admissibility – but it relaxed over time. In the early years of the ECI, from 2012 to 2014, 40 percent of all ECI proposals were rejected by the Commission, which deemed many of them outside of its competence to act. However, the Commission was overruled twice by the General Court and changed its approach. In the case of the *Stop TTIP* ECI, for example, the Commission initially refused to register the ECI based on the institutional grounds that negotiations were ongoing with the Council. The Court argued in reply: "far from amounting to an interference in an ongoing legislative procedure, ECI proposals constitute an expression of the effective participation of citizens

FIGURE 35 **Expert views on ECI performance – stated objectives**

How well or how poorly does the ECI perform in relation to its stated objectives?



Objective 1: To allow EU citizens to invite the European Commission to submit a legislative proposal
Objective 2: To encourage citizen participation
Objective 3: To make the Union more accessible

The above scores are the result of an expert survey conducted among 59 EU democracy experts.

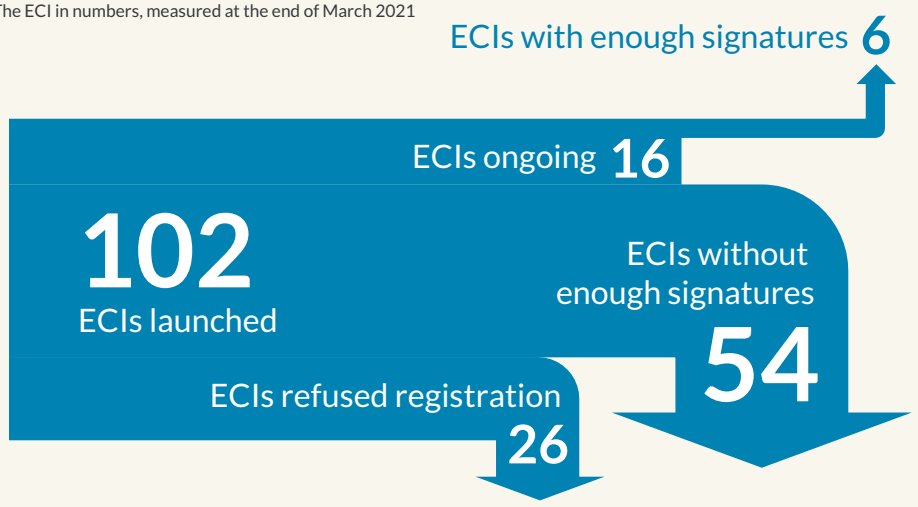
The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

of the European Union in the democratic life thereof."[31] The Commission also began registering ECIs of which only part of the objectives fell within the scope of EU competence – something which is now institutionalised in Regulation 2019/788. Despite the Commission's more relaxed approach to registration, **there have only been a small number of successful ECIs.** Only six have officially been recognised as successful, having collected one million signatories from seven EU countries in compliance with the regulations. Thus, while it is in principle possible for any group of seven EU citizens from seven countries to invite the Commission to submit a legislative proposal, in practice only well-resourced, well-networked and well-organised citizens stand a chance.

FIGURE 36 **The track record of the ECI**

The ECI in numbers, measured at the end of March 2021



EUROPEAN POLICY CENTRE Source: European Commission, own compilation BertelsmannStiftung

To encourage citizen participation

Only a small fraction of the EU population has actively participated in an ECI so far. Around ten million ECI signatures have been collected. Even if these were all different citizens, it would only account for roughly 2.5 percent of the EU's overall voting age population.[32] **ECIs are mainly organised by young people and civil society organisations.** The most successful ECIs had considerable backing from such organisations. The group of organisers of the successful *Right2Water* ECI, for example, was composed of representatives of EU public service trade unions.[33] The *Stop Vivisection* ECI was supported by a considerable number of animal rights groups around the EU.[34] According to the Commission's reporting, younger people between 21 and 30 are the most well-represented age group among organisers and older people between 71 and 80 the least.[35] In response to low levels of participation in the ECI by EU citizens, **the Commission has stepped up its efforts to encourage more citizens to participate.** The Commission invested in setting up an online collaborative platform – called the ECI Forum[36] – and a communication campaign labelled "Take the Initiative".[37] The purpose of these actions is to spread the word about the ECI and to give citizens the necessary knowledge and support to start their own initiatives.

To make the Union more accessible

The mere existence of the ECI has made the Union more accessible. The ECI provides citizens with a direct channel to ask for legislation from the European Commission, where previously there was none.[38] Furthermore, for those organisers who are successful in their signature collection efforts, **the EU institutions provide a number of opportunities for interaction.** For each successful ECI, the group of ECI organisers is invited for a closed-door meeting with the European Commission, and for a public hearing in the European Parliament. Also, the EESC invites successful ECI organisers to its plenary meetings.[39] Despite that, **many organisers remain frustrated, as the ECI experience can reinforce the picture of a distant EU.** The opportunities for interaction do not always meet the expectations of successful ECI organisers. Reported shortcomings include a low level of deliberation and little opportunity for a real exchange of views.[40]

3. Assessment of the ECI against six criteria of good participation

In the following section, the ECI is assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

Visibility – high in Brussels, not so much elsewhere

Visibility of the ECI is very low among the wider European citizenry. Increased support from EU institutions is needed, as well as a greater number of successful ECIs.

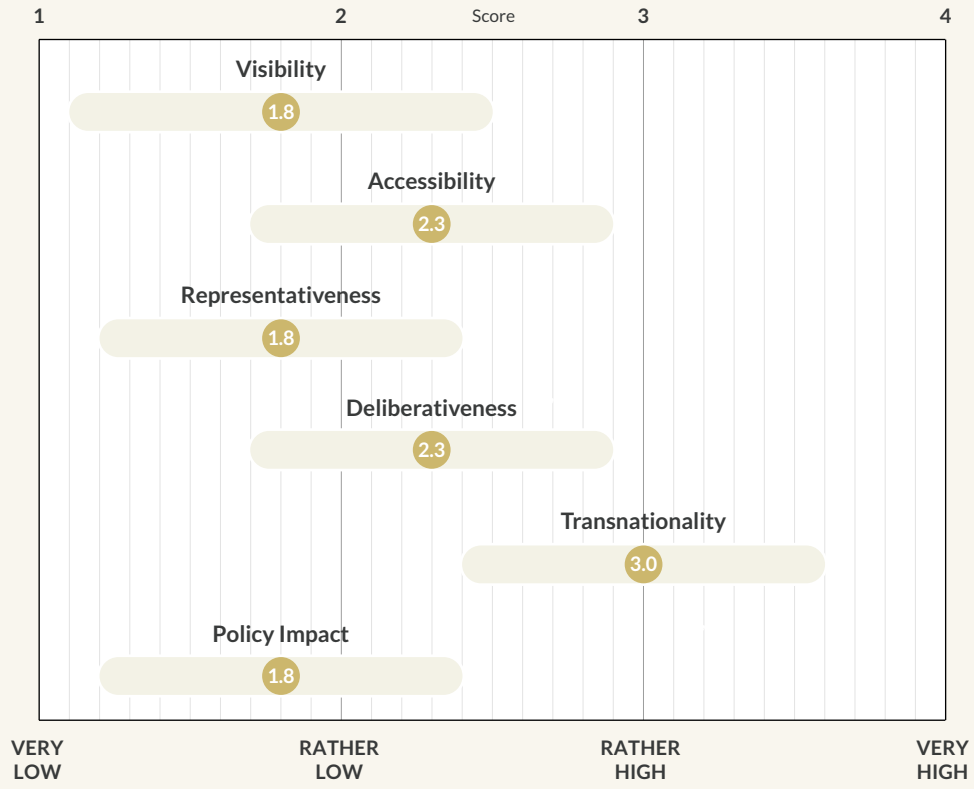
The ECI is well-known among academics and in the Brussels bubble, far less among citizens. As a novel instrument of transnational participatory democracy, the ECI has received considerable attention from the academic community,[41] yet most EU citizens have not heard of it.[42] This observation is confirmed by most experts surveyed for this study, 84 percent of whom rated the ECI's visibility as rather or very low. Although there is no doubt that the general visibility of the ECI among the public at large is low, how low exactly is difficult to say. In certain cases, there may be a significant group of citizens who are aware of a specific ECI campaign, for example *Stop Glyphosate* or *Stop TTIP*, while not being aware of the ECI itself as an instrument. As an EU official put it: "It's not that the tool is completely inexistent for citizens, but they are not necessarily aware of the fact that these campaigns are specifically about this tool."[43] A media analysis covering 14 EU countries from 2011 to 2017, conducted by the Bertelsmann Stiftung in 2018, found that in total only 516 newspaper articles had in one way or the other mentioned the European Citizens' Initiative.[44] In comparison, a search on Google Scholar for the term "European Citizens' Initiative" reveals that around 1950 academic articles mentioned the ECI in one way or another during the same timeframe.[45] Even the Commission itself concluded in 2017 that "the awareness of the instrument among citizens has not reached a satisfactory level".[46]

Differences between countries and initiatives: while the visibility of the ECI is generally rather low, there are differences between countries and individual initiatives. Of the 516 mentions of the ECI in the news, 160 were in Germany and 122 in France, whereas there were no mentions at all in the Netherlands or the Czech Republic.[47] Insofar as the media are interested in the ECI, they are mainly focused on successful initiatives. Furthermore, the small amount of media visibility is usually found in those countries where a successful initiative predominantly originated, and where it was most successful.[48] For example, the *Right2Water* ECI had the backing of several German trade unions and nearly 75 percent of signatures for that ECI came from Germany.[49] Furthermore, media events and high-level endorsements can improve the visibility of an ECI in specific countries. Examples include a German comedian talking on national television about the *Right2Water* ECI[50] and Bulgarian celebrities, tennis stars and trade unions publicly supporting the first *Unconditional Basic Income* ECI.[51]

Double burden on ECI organisers: The overall lack of public awareness puts a double burden on ECI organisers. As an EU official put it: "We know from the organisers that they first need to explain what an ECI is, and then they explain the content."[52] Ideally, the organisers' role is first and foremost to convince as many citizens as possible of the relevance of their cause, in order to reach the one million signature threshold. Yet to do this, due to the lack of public awareness of the instrument, the organisers first need to explain what an ECI is, what it does and what sort of impact it may or may not have. The ECI's lack of visibility is therefore a direct burden on organisers. Considering the limited amount of resources organisers generally have to work with and the requirement to reach out to different member states, that lack of knowledge can make the difference between reaching the one million threshold or not.

FIGURE 37 **Expert views on ECI performance – criteria of good participation**

How high or how low does the ECI score in relation to six criteria of good participation?



The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

The lack of visibility can be (partially) explained by the ambivalent attitude within EU institutions towards this instrument: in the early days of the ECI, the EU institutions did not show a lot of interest in actively advocating for it. According to a researcher, they tried to keep it as "small as possible".[53] A civil society stakeholder argued that the ECI was even "considered explicitly as a threat to the European project" by some in the Commission.[54] Nevertheless, there is evidence that attitudes, particularly in the Commission, are changing. The "Take the Initiative" communication campaign and the ECI Forum, both launched in 2018, show an increased willingness on the part of the Commission to promote the instrument and to support organisers more. Institutional actors such as the Ombudsman and the EESC are also actively promoting the instrument within the institutions and externally.[55] Following its own-initiative inquiry, the Ombudsman stated that "the European Parliament, as well as the Commission, has a vital role to play in making a success of the ECI".[56] The

> *"The organisers first need to explain what an ECI is, and then they explain the content."*
>
> Interview 4

annual ECI Day conference at the EESC helps to keep the ECI on the radar of EU institutions and civil society. How impactful the Commission's efforts at communication are, remains to be seen. As an institution, the Commission is by design disconnected from citizens, and thus it relies on the willingness of civil society organisations and other third parties to reach a wider audience. Yet organised civil society generally does not regard itself as a promoter or multiplier of the ECI.[57]

More success stories needed: according to a researcher, "what the initiative really needs is one successful initiative, one Regulation or one Directive emanating from the ECI."[58] No matter how much money the Commission invests in communications, the best PR would come for free with an ECI success story: one or more initiatives that the Commission took further into legislation. The first real ECI success story came in June 2021, when the Commission announced its plan to "phase out and finally prohibit the use of cages for all the animal species and categories" as demanded in the *End the Cage Age* ECI.[59] This success has set an example and demonstrated to citizens what an ECI can achieve in practice. There has been considerable discussion and media coverage on the successful initiative and its effects, even in major domestic outlets.[60] This shows that the more credible the Commission's commitment to the ECI and its process is, the more it will be picked up, used and promoted further. The more success stories the ECI has, the better.

Accessibility – details matter

The accessibility of the ECI is a mixed picture. Supporting an initiative has its quirks, but is relatively straightforward. But organising one and making it successful remains a major challenge for current and future organisers.

Supporters face hurdles, organisers face walls: given that initiatives can be signed online and that it takes no more than a couple of minutes to do so, one could argue that signing an ECI is rather easy.[61] However, the personal data requirements to sign an initiative deter some citizens from participating, and different sets of data requirements are applied in different countries.[62] Organising an ECI is a considerable challenge, or as one interviewee put it, "a bit of a nightmare".[63] The barriers faced by organisers are multiple: they are personally liable when it comes to the handling of signatories' personal data,[64] they need to know the instrument and its legal background, its functions and deadlines, and they require resources to network and organise.[65]

> *"What the initiative really needs is one successful initiative, one Regulation or one Directive emanating from the ECI."*
>
> Interview 24

The devil is in the detail: technical hurdles hindered the ECI's development, but it has become more accessible over time. In the early days, the high rate of rejected initiatives was only one of the ECI's teething problems. Additionally, the initiatives that were actually registered by the Commission experienced severe difficulties in getting their signature collection up and running: the online collection software provided by the Commission was dysfunctional at first and made it very difficult for organisers to connect with supporters.[66] Furthermore, organisers found it difficult to find servers to host their ECI and to get the software certified on time. In response to these problems, the Commission decided to offer its own servers in Luxembourg free of charge and gradually made improvements to the collection software.[67] Despite these improvements, one interviewee argued that the online collection system is "still not very well done".[68]

Collecting the necessary signatures remains the biggest challenge. The ECI is a tool for civil society organisations or "super-organised" citizens. When we look at the historical development of the ECI, we can conclude that the registration hurdle has been significantly lowered: whereas between 2012 and 2014 20 initiatives were refused, only six were refused between 2015 and 2020.[69] However, the biggest hurdle remains collecting the necessary one million signatures within a year. Only six initiatives have been successful, three between 2015 and 2020. Most successful ECIs were backed by rather large and well-funded civil

society organisations.[70] The success of the instrument depends a great deal on whether it is able to generate more successful ECIs in the future.

There is a perceived imbalance between accessibility and outcome. While organisers of ECIs find it difficult to coordinate between at least seven different member states and to collect one million signatures within 11 months, it is also the rather complicated nature and unclear outcome of an ECI that burdens their activities. The Commission has considerable discretion in how it will handle even a successful ECI, making it difficult for organisers to explain to potential signatories what impact their support may have.[71] There is also a discrepancy between some actors' perception of the ECI as a tool of direct democracy and the Commission's view of the ECI as an agenda-setting instrument.[72]

The new regulation should further improve accessibility, but results remain to be seen. The main objective of the legislative revision that the Commission started in 2017 was to improve accessibility. A number of changes that were integrated into the new regulation are clear steps in the right direction: for example, organisers can now register a legal entity for the purpose of the ECI, thereby limiting their personal liability. Furthermore, organisers now have six months to prepare the launch of their signature collection campaign after its registration by the Commission. However, there are other legislative changes of which the impact cannot yet be seen: it is positive that the total number of different signing forms adopted by EU countries has been significantly reduced – from 13 to two – but EU countries can still decide to require signatories to submit their personal identification (document) number – something that nine countries are still opting for.[73] This remains a strong deterring factor for citizens in some countries. Moreover, contrary to the recommendation of the Commission, the Parliament and civil society actors, the use of individual online collection systems is being phased out, making the ECI's future dependent on the functioning of the Commission's central online collection system. Some further reforms discussed in the drafting stage, such as reducing the participation age for ECIs to 16 EU-wide,[74] were not adopted.[75]

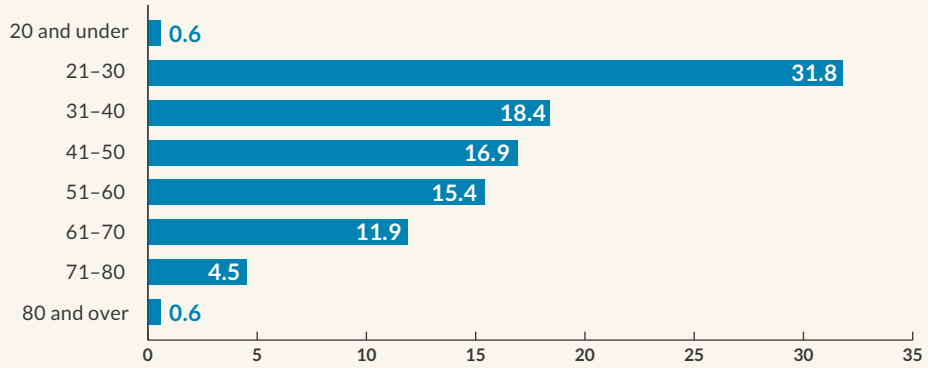
Representativeness – something the ECI struggles with

Some nationalities and age groups are underrepresented, but the profile of organisers is becoming more diverse.

Big players, small numbers: some nationalities and young people are strongly represented. Certain groups participate more in the ECI than others. That becomes clear when considering the proile of ECI organisers. More than half of all par-

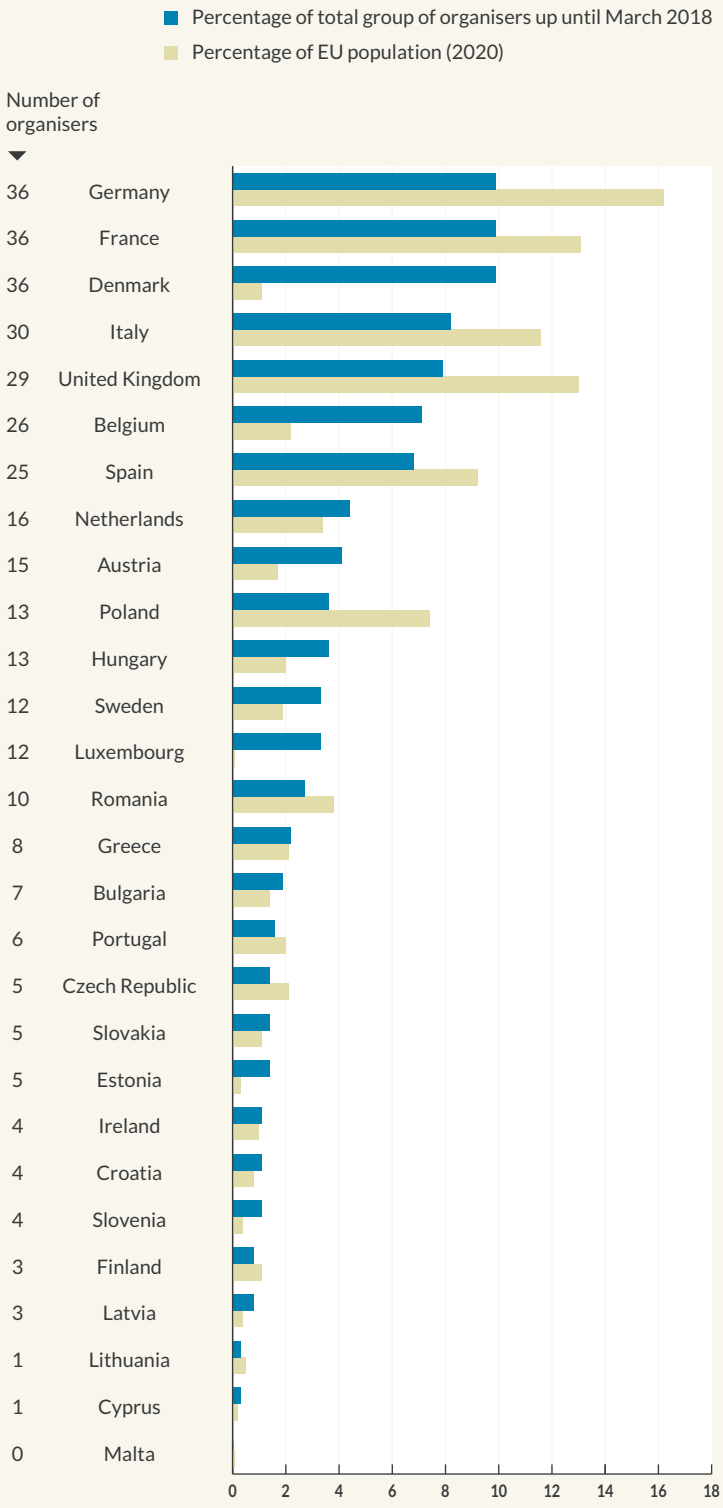
FIGURE 38 **Initiative organisers by age group**

Percentage of total number of organisers up until March 2018



EUROPEAN POLICY CENTRE Source: European Commission 2015, 2018; own calculations BertelsmannStiftung

FIGURE 39 **ECI organisers by country of residence**



Source: European Commission 2015, 2018; Eurostat; own calculations

EUROPEAN POLICY CENTRE | BertelsmannStiftung

ticipants in groups of organisers are younger than 40, and one third are younger than 30. Citizens aged over 71 have only a five percent share. While it is clear that all age groups have been represented in groups of ECI organisers, there is certainly a trend that members are rather younger, in the early stages of their professional career or in education. Also, certain countries are more strongly represented, than others. Particularly older EU member states have a considerable share of ECI organisers, such as France, Germany and Denmark. Smaller and newer EU member states are less represented, such as the Czech Republic, Slovakia and Bulgaria. Committee members tend to be citizens who are already politically active, with at least a minimal understanding of the EU and its functioning.[76] The profile of signatories can vary and depends considerably on the type of campaign run by ECI organisers in individual countries.[77]

The ECI is not meant to be representative, but it leads to better representation of some interests and groups. One million citizens from a quarter of all EU countries are needed for a successful ECI. The signature collection thresholds per country ensure that successful initiatives do not represent the wishes of people from a single country only. At the same time, representativeness is not an objective for the ECI, certainly not in relation to other demographic variables.[78] The ECI is instead an instrument that can give smaller but significant fractions of the European population a voice in relation to a shared and specific issue. Thus, while not necessarily representative of the wider European population, it gives representation to citizens who share a common issue or concern that they express in an ECI.[79]

ECI organisers' scarce resources hamper European outreach. Reaching out to at least one million citizens in seven countries is by its nature resource-intensive. It demands time, personnel and money.[80] Not everyone is equipped and/or willing to invest this into an initiative the impact of which is quite unclear. Bigger organisations may think twice before investing in an ECI. As a Greenpeace representative stated in 2012: "The citizens' initiative is a good idea in principle, but in reality, one million euros will go a lot further to lobby the Commission than one million sig-

natures."[81] Organisations and individuals with fewer resources may not even be equipped in the first place to promote their issue on such a scale. Running a campaign in at least seven countries in several languages remains a fundamentally bigger challenge than doing so in only one country.

Not just the *Brussels bubble*: the profile of organisers has been changing. Though resources and the diversity of organisers and participants remain an issue, one can observe changes in terms of the profile of organisers. In the beginning, ECIs were mainly organised by pan-European organisations[82] or citizens who had built EU-wide networks through university, and those with an interest in EU politics.[83] More recently, there has been an increase in organisers outside the realm of Brussels-based EU politics, e.g. the *Save Bees and Farmers* ECI. This ECI builds on a number of successful domestic movements and initiatives on the wellbeing of bees in South Tirol, France and Bavaria.[84] In this case, the ECI did not originate from a pan-European approach *per se*, but different local and national activists felt the need to come together and upscale their efforts to the European level to increase their impact.[85]

Deliberativeness – a slowly decreasing gap between promise and reality

The ECI's deliberativeness is limited. It has intensified interactions within civil society, but deliberation with the EU institutions is a prerogative of successful ECI organisers only, and even that has frequently resulted in frustration. However, progress is visible.

The ECI generates public conversations and civil society interaction only to a certain extent. The design of the registration requirements stimulates some minimal level of deliberation among citizens and/or civil society organisations even prior to the launch of an initiative, because ECIs can only be established with the support of seven EU citizens residing in seven different countries. This means that at least those seven people have to reach an agreement regarding the objectives and text of their initiative.[86] In practice, it is often civil society organisations that start initiatives, so the ECI can generate serious discussion within and among civil society organisations. However, during the signature collection phase it is rational for organisers to focus their efforts on gaining the support of citizens who are already sympathetic towards the initiative's subject matter rather than trying to convince those yet to be convinced.[87] Still, an ECI can lead to serious public debate, notably when a particular initiative leads to a counter-mobilisation by other groups, which is what happened in the case of *Stop Vivisection*, for example.[88]

Interaction between citizens and EU institutions is limited and formal and frequently frustrates organisers. Those who are successful in collecting the necessary signatures have the legal right to be invited to two different events organised by the EU institutions: a meeting with the Commission and a public hearing in the European Parliament.[89] The purpose of these events is for the EU institutions to receive more information about a successful ECI and to enter into dialogue with its organisers. Additionally, they are meant to ensure that organisers and citizens feel that they are taken seriously by the EU institutions, even if the Commission later decides not to take the desired action.[90]

In practice, there have been only six successful ECIs which have gone through this formal deliberative process. Two of these have been very dissatisfied about the lack of deliberation during these events: the *Stop Vivisection* organisers complained about receiving only 34 minutes of speaking time in a public hearing that lasted 3.5 hours,[91] and the organisers of another successful ECI were not happy with their meeting with the Commission: "we didn't find the Commission meeting to be particularly deliberative or interactive or allow for a real exchange of views. We came into the meeting expecting to have that sort of dialogue but I think the result was that we felt that the Commission wasn't really listening to us."[92] In addition to these two events, the EESC has also made it a standard practice to invite successful ECI organisers to plenary sessions to present and discuss their initiative.[93] Beyond the three abovementioned deliberative practices, there are of course many more examples of public events about ECIs that involve EU politicians and ECI organisers, but these are not standardised, and many are initiated and (co-)organised by ECI organisers themselves, such

as the launch event of the *End the Cage Age* initiative in the European Parliament. Only once has the European Parliament organised a public hearing on an unsuccessful ECI: *End Ecocide*.[94]

> *"We didn't find the Commission meeting to be particularly deliberative or interactive or allow for a real exchange of views. We felt that the Commission wasn't really listening to us."*
>
> Interview 30

Civil society has been pushing for more deliberation and debate – EU institutions are gradually adapting. The Commission proposal for the first ECI regulation from 2010 did not make reference to a public hearing in the European Parliament, nor to a meeting with the Commission.[95] It was civil society and the European Parliament that pushed for these standard deliberative practices in the follow-up to successful initiatives.[96] In January 2019, also due to considerable civil society pressure, the European Parliament changed its own Rules of Procedure to introduce plenary debates on successful initiatives as a standard practice in the follow-up procedure.[97] This historical trajectory shows that EU institutions have resisted allowing themselves to be bound to act in a particular way on successful initiatives, but that new deliberative practices have gradually found their way into the life of the ECI.[98]

Transnationality – bridging the national-EU divide

The ECI's transnationality is significant compared to other EU participation instruments. However, it still operates in a Europe with a highly fragmented public sphere. The ECI connects and Europeanises national civil society networks and national debates, but does not overcome divides.

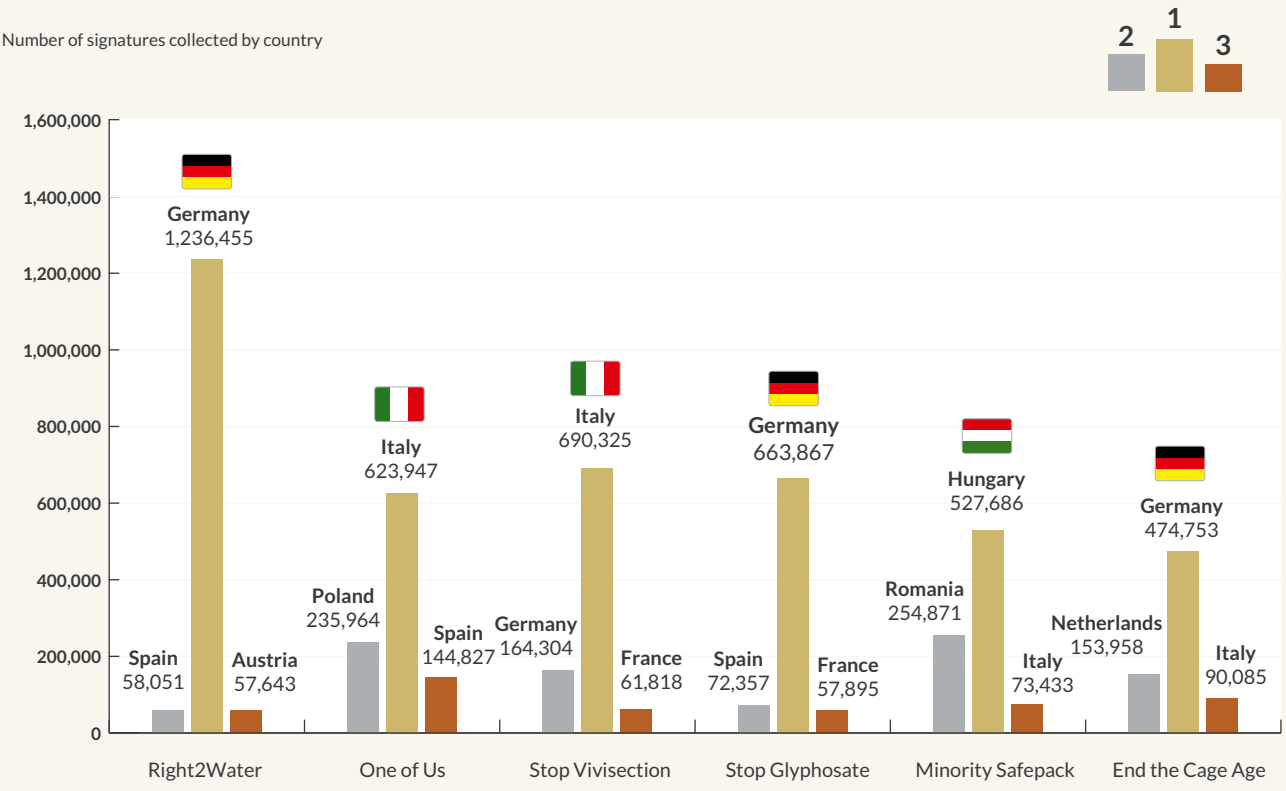
The ECI is the world's first transnational participation instrument but is mainly based on national successes. The ECI is transnational by design. Initiatives can only be started by seven EU citizens residing in seven different EU member states and for signature collection they need to reach a threshold in at least seven EU countries. However, transnational design elements do not necessarily incentivise EU-wide activism. According to a researcher, "most successful initiatives have really been pushed forward by a few national organizations."[99] Furthermore, a look at the formally successful ECIs shows that all of them have collected the majority of their signatures in one or two countries only, mostly populous ones like Germany and Italy. Two factors account for this: first, the biggest challenge for organisers is collecting one million signatures; reaching the national thresholds in seven EU countries has empirically proved to be less problematic. Second, organisers have limited resources, so using them primarily in one country and focusing on one main campaign is in many cases the most effective strategy, even when it is part of a single pan-European strategy: "If you look at the reality of the campaigns, many of them are actually very national campaigns that are just connected by the fact that it is an ECI – that it is a procedure on a European level."[100]

The ECI as network catalyst: civil society organisations become more European and connect with each other. The ECI increases cross-border interaction and awareness, even if one rarely finds individual citizens from one country persuading citizens in other countries to sign an initiative. The ECI builds on and expands existing connections between citizens and civil society organisations, and it does so across borders. Furthermore, it is because of its cross-border networking effect that the ECI also leads to the creation of new European civil society networks. A good example in this regard is the ECI *One of Us*. "The European Citizens' Initiative was absolutely the starting point of our European network," said one of the initiators of the ECI.[101] Recently, there have also been other examples of regional and national campaigns being scaled up to the European level: the *Save Bees and Farmers* ECI built on a number of national and regional organisations such as the French environmental movement "*Nous voulons des coquelicots*"[102] and the organisers of a referendum called "*Rettet die Biene*" in Bavaria, Germany.[103]

The ECI has stimulated and Europeanised existing national debates. ECI organisers are interested in progressing the cause they care for. Their decision

FIGURE 40 **The national origins of successful ECIs**

Number of signatures collected by country



EUROPEAN POLICY CENTRE Source: European Commission BertelsmannStiftung

to use an official EU instrument to promote their cause does not imply that they are only, or even primarily, aiming for change at the EU level. "Very often it actually helps that something is presented as European, because still I think that there are quite a lot of people disappointed in their governments or in their actions, who still believe that if you go higher you get more objective results, or that you can influence your government, which sometimes happens."[104] Just as the ECI sometimes targets national politics, sometimes it connects national with European debates. Some ECIs were particularly successful in this respect, such as *Stop Glyphosate*.[105] This contributed to it becoming the fastest successful ECI, collecting the necessary number of signatures in only five months. In this example, the ECI has clearly stimulated and Europeanised existing national debates.

Impact: a half empty glass getting fuller

It has become clear that ECIs can make a difference. However, the overall impact remains low. Only one ECI is being directly translated into EU legislation. All European institutions need to do more to make the ECI a success.

Only one ECI is on path to be directly translated into EU legislation so far, but there is evidence of growing impact. 88 percent of all interviewed experts consider the impact of the ECI to be either low or rather low. Indeed, at the time of writing, the main demands of 'successful' ECIs – such as a ban on glyphosate or animal testing – have not been followed up on. The notable exception is the *End the Cage Age* ECI which the Commission has promised to follow up with a legislative proposal by the end of 2023.[106] Often organisers remain

frustrated after collecting more than one million signatures. Still, there is evidence that several ECIs have had an impact on EU policy. With regard to *Stop Glyphosate*, the Commission tabled a legislative proposal on the transparency and quality of studies used in the scientific assessment of substances in the food chain, passed into law in June 2019.[107] Furthermore, the *Right2Water* ECI already made an impact during signature collection, as water and sanitation services were excluded from the Directive on the award of concession contracts (Directive 2014/23/EU) as an effect of the debate sparked by the ECI.[108] The Parliament adopted an own-initiative report on the ECI and the EESC adopted its own opinion.[109] The main impact of the ECI followed several years after its completion, with an amendment of the drinking water Directive in 2018, a proposal for a regulation on minimum requirements for water reuse in 2018 and a revision of the Directive on drinking water that came into force in January 2021.[110]

A glass half empty or half full? Impact is more than legislation. Expectations and assessments of the impact of the ECI differ. Some argue that the real impact of the ECI is rather low and that the institutions have not sufficiently picked up on its potential impact.[111] Others think the ECI has had a real impact, but it has been underrated and not made visible enough.[112] Indeed, some ECIs did not have an immediate policy impact but contributed considerably to the debate on the European level. For example, for the successful *One of Us* ECI, the Commission declined to submit a legislative proposal. Yet the initiative brought issues that were previously not considered part of European politics, such as the regulation of abortion, to the forefront of EU policy.[113] The *Stop TTIP* ECI, initially not registered by the Commission, managed to collect several million signatures informally (i.e. outside the official ECI process), contributing significantly to a debate that had a considerable impact on the fate of the Transatlantic Trade and Investment Partnership, partially due to its strong media presence in countries such as Germany.[114]

In the eye of the beholder: Impact is key for organisers. The biggest motivation for citizens to sign an ECI is knowing that their voice will count. The scarcity of success stories make it impossible for ECI organisers to guarantee this, and difficult to point to good examples. Of the six successful initiatives that have been answered by the Commission, only three can be said to have had some tangible impact *(Right2Water, Stop Glyphosate, and End the Cage Age)*. More visible policy impact would certainly be beneficial in boosting the profile of the ECI and in motivating citizens to organise and participate more in ECIs.

Mismatch of impact expectations leads to bad reputation and undermines potential. The debate on what kind of impact the ECI ought to have persists. For some it is purely an agenda-setting tool.[115] Others would like to see the ECI more in the realm of direct democracy with a more credible impact, setting the trends of future EU policies.[116] The current interpretation of the treaty basis by the court points to the former.[117] The court argues: "An ECI is designed to 'invite' the Commission to submit an appropriate proposal for the purpose of implementing the Treaties, and not, […] to oblige that institution to take the action or actions envisaged by the ECI concerned." This mismatch of expectations has a frustrating effect on organisers, who often want a greater reward for the effort of starting and running an ECI than they receive. Some successful ECI organisers indicate that they would think long and hard before deciding to launch an ECI in the future, considering the investments needed measured against the possible rewards.[118]

> Of the six successful initiatives that have been answered by the Commission, only three can be said to have had some tangible impact (Right2Water, Stop Glyphosate, and End the Cage Age).

Parliament's involvement and determination may lead to more policy impact. Considering the current institutional set-up, the position of the Commission and the rulings of the Court, it seems unlikely that the Commission will grant ECIs a bigger guaranteed impact. However, the European Parliament (and other actors) can help to increase the ECI's policy impact. Looking at similar national citizens' initiatives in the EU, it becomes clear that it is usually the legislative power that is the recipient of citizens' initiatives. The parliament

FIGURE 41 **The ECI through the lens of six criteria of good participation**

Visibility

The visibility of the ECI is very low among the wider European citizenry. Increased support from EU institutions is needed, as well as a greater number of successful ECIs.

Deliberativeness

The ECI's deliberativeness is limited. It has intensified interactions within civil society, but deliberation with the EU institutions is a prerogative of successful ECI organisers only, and even that has frequently resulted in frustration. However, progress is visible.

Accessibility

The accessibility of the ECI is a mixed picture. Supporting an initiative has its quirks, but is relatively straightforward. But organising one and making it successful remains a major challenge for current and future organisers.

Transnationality

The ECI's transnationality is significant compared to other EU participation instruments. However, it still operates in a Europe with a highly fragmented public sphere. The ECI connects and Europeanises national civil society networks and national debates, but does not overcome divides.

Representativeness

Some nationalities and age groups are underrepresented, but the profile of organisers is becoming more diverse.

Impact

It has become clear that ECIs can make a difference. However, the overall impact remains low. Only one ECI is being directly translated into EU legislation. All European institutions need to do more to make the ECI a success.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

is a natural ally of the citizens' initiative. Since the beginning, successful ECIs have the right to a public hearing at the European Parliament. Since 2019, the Parliament is also committed to holding a debate on successful ECIs after their public hearing and before the Commission's decision in a plenary session, which can lead to a resolution.[119] Furthermore, the Parliament may also hold a plenary session after the Commission's decision and take other actions in response to the Commission Communication.[120] A resolution by the European Parliament has considerable political weight. If the Parliament chooses to use this leverage more often, it could increase the impact of future ECIs.

4. Conclusion

The ECI is a unique instrument in various ways. While comparable digital agenda-setting instruments exist in some EU countries (notably in Latvia, Finland and Denmark), its transnational nature and the way it is embedded in the EU institutional infrastructure – targeting the Commission, not the Parliament – makes it a distinct and notable development in democratic innovation. However, its uniqueness and relative novelty also have a downside: what can citizens concretely expect from the instrument? Why bother going through a long, burdensome and resource-intensive process if the Commission may simply decide to reject your demands? Why not simply submit a petition to the European Parliament?

Looking back at the nine years in which this instrument has been operational, we arrive at a conclusion that is nuanced: on the one hand, the EU institutions failed at managing the first wave of ECIs in a satisfactory manner. This resulted in the near death of the ECI, with only three registered initiatives in 2016. The second wave of ECI was accompanied by a reform of the instrument. While there are notable improvements in the way the EU institutions are managing the second wave, there is still only one real ECI success story: the *End the Cage Age* ECI which the Commission has promised to follow up with a legislative proposal by the end of 2023. The *Minority Safepack* ECI, on the other hand, appeared to be a game-changer for a while, considering that the organisers had successfully lobbied the European Parliament and several national and regional parliaments to support their cause. However, the Commission decided not to put forward any legislative proposals.

The success of the ECI will depend on the political will of various political actors, both at the EU and at the national level. Political will is required for two things. Firstly, EU and national authorities need to invest the necessary resources in improving the infrastructure for and visibility of the ECI, so that more 'successful' initiatives can emerge, including those with fewer resources. Secondly, the impact of 'successful' initiatives needs further improvement. While it is the Commission that has the final say on legislative follow-up, there is a lot that the European Parliament, national parliaments and other political actors can do to influence the Commission's decision and to ensure that citizens feel that their voices are taken seriously.

III. Petitions to the European Parliament: a low-profile instrument kept low

The opportunity for citizens to submit petitions to the European Parliament (or its predecessors) has existed since the foundation of the European Coal and Steal Community in 1952. Over time, the instrument has been 'institutionalised' – with the establishment of the Petitions Committee in 1987 – and 'constitutionalised' – with the Treaty of Maastricht in 1993. It has proven somewhat popular in some countries, notably in Spain and other southern EU states. Nevertheless, the instrument has kept a low profile, and the main actor responsible for this is the European Parliament itself.

The typical petitions process in five steps

- STEP 1 — **One or more EU citizens or residents** develop a petition
- STEP 2 — **EP Committee on Petitions** assesses admissibility and next steps
- STEP 3 — **European Commission** gives an opinion
- STEP 4 — **EP Committee on Petitions** invites petitioner(s) and Commission to a Committee meeting
- STEP 5 — **EP Committee on Petitions** assesses whether and how to follow up further

Strengths

- **Accessibility**
  Any single EU citizen or resident can petition the Parliament with few official requirements.
- **Deliberativeness**
  Around 200 petitioners are annually invited to present and discuss their petition in the Committee.
- **Fact-finding visits**
  These allow the Parliament to get out of the EU bubble and monitor the application of EU law on the ground.

Shortcomings

- **Profile**
  The status of the Committee is very low.
- **Visibility**
  Very few people know about the work of the Committee and there is little effort to involve the wider public in the petition process.
- **Impact**
  There is a lack of the necessary political will and resources to make every petition count.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

1. Introduction

European Parliament petitions constitute the EU's oldest participation instrument. While there have been significant developments in the number of petitions and the way they were received, processed and followed up on, the basic concept has remained unchanged: a low-barrier channel for citizens to reach out directly to their European representatives with complaints or requests for action. Over the last few years, there have been between 1,000 and 1,500 petitions per year, of which roughly two thirds have been declared admissible.

While there is no consensus on the historical origin of the right to petition, it dates back at least 800 years. According to Tiago Tibúrcio, "the right to petition arose from the need to maintain a relationship between the community and the political power, long before the period of election and universal suffrage". It is sometimes considered the "oldest political right of citizens". He argues that with the introduction of electoral democracy, and the role played by the media, this political right has lost "much of its importance", but nonetheless it has been preserved.[1] Nowadays, citizens in most EU countries have the legally enshrined right to petition their national parliament.[2]

The History of European Parliament Petitions

Phase 1 – 1958–1993: gradual emergence of the right to petition the European Parliament

Even if it was not laid down in the treaty, the Common Assembly of the European Coal and Steel Community already declared its capacity to receive petitions from citizens. However, it was only in 1958 that the first ever European petition was submitted to the European Parliamentary Assembly, the successor of the Common Assembly, established in the same year as a result of the Treaty of Rome. The petition contained a "request for compensation following damages caused by scrap metal fraud". This would be the only petition for the next five years, and until 1974 there would be fewer than ten petitions per year.

It was only from the second half of the 1970s onwards – surrounding the first direct election of the European Parliament – that the number of petitions started to increase significantly. In 1973, the Rules of Procedure of what was by now called the European Parliament were changed, providing for a more detailed procedure on how petitions are dealt with. Whereas previously petitions were sent by the President to the relevant committee, in 1976 the Committee on Rules of Procedures and Petitions was established, which is responsible for managing incoming petitions. In 1987, the Committee on Petitions (PETI) was established – a committee fully dedicated to dealing with petitions.[3] In 1989, a declaration was adopted by presidents of the European Parliament, the Commission and the Council, recognising the duty of the Commission and the member states to support the Parliament in following up on petitions.[4]

Phase 2 – 1993–2014: professionalising and popularising the European Parliament petitions

With the entry into force of the Treaty of Maastricht on 1 November 1993, the right to petition was "constitutionalised" as one of the key rights associated with the newly introduced concept of EU citizenship. Parallel to the right to petition, EU citizens also acquired the right to submit complaints to the European Ombudsman regarding matters of maladministration. When this new EU body was established in 1995 in the face of objections from the Committee on Petitions,[5] it brought about a division of labour, with some citizens' complaints that would previously have been treated as petitions by the Petitions Committee now being referred to the Ombudsman.[6]

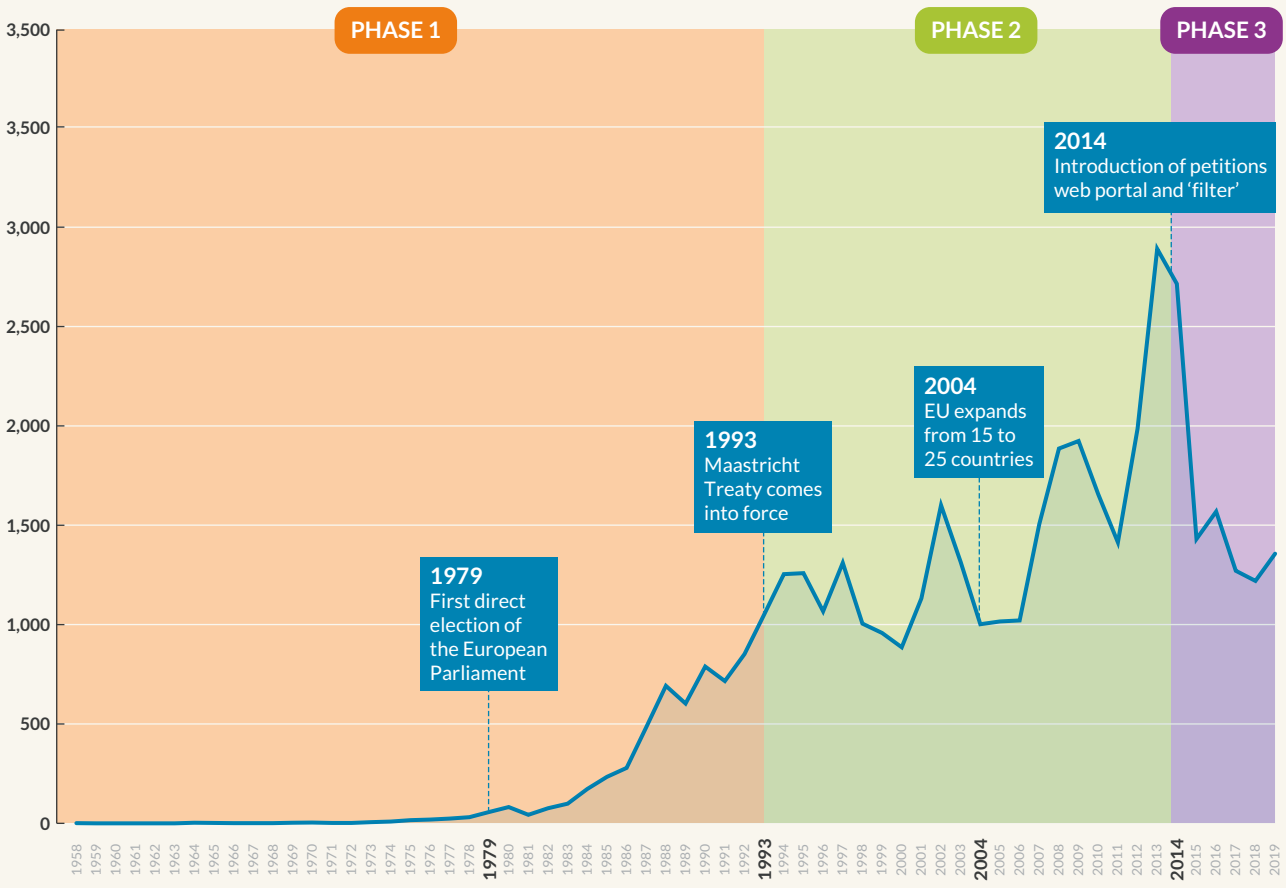
The right to petition the European Parliament was further recognised and reiterated in the Charter of Fundamental Rights of the European Union under article 44.[7] The Charter itself would become a frequent reference point for petitioners claiming that their fundamental rights as EU citizens had been violated.

After complaints from MEPs that the petitioning system was little more than a "letterbox" of the Parliament, efforts were made to professionalise and modernise the instrument. The aim was to give more serious attention to each individual petition.[8] In July 2005, the e-Petitions software system was introduced, which functioned "both as a database and as a management tool providing information about the petitions workflow".[9] It made it significantly easier for MEPs and Secretariat members to access and manage petitions. After the annual number of petitions had gone up and down frequently in the late 90s and 2000s, it reached its highest point in 2013 and 2014, with 2,891 and 2,715 annual petitions respectively.

Phase 3 – 2015 onward: a more modern instrument kept on a leash

The success of the instrument in previous years had a flipside: firstly, a significant backlog came about due to the rapidly increasing number of petitions being submitted, and the absence of a corresponding increase in staff members.[10] Secondly, there was a pushback against the instrument, including from inside the Parliament: not everyone was always happy with the information that the Committee was uncovering about the action or inaction of national or regional governments and some people believed that the Committee had gone too far in terms of upgrading the instrument.[11]

FIGURE 42 **Historical development of petitions to the European Parliament in numbers**



* The data from 1985–1989 and from 1998–2000 refer to parliamentary years, starting in March of the year that is mentioned. All other data refer to calendar years.

EUROPEAN POLICY CENTRE Source: Piodi, 2009; EPRS Historical Archives; EP Petitions Committee | BertelsmannStiftung

Consequently, the petitioning system was put on a tighter leash. The introduction of the web portal in 2014 came with some new features – such as the opportunity to express support for registered petitions – but it also created a filter: before being able to submit a petition online, citizens would be required to answer a number of preliminary questions "correctly". As a result, the backlog was eliminated in 2015,[12] but the number of submitted petitions also dropped by nearly 50 percent and has not recovered since then.

The legal basis of the European Parliament petitioning system and its modus operandi

The right to petition the European Parliament is enshrined in the Treaty of Lisbon as well as the Charter on Fundamental Rights.[13] According to the Treaty on the Functioning of the European Union (hereafter: TFEU),

> *Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly.*[14]

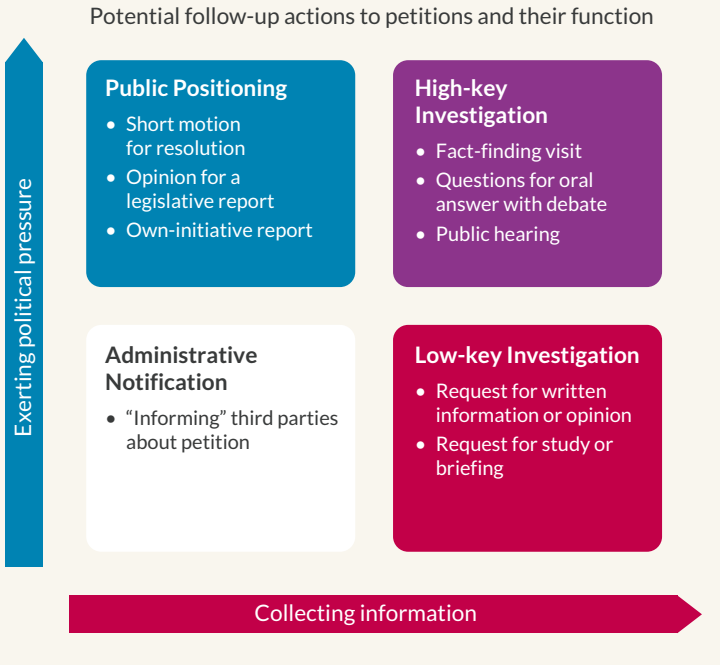
The procedure of the right to petition is laid down in the Parliament's Rules of Procedure (Rules 226–230)[15] and further specified in the Guidelines for the Committee on Petitions.[16] The scope of the right to petition is explained further on the web portal page:

> *A petition may take the form of a complaint or a request and may relate to issues of public or private interest.*
>
> *The petition may present an individual request, a complaint or observation concerning the application of EU law or an appeal to the European Parliament to adopt a position on a specific matter. Such petitions give the European Parliament the opportunity of calling attention to any infringement of a European citizen's rights by a Member State or local authorities or other institution.*[17]

Petitions may be submitted by individual EU citizens or residents, but also by groups of people or by organisations. They can be submitted either by post or through the portal on the website of the European Parliament. They must mention the name and permanent address of each petitioner. Petitions are dealt with in the order in which they are received, unless the urgency procedure is applied, and the decision on admissibility is taken by the PETI MEPs. If there is no unanimous position, petitions are declared admissible if at least one third of the Committee members are in favour.[18]

Once a petition is declared admissible, the Committee has a lot of leeway as to whether and how to follow up. Sometimes the Committee decides to close the petition immediately, because it does not believe there is a need for any inquiry or follow-up action. In other instances, the Committee wants

FIGURE 43 **Petitions Committee toolbox for following up on petitions**



EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

to gain more insight into the matter raised by a petition, and it requests information or an opinion from other actors, such as the European Commission, member state governments, other European Parliament committees or the Parliament's legal service, which are expected to reply within three months. Additionally, it can engage in an active inquiry itself by inviting the petitioner, the Commission and possibly other actors to participate in one of its Committee meetings; by organising a public hearing with the petitioners, experts and other stakeholders; by submitting questions for oral answer; or by organising a fact-finding visit. Lastly, the Committee can request studies, briefings and thematic workshops related to petitions.[19]

If the Committee decides that some kind of action is needed in response to (an inquiry in relation to) a petition, it has various formal means of addressing this: it can ask the EP President to forward its opinion or recommendation to the Commission, Council or member state authorities, it can table a short motion for a resolution to be adopted in plenary, it can ask another EP Committee to take a petition into consideration in its legislative activities, or it can initiate an own-initiative report. In its role as "Guardian of the Treaties", it is the Commission's task to follow up on petitions that point to breaches of EU law by member states, with infringement proceedings being its most powerful weapon to ensure compliance.

2. Assessment of the European Parliament petitions against their stated objective

In the following section, the European Parliament petitioning instrument is assessed in relation to its own stated objective. The objective is derived from Articles 20, 24 and 227 of the Treaty on the Functioning of the European Union and the European Parliament factsheet on the right to petition.

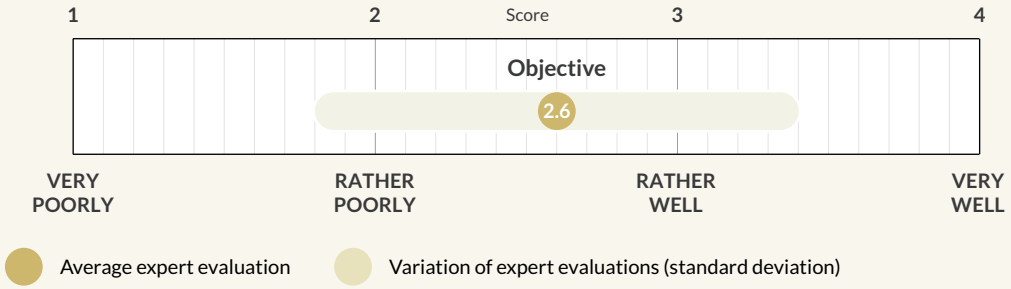
To give EU citizens and residents the right to contact the European Parliament with complaints and requests for action and to obtain a reply

The right to petition the European Parliament provides citizens with a direct and legally well-established channel to the European Parliament. In the European petitioning system, every petition is considered and receives a reply. This is different for national petitioning systems in some European countries, where citizens first need to find a Member of Parliament to sponsor their petition before it is actually considered.[20] The right to receive a reply has a strong legal basis, as it is guaranteed by the EU treaties, and there is a possibility for judicial review. In *Tegebauer v European Parliament*, the General Court decided to annul the decision of the European Parliament to dismiss a petition as inadmissible for reasons of insufficient argumentation.[21]

However, this is not to say that the way petitions are dealt with is exemplary. **One of the main weaknesses of the petition instrument is the duration of the procedure.** Unless the urgency procedure is applied, petitions are dealt with in the order in which they are received. In the past, PETI has not always been able to keep up with the number of petitions it received, resulting in serious backlogs.[22] Once a petition enters the regular procedure, it may still take a very long time before it receives real answers, let alone a solution to the problem that is addressed. The Committee Secretariat gives a recommendation on the admissibility

FIGURE 44 **Expert views on petitions to the European Parliament – stated objective**

How well or how poorly do the petitions to the European Parliament perform in relation to their stated objective?



Average expert evaluation Variation of expert evaluations (standard deviation)

Objective: To give EU citizens and residents the right to contact the European Parliament with complaints and requests for action and to obtain a reply

The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

and follow-up for each petition by means of the "SIR document", which stands for Summary, Information, Recommendation. Members of the Committee have a chance to contest these recommendations within a set deadline (usually 16 working days).[23] In 2019, almost half of the admissible petitions were sent to the Commission for an opinion.[24] The Commission is expected to reply to such requests within three months, but this deadline is not binding, and it is not always met. Usually, petitions are only considered as items for the agenda of Committee meetings once the Commission has replied, or once other documents have been received.[25] This makes sense from the perspective of the Committee, but it means that petitioners usually have to wait at least a few months for a discussion of their petition, if it is even discussed. Lack of cooperation from many member states is another factor that prevents a timely handling of petitions.[26] While the majority of petitions are closed within a year of being submitted and examined, some remain open for several years or more: sometimes this happens because of an ongoing infringement proceeding, but in the view of one interviewee it also happens that petitions are kept open for political reasons, without a real chance of a satisfactory outcome.[27] The lengthiness and uncertainty of the petition procedure may be one of the reasons for citizens to favour informal online petitions over the official instrument.

There is also very limited publicly available information about petitions. The petition portal only shows some basic information: file number, title and summary of a petition, the country and topics it concerns, and its status ("not admissible", "available to supporters" or "closed"). The date of submission is not given. Replies from the Commission or other bodies are published separately on the website of the European Parliament, but not added to the web portal.[28] There was an idea to integrate the European Parliament's internal e-Petitions system into the web portal, and thus to make all available information more easily accessible to the public, but this was not put into practice.[29] The limited data available and the way they are presented online make it difficult to systematically assess whether the Committee, and the EU as a whole, has been able to improve its workings and provide more timely responses to petitions than before.

3. Assessment of the European Parliament petitions against six criteria of good participation

In the following section, the European Parliament petitions are assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

Visibility – failing to catch the public eye

Public awareness of this instrument remains low. Much can be learned from the way informal platforms for online petitions are organised.

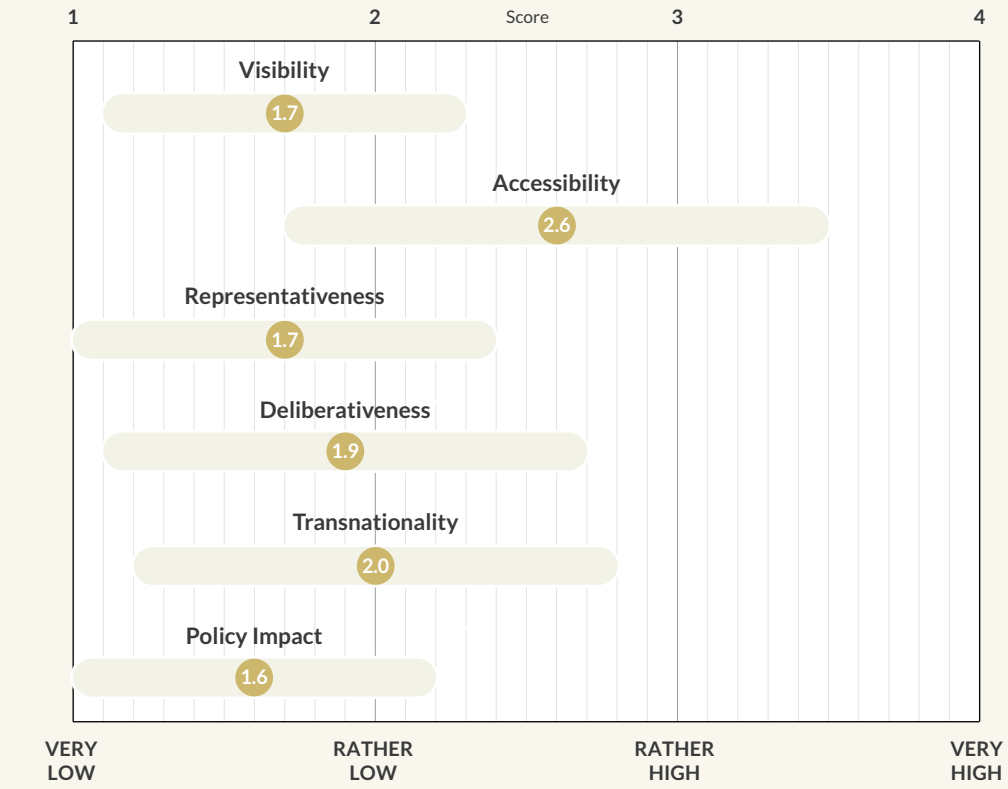
The official petition instrument does not seem to be very visible. After the European elections, the European Parliament petitions are the second most well-known participation instrument – 29 percent of the EU population being aware of their existence.[30] However, this does not mean that citizens differentiate between the petitions they see on platforms like Avaaz.org or WeMove.eu and the official European Parliament petitions. Some citizens will know that they have the opportunity to petition the European Parliament, but very few will know about the existence of the Committee on Petitions and the official procedure in place. Media coverage of petitions is very limited and there is close to no scholarly interest in the topic. Even inside the EU bubble, knowledge of the European Parliament petitions is limited.[31]

Fact-finding visits contribute to some limited visibility within individual countries and regions. As laid down in the Rules of Procedure, the Petitions Committee can organise fact-finding visits to geographical locations related to petitions that have already been debated by the Committee.[32] A delegation of PETI MEPs then makes a visit of two or three days to a place somewhere in Europe to view a certain matter addressed by petitions with their own eyes and to meet with relevant people on-site, such as the petitioner(s), representatives of local, regional or national authorities and other relevant experts and stakeholders. Upon their return, MEPs draft a report of their mission with findings and recommendations, which is adopted by the Committee. Such fact-finding visits are often covered by local media, which raises the awareness about the European Parliament petitioning instrument in the area concerned. Additionally, it has been observed that fact-finding visits are followed by a peak in the numbers of petitions from this particular area, suggesting that the increase in visibility translates into increased usage of the instrument.[33] The high number of visits to Spain (six) and Italy (four) correlates with the high number of petitions from those countries, which in turn correlates with a strong representation of these countries in the Committee.

Untapped potential: online visibility. Despite attempts at modernising the instrument, the official petition instrument is hardly visible in the online realm, in stark contrast to the many informal petitions which mainly exist digitally. This is not to say that the Committee does nothing to make its work visible online: all petitions are published on the web portal, the Committee's meetings are livestreamed, its documents are published on the Parliament website, and it reports on its ongoing activities by means of a monthly digital newsletter and Twitter posts (with fewer than 4,000 followers).[34] However, one key difference that sets informal online petitions apart from the EP petitioning system is the degree to which collective action is incentivised: if you run a petition on an online petitioning website, you first try to collect as many signatures as possible and only afterwards hand them over to the decision maker that you are targeting. While the EP web portal does make it possible to collect supporters for your petition, you can only do this once you have already submitted it. Furthermore, in order for other people to express their support for your petition, you first need to create an account on the petition

FIGURE 45 **Expert views on petitions to the European Parliament – criteria of good participation**

How high or low do the petitions to the European Parliament score in relation to six criteria of good participation?



The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey | BertelsmannStiftung

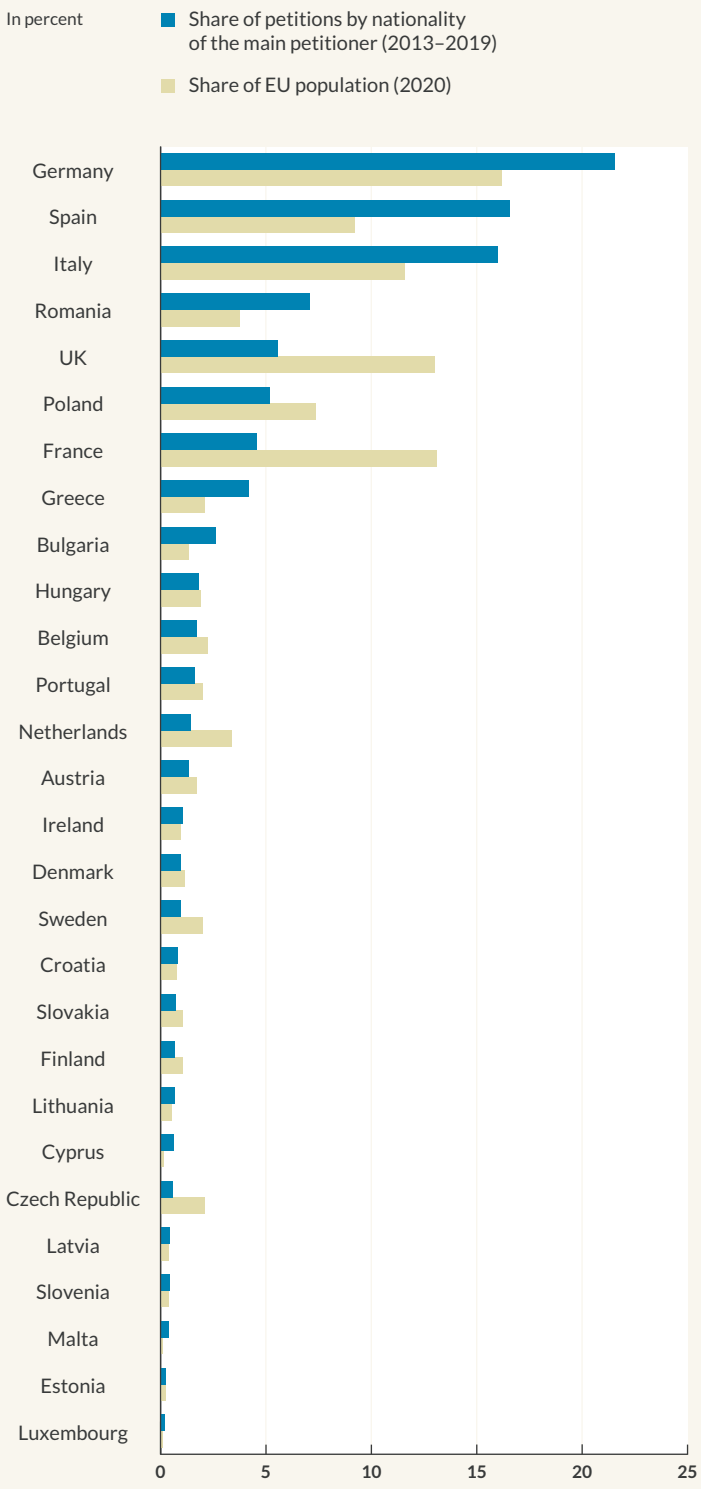
web portal. While the annual number of supporters of petitions has been growing significantly since this feature was introduced – 28,075 in 2019, compared to 902 in 2015[35] – this is still very insignificant when compared to the support received by informal online petitions. The vast majority of petitions are submitted by a single petitioner, either with a few additional supporters or with none at all. The power of large-scale collective petitions is that they not only raise public awareness about the particular issue the petition addresses beyond the initiator(s), but they also raise awareness about the petition instrument as such.[36]

Accessibility – a selling point

Despite a digital hurdle, it is relatively easy to start a petition. However, the better written and substantiated a petition is, the better the follow-up that can be expected.

Submitting a petition is relatively easy. There are two ways for people to submit a petition to the Parliament: by means of the web portal or by post. In order to use the web portal, you first need to create an account. In both cases, the following data are required: name, nationality and permanent address of the petitioner, and a signature (in

FIGURE 46 **Petitioners by nationality**



Source: EP Petitions Secretariat; Eurostat; own calculations

EUROPEAN POLICY CENTRE | BertelsmannStiftung

case of postal submission). At present, petitions must be submitted in written form in one of the 24 official languages of the EU. However, following a 2016 petition from the European Union of the Deaf, the European Parliament is now preparing for the possibility to receive petitions in the national sign languages of the EU.[37]

Nevertheless, the web portal contains unnecessary hurdles. Once you have created an account on the web portal, and want to start your petition, you are asked to answer eight "preliminary questions". According to the portal, these questions are meant to "ensure that your concern as a European citizen, or as a person resident in one of the EU member states, is responded to properly, through the petitions process". However, it effectively creates an extra hurdle for people who want to submit a petition: only if you answer each of these questions in the "right way" can you proceed with the petition submission process. While some of the questions may be seen as usefully preventing people from using the wrong instrument – such as "Do you wish to create or lend your support to a European Citizens' Initiative, as established under the terms of Article 11 paragraph 4 of the Lisbon Treaty?" – other questions may be considered outright misleading: people are required to answer "yes" to the question "Does the issue of concern relate to the way in which EU legislation is possibly being wrongly implemented or applied within your Member State?". That is to say, the scope of the petition instrument is broader than is implied by this question, which effectively dissuades people from using it. While the preliminary questions may filter out some inadmissible petitions, as intended,[38] they may also discourage people from submitting a petition and filter out petitions that would still have a chance of passing the admissibility check. This seems to be supported by the data: with the introduction of the web portal, the total number of petitions dropped significantly, whereas the admissibility rate has remained stable. In fact, a petition has been submitted that complains about the complexity of these preliminary questions and the time it requires to "find the right answer".[39] This is particularly problematic given that the European Parliament does not allow for other digital means – such as e-mail – to submit a petition, which sets it apart from some national petitioning instruments.[40]

While the preliminary questions may filter out some inadmissible petitions, they may also discourage people from submitting a petition and filter out petitions that would still have a chance of passing the admissibility check.

The better written the petition, the better the follow-up that can be expected. Submitting your petition is only the first step in the procedure. The next step is the admissibility check. The Committee is usually rather lenient when it comes to assessing the two admissibility requirements: 1. A petition must fall within the Union's field of activity; 2. A petition must affect the petitioner(s) directly.[41] In order to convince the Committee that your petition indeed comes "within the Union's field of activity", and that some kind of follow-up action is needed, it helps to provide legal argumentation and explain which piece of EU legislation is concerned and violated in the case of your petition.[42] The Committee Secretariat makes a proposal on how to judge the admissibility and (initial) follow-up of a particular petition, but the ultimate decision lies with the Committee Coordinators. Around two thirds of all petitions are deemed admissible. Given the limited resources of the Committee, the better the argumentation in the petition, the more likely it is that the Committee will (be able to) act on it.[43]

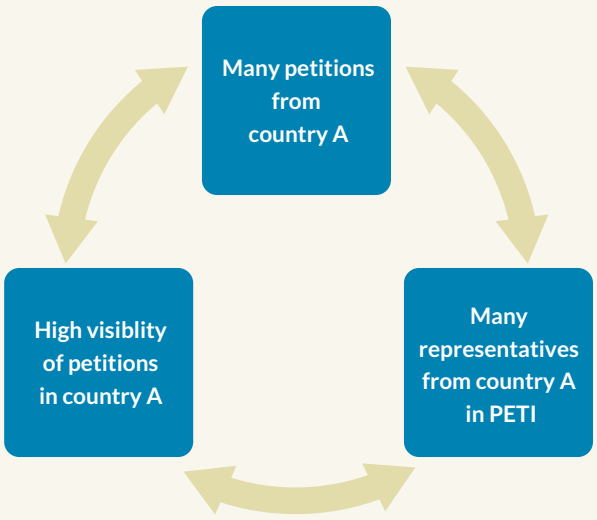
Representativeness – skewed towards the south

Petitioning the European Parliament is more popular in southern Europe, notably Spain and Italy.

Uneven participation: the instrument is much more popular in some countries than in others. The data show that there are big differences between countries when it comes to the extent to which citizens submit petitions to the European Parliament. The largest number of petitions come from Germany, Spain and Italy. While Germans top the list in terms of the nationality of petitioners, with 22 percent of the petitions from EU citizens coming from Germans, Spain is the country that is most often concerned in petitions, with 19 percent of the petitions connected to individual EU countries concerning Spain.[44] The difference can partially be explained by the fact that there are a lot of petitions concerning Spain that come from non-Spanish people living in Spain.[45] Spain also stands out if we consider a number of other data points. It is consistently very strongly represented within the Committee on Petitions. Additionally, a look at the Committee meeting minutes shows that the Spanish are among the most frequently invited guests to present their petitions to the Committee.[46] Moreover, Spain has been the country with the most fact-finding visits between 2009 and 2019, with six out of a total of 25 visits. Lastly, the Parliament study on the European Parliament petitions for the parliamentary term 2014–2019 highlights four petitions on which PETI has been particularly successful in terms of response and impact, three of which are from Spain.[47] Also, interviewees from the Parliament have testified that Spain is the "favourite" in terms of engagement with the instrument.[48] More generally, the instrument was described as "very South European dominated".[49]

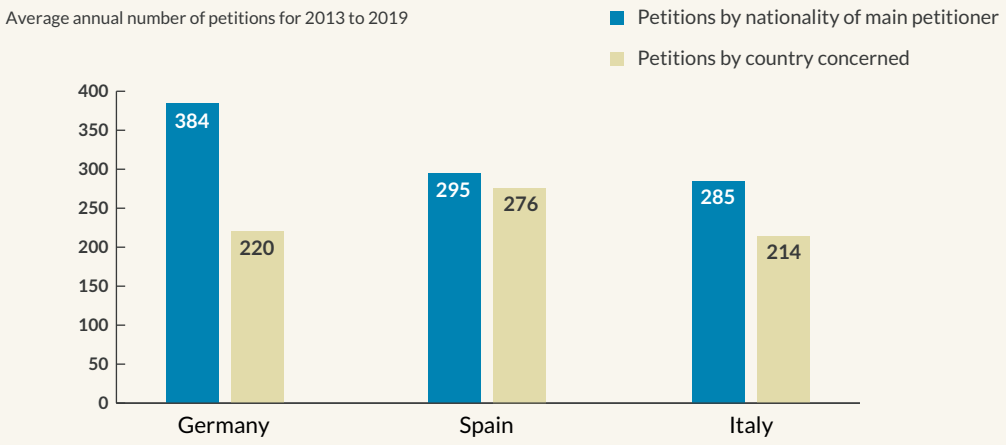
Petitions Committee puts a special focus on issues related to disability rights. The top three policy areas that the petitions relate to are the environment, fundamental rights and justice. Within the category of fundamental rights petitions, there is

FIGURE 47 **The popularity of petitions – a feedback loop?**



EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

FIGURE 48 **Three countries in terms of petition activity**



EUROPEAN POLICY CENTRE Source: EP Petitions Secretariat; own calculations | BertelsmannStiftung

one subcategory of petitions that receives special attention from the Committee: disability rights. The reason for this is that the Committee has a special responsibility related to disability rights due its membership of the EU framework for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) as of 2015. The Committee has a "'protection role' to ensure EU compliance with the UN Convention on the Rights of Persons with Disabilities within the policymaking and legislative actions at EU level".[50] As part of this role, the Committee organises a hearing or workshop related to disability rights every year in order to take stock of developments in the implementation of the UNCRPD, with the participation of other members of the EU Framework. These events are frequently combined with Committee meeting discussions on petitions related to disability rights.

Deliberativeness – a learning process

Even if every petition must be answered, petitions were not originally perceived as a deliberative instrument. Nowadays, around 200 petitioners participate in committee meetings each year. So far, there has hardly been any attempt to engage the wider public.

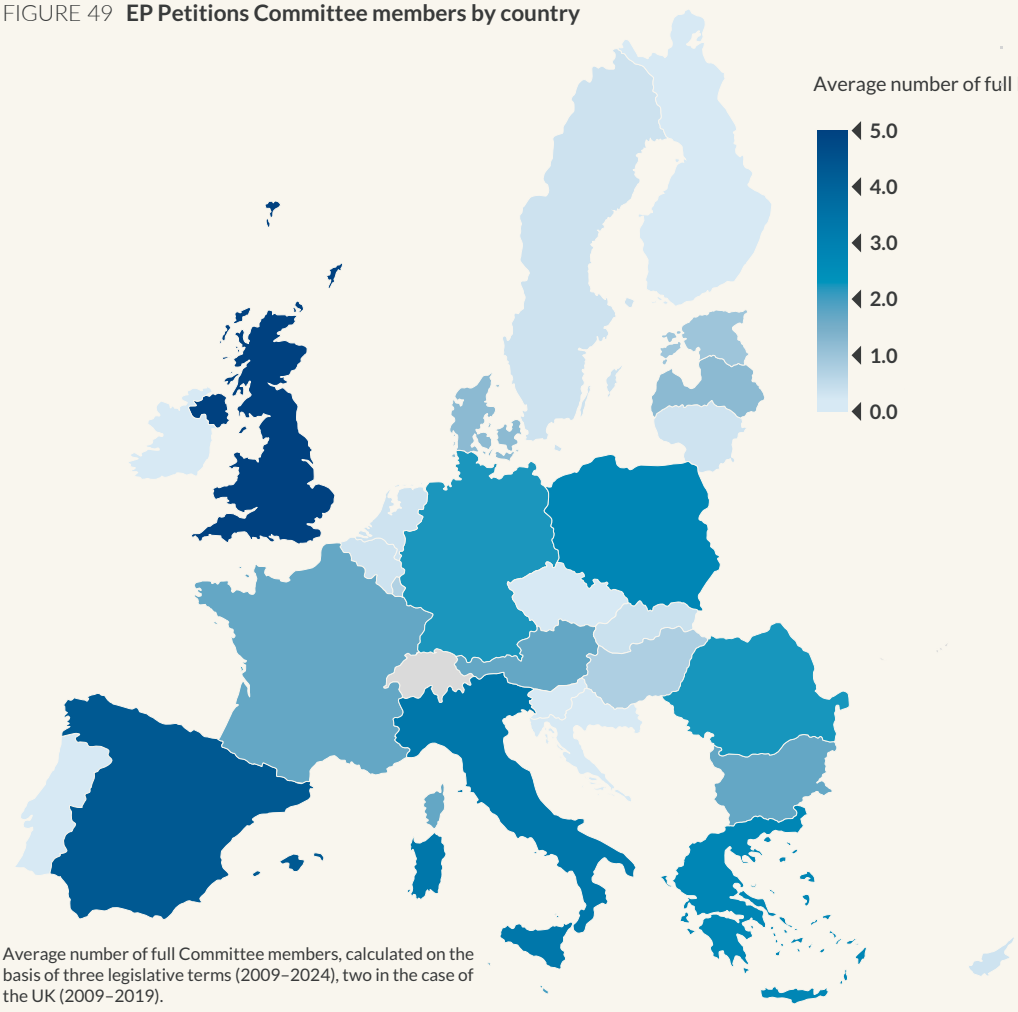
The vast majority of petitions are dealt with by written procedure. The first decision(s) on a petition are taken by written procedure, if possible. Only if the Coordinators cannot arrive at a consensus in writing will the issue be settled during a Coordinator meeting. As mentioned previously, around one third of petitions are deemed inadmissible. Another third are closed "directly" during the first assessment, i.e., either "after the petitioner received information on the matters raised or after being referred to the parliamentary committee(s) responsible for the matter".[51] This leaves only around a third of the petitions that stay open after the first assessment. If this is the case, petitions are almost always forwarded to the Commission for an opinion, and occasionally opinions are (also) requested from other bodies (e.g. from a national government). The practice of sending petitions for information to other bodies – which can be other EP committees or other institutions – has become much more widespread over the last ten years, even if it dropped again in 2019.[52] When a petition stays open after the first assessment, the petitioner can continue to submit information or reply to an opinion from the Commission or another body, in which case the Committee effectively facilitates a written dialogue between the petitioner and the relevant authorities.[53]

Around one in ten petitioners has the opportunity to present and defend their cause in Parliament. Of those petitioners whose petition is kept open after the first assessment, around one third attend a meeting of the Committee – about 200 petition-

ers per year. This corresponds with eleven percent of the total group of petitioners.[54] For petitioners who may otherwise not be able to attend, there is a budget to cover accommodation costs and a per diem allowance. A significant proportion of these petitioners get to take the floor – 126 in 2019.[55] Petitions on the same subject are bundled on the agenda, discussed and decided upon together.[56] The format is as follows: the petitioner has five minutes to present their petition. This is then followed by a five-minute input from the Commission and a maximum of two rounds of inputs from MEPs from different political groups (with two- and one-minute interventions respectively). At the end, the petitioner has another two minutes to respond to the inputs given, and then the Chair proposes whether or not to keep the petition open and, if so, how to follow up on it further. If no consensus can be achieved on this, a vote takes place. If there is a representative of a national government or another relevant institution present, they are given the floor as well, but this happens only rarely.

In contrast with some of the national petition instruments, this system does not give petitioners the right to be invited for a meeting if a certain threshold of signatures is achieved. Furthermore, for those who are invited, it can be disappointing to travel all the way to Brussels in order to participate in a meeting with only a handful of MEPs with only limited interest in their petition.[57] On the

FIGURE 49 **EP Petitions Committee members by country**



UK	5.0
Spain	4.3
Italy	3.3
Greece	2.7
Poland	2.7
Romania	2.3
Germany	2.3
Malta	2.0
Bulgaria	1.7
France	1.7
Austria	1.7
Latvia	1.3
Denmark	1.3
Estonia	1.0
Cyprus	0.7
Luxembourg	0.7
Hungary	0.7
Slovakia	0.3
Lithuania	0.3
Sweden	0.3
Netherlands	0.3
Belgium	0.3
Slovenia	0.0
Finland	0.0
Croatia	0.0
Ireland	0.0
Czech Republic	0.0
Portugal	0.0

Average number of full Committee members, calculated on the basis of three legislative terms (2009–2024), two in the case of the UK (2009–2019).

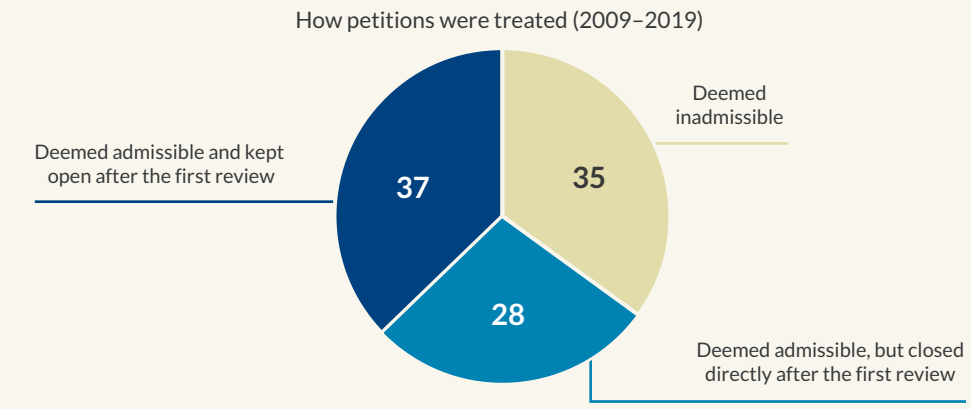
EUROPEAN POLICY CENTRE

Source: EP Petitions Committee; own calculations

BertelsmannStiftung

FIGURE 50 **The first assessment of petitions**

In percent



EUROPEAN POLICY CENTRE Source: EP Petitions Committee; own calculations BertelsmannStiftung

other hand, the fact that petitioners get the chance to interact directly, not only with MEPs, but also with the executive power – the Commission – is quite extraordinary compared to national petition instruments in Europe.[58] Apart from this formal and institutionalised form of interaction between petitioners and decision makers, petitioners can of course also reach out to and meet up with MEPs themselves, which they frequently do.

The petitioning system is designed as a technical, problem-solving instrument, not as a campaigning or crowdsourcing tool. Originally, the petitioning system was "not perceived as a deliberative instrument as such".[59] Nowadays, the Committee is increasingly trying to facilitate a dialogue between petitioners and relevant public authorities. However, there has still not been any serious attempt to involve the wider public in petitions. As previously discussed,[60] the web portal does not allow petitioners to collect public support for their petition prior to submission. This, together with the absence of a clear timeframe with hard deadlines and a number of other factors, prevents the petitioning system from becoming a true campaigning instrument. Furthermore, the web portal allows citizens to express their support for petitions which have been submitted and deemed admissible, but they do not receive feedback on the petitions they have supported. Additionally, the public can only read a summary of the petition, not the whole text, and it cannot comment on petitions, in contrast with some national petitioning systems.[61] This shows that there has been little or no attempt so far to use the "wisdom of the crowd" or public pressure to resolve problems addressed by petitions.

"Originally, the petitioning system was not perceived as a deliberative instrument as such."

Interview 6

Transnationality – an afterthought

The petitioning instrument is not designed to facilitate cross-border interaction or debate among citizens, and MEPs are primarily interested in petitions from their own countries. Dialogue with national petitions committees and other national institutions happens on an ad hoc basis only.

The EP petitioning system hardly stimulates transnational collaboration or debate. Unlike the ECI, it does not require citizens from different countries to work together in order to use it. Any individual citizen, resident or organisation can submit a petition. Only a small fraction of

petitions are submitted with more than one signature, and this number is decreasing.[62] The few petitions that are submitted with thousands of signatures have collected these signatures on an alternative online platform or on paper in advance. While there is no public data available on whether collectively submitted petitions are the product of cross-border collaboration, some of them probably are. Additionally, there is at least one case in which several petitioners from different countries, who have submitted individual petitions but on a similar topic, are working together in order to have their voices heard: four fathers from Italy, Germany and France addressed the European Parliament with cases of international parental child abduction to Japan.[63] Such instances of cross-border collaboration among petitioners are the exception, not the rule. Still, when the Committee discusses several petitions on the same topic at the same time, it does aim to have petitioners from more than one member state represented at the meeting.[64]

> Fact-finding visits are among the few occasions during which in-depth transnational interaction takes place between citizens and local stakeholders from one country and MEPs from other countries.

There is generally little interest from MEPs in petitions, unless they concern their own country or constituency. The Petitions Committee is one of the least popular committees in the European Parliament, if not the least popular one. Politico's guide for newly elected MEPs advises them to avoid the Committee: "Pick a committee that debates and adopts legislation — International Trade or Civil Liberties, Justice and Home Affairs, for example — otherwise you might end up filing your nails or playing Candy Crush on your phone at the Petition Committee (which reviews petitions)."[65] This tip is widely followed by MEPs.[66] During Committee meetings, it is the Coordinators that relatively consistently take an active role in the debate. Most other Committee members – and sometimes other MEPs – only show interest when it concerns a petition from their own country or constituency.[67] Fact-finding visits are among the few occasions during which in-depth transnational interaction takes place between citizens and local stakeholders from one country and MEPs from other countries.

Collaboration between the EP's Petitions Committee and national institutions remains limited. The Committee collaborates with many other actors in its work on petitions, including with the petitions committees of national parliaments and national ombudsmen. This includes the European Network of Ombudsmen, established in 1996, of which it was a founding member. However, considering that only the German petitions committees at federal and regional level are part of this network, there has been a wish for another "information network" among petition committees and ombudsmen at various political levels, as stated already in a 2001 report on the petition instrument, but this has not materialised in any structured form.[68] Nonetheless, dialogue and collaboration with national petitions committees have taken place in various ways over the last few years, including by means of a public hearing with national parliaments on the right to petition in 2015, and by means of visiting delegations from the Scottish, Welsh and German national parliaments.[69] Furthermore, in November 2018 PETI co-organised an Interparliamentary Committee Meeting with national parliaments, which addressed the topic of implementation and application of EU law, also considering the role of petitions and ombudsmen.[70]

Impact – a tough sell

The EU institutions do not prioritise the petitioning instrument or take it sufficiently seriously. Member states only occasionally take an active role in resolving petition matters.

Pity for PETI: the Committee and its petitions are only rarely at the centre of the European Parliament's concerns. In order for petitions to have the necessary impact, all relevant institutions should take the instrument seriously and play their part, starting with the institution that this instrument is primarily targeting: the European Parliament. As the only directly elected EU institution, the

Parliamentary committees with legislative powers are more popular than those without such powers, such as the Petitions Committee.

European Parliament is considered the "natural receptor" of petitions.[71] According to the Parliament, petitions are not only there for citizens, they are also a "a powerful instrument of parliamentary control over the daily activities of the EU, as well as over the national governments".[72] However, the European Parliament appears to be more focused on making laws than on overseeing and controlling the executive power. As previously mentioned, parliamentary committees with legislative powers are more popular than those without such powers, such as the Petitions Committee. Furthermore, dealing with petitions adequately requires both broad and in-depth knowledge of EU law, as well as persistence – some petitions can drag on for years. Of the current group of 35 full Committee members, only five were part of this Committee in the previous term,[73] and 66 percent are first-time MEPs.[74] The Committee relies to a great extent on the experience and expertise of the Secretariat. However, it has been frequently noted that the Secretariat does not have the necessary resources.[75] Considering all of this, it is not surprising that the number of petitions that lead the European Parliament to take a stand vis-à-vis the Commission – the actor responsible for the enforcement of EU law – is very limited. In the 2014–2019 legislative term, the Committee only addressed questions for oral answer to the Commission or the Council 15 times on nine different topics, five of which were followed up by a resolution. Another four resolutions were adopted following PETI's prerogative to table short motions for resolutions under Article 227(2) of the Rules of Procedure.[76] PETI can also try to ensure follow-up on petitions by forwarding them to other parliamentary committees for information or an opinion. Lastly, if PETI has a large number of petitions relating to a subject that another committee drafts a legislative report on, it can develop an opinion which may then influence the final report. In order to improve collaboration between PETI and these committees, a "petitions network" was established in 2016, consisting of PETI members and one MEP from each of the other Committees.[77] However, there is little evidence that this has led to a significant increase in follow-up on petitions so far.[78]

The Commission's commitment to following up on petitions is limited. Given its responsibility of "making sure that all EU countries properly apply EU law",[79] the European Commission is referred to as PETI's "natural partner" in following up on petitions.[80] Requests for opinions on petitions are coordinated by the Commission's Secretariat-General, and the average response time has decreased. Furthermore, Commission staff members attend PETI meetings in order to engage in a direct dialogue with petitioners and MEPs. However, unlike decisions on ECIs, responses to petitions do not require a decision from the College of Commissioners. In practice, this means that only very few petitions reach the political level of the Commission – the exceptions being the cases where the Parliament addresses oral questions to the Commission, which are then answered by the responsible Commissioner in plenary.[81]

The Commission reports on the follow-up given to petitions in its annual reports on "Monitoring the application of European Union law", though only in a very limited way. The Commission treats petitions and parliamentary questions as one source of information related to potential breaches of EU law, in addition to its own investigations and citizens' direct complaints to the Commission. Even though the Commission receives on average around 550 requests for opinions on petitions from PETI every year,[82] only a very small portion of these result in direct action by the Commission. In 2016 there were "more than seven cases" of direct action,[83] and in the following years there seem to have been less than ten such cases per year.[84] A typical comment in recent annual reports is the following:

> *The Commission systematically ensures follow-up to the petitions received. However, not all petitions lead to investigations about breaches of EU law, because either no EU laws were breached or the Commission had no power to act. In many cases, the situation presented in a petition is already being*

> *investigated by the Commission through EU Pilot or a formal infringement procedure.*[85]

Sometimes the Commission also indicates that certain breaches of EU law are not followed up on because the matter is not a priority for the Commission.[86] The lack of willingness to act on breaches of EU law is a great source of frustration among at least some groups of the European Parliament.[87] However, even in cases where the Commission acts, there is frustration, because neither the European Parliament nor the petitioners are consistently kept in the loop.[88] Apart from the feedback loop that petitions provide when it comes to the application of EU law, petitions do not in any direct and visible way influence the Commission's decision-making.

Member states only occasionally collaborate on petition matters. Even if the European Parliament may be the "natural receptor" of petitions, and the Commission its "natural partner", this instrument cannot function effectively without the active involvement of the member states, because the vast majority of EU laws that affect people's daily lives are – or rather should be – implemented by them. The application of EU law by member states is a big problem for the EU,[89] and, similarly, dissatisfaction with the involvement of the Council, and of member states more generally, is a recurring motif in the history of the petitioning instrument. The 1989 Interinstitutional Agreement on the European Parliament petitions was a milestone, but the Council has not indicated any willingness to make concrete, practical commitments when it comes to making this instrument work. Attempts by the European Parliament to revise the Interinstitutional Agreement, supported by the Commission, have been ignored by the Council. In its 2001 report on the right to petition, the European Parliament states:

> *The Committee on Petitions regards as unacceptable the delays that sometimes occur and the obstructiveness of some authorities as regards making available information and clarification on the content of petitions to the Committee on Petitions and the European Ombudsman; this being the case, the Committee on Petitions can, in urgent cases, make this obstructive behaviour public, having given the offending authorities sufficient warning, before the procedure to refer the matter to the European judicial authorities begins.*[90]

In its review of the 2014–2019 legislative term, the frustration with the Council remains visible, while some member states are applauded for taking a more active role:

> *Over the last term, the Council has occasionally actively participated in PETI meetings, but PETI has expressed disappointment with the fact that this has not resulted in more active engagement by Member States on unlocking petitions for which their cooperation is decisive. At the same time, it applauded the efforts made by certain Member States, such as Italy, Greece and Spain, which have assiduously followed the PETI meetings and have made efforts to actively contribute to the discussion on various petitions at committee meetings.*[91]

The policy area that petitions most frequently relate to – the environment – is also the policy area that tops the list of persistent infringements by member states over the last twenty years.

It is notable, though perhaps unsurprising, that the member states being singled out here as showing a more collaborative attitude when it comes to petitions are also the countries in which the petitioning instrument is used more frequently and appears to be more visible. Additionally, it is notable that the policy area that petitions most frequently relate to – the environment – is also the policy area that tops the list of persistent infringements by member states over the last twenty years.[92] In the aforementioned review of the 2014–2019 legislative term, four examples of PETI impact are highlighted. Two of these cases relate to traffic accidents in Spain that PETI helped to address by putting pressure on local and national authorities to start special enquiries.

The two other cases – which related to an "Irish fisherman" and "stolen babies in Spain" – are also examples of impact in which PETI essentially bypassed the Commission and the Council and exerted direct pressure on the national authorities involved.[93] This is not to say that there have never been petitions that have been resolved through the official path of Commission dialogue with, or infringement cases against a member state, but any direct impact is less evident in these cases.

FIGURE 51 **The petitions to the European Parliament through the lens of six criteria of good participation**

Visibility

Public awareness about this instrument remains low. Much can be learned from the way informal platforms for online petitions are organised.

Deliberativeness

Even if every petition must be answered, petitions were not originally perceived as a deliberative instrument. Nowadays, around 200 petitioners participate in committee meetings each year. So far, there has hardly been any attempt to engage the wider public.

Accessibility

Despite a digital hurdle, it is relatively easy to start a petition. However, the better written and substantiated a petition is, the better the follow-up that can be expected.

Transnationality

The petitioning instrument is not designed to facilitate cross-border interaction or debate among citizens, and MEPs are primarily interested in petitions from their own countries. Dialogue with national petitions committees and other national institutions happens on an ad hoc basis only.

Representativeness

The instrument is more popular in southern Europe, notably Spain and Italy.

Impact

The EU institutions do not prioritise the petitioning instrument or take it sufficiently seriously. Member states only occasionally take an active role in resolving petition matters.

EUROPEAN POLICY CENTRE Source: own illustration BertelsmannStiftung

4. Conclusion

The petitioning system is the EU's oldest participation instrument: it is both a democratic right of citizens and an instrument of parliamentary control.[94] If implemented well, the petitioning system can be the key mechanism in solving everyday problems experienced by people – assuming these problems have some kind of European dimension.[95] However, in its current form, it is primarily a two-way communication instrument:[96] the European Parliament, and the EU more generally, is informed about problems experienced by citizens, and citizens are informed about the actions taken by the EU in a particular field. This is what some have dubbed a "letterbox" approach.[97] Citizens who expect that the European Parliament will quickly solve their problem or heed their request will be disappointed: not only does it take a long time for petitions to be dealt with, but doing so in a serious manner also requires considerable political will and resources from the institution that is being petitioned. Unfortunately, the European Parliament has not shown this type of commitment.

Once the European Parliament realises the potential of this instrument for its own legitimacy and effectiveness and that of the EU in general, the instrument can have a much larger impact. The profile of the instrument within the European Parliament needs to be significantly improved, which should go hand in hand with concrete investments: the Secretariat should be expanded, the digital infrastructure should be improved continuously, and the filter should be removed, so as to eliminate all possible barriers for people to submit a petition. Furthermore, the work of the Committee should be recognised and prioritised more in the overall functioning of the European Parliament.

IV. The European Ombudsman: more than maladministration

The European Ombudsman is an independent body that conducts inquiries into cases of "maladministration" by EU institutions or other EU bodies. The Ombudsman opens inquiries either in response to complaints by EU citizens and residents or on its own initiative. Despite its mere "soft" powers, the majority of its recommendations are followed by the EU's institutions. As a result, the Ombudsman has been a key player in making EU public administrations more open, accessible and transparent to citizens. Yet the Ombudsman still lacks wider public attention, and its influence remains limited when it comes to high-level political cases.

Facts and figures

3
European Ombudsmen so far

5
months
Average time it takes the European Ombudsman to respond to a complaint (2020)

79 %
EU acceptance of European Ombudsman proposals (2019)

370 Inquiries opened (2020)

394 Inquiries closed (2020)

2,148 New complaints handled (2020)

Strengths

- **Leadership**
  Strong engagement by the three incumbents so far has increased the scope and impact of the European Ombudsman.
- **Accessibility**
  Submitting a complaint is easy and efforts are being made to reduce barriers even further.
- **Administration reform**
  The European Ombudsman has made EU public administration more citizen-oriented and responsive.

Shortcomings

- **Visibility**
  Outside the EU bubble there is little awareness of the role of the European Ombudsman.
- **Deliberativeness**
  Communication between the European Ombudsman and the citizens is limited to a basic exchange of information.
- **High level impact**
  The more politically sensitive the European Ombudsman inquiries are, the less likely institutions are to comply.

EUROPEAN POLICY CENTRE

Source: European Ombudsman Annual Report, 2020; European Ombudsman 'Putting it Right?' report, 2019

BertelsmannStiftung

1. Introduction

Elected by the European Parliament, the European Ombudsman is an independent body that conducts inquiries into cases of "maladministration" by EU institutions or other EU bodies.[1] The Ombudsman opens inquiries either in response to complaints by citizens or on its own initiative. Complaints may be lodged by any citizen or any resident of the EU and any EU-based association or business. Although its powers are merely "soft", the majority of recommendations by the Ombudsman are eventually followed by the EU's institutions.

What is an Ombudsman?

Ombudsman institutions can be found in more than a hundred countries around the world. As of 2020, the International Ombudsman Institute has over 253 members, 38 percent of which are based in Europe.[2] These institutions differ considerably in their function, and in their power to investigate and remedy complaints. Most are based on the national level, some on the regional or lower levels. Many are called "ombudsman", others go by different names such as "the Public Defender of Rights" in the Czech Republic. Many cover the whole spectrum of public administration, while others have specific functions, such as observing a country's adherence to human rights (like the Human Rights Ombudsman of the Republic of Slovenia) or serving the interests of future generations (such as the Hungarian Parliamentary Commissioner for Future Generations).

> *"The ombudsman is a complaint handling mechanism that attempts to improve the accountability of government. The independence of the office, its impartial stance and broad powers of investigation are essential conditions for the effective operation of the ombudsman institution."*
>
> Reif, 1999

Despite genuine differences between ombudsman institutions around the world, there are some core functions which they all have in common: "The ombudsman is a complaint handling mechanism that attempts to improve the accountability of government, to the populace in general and to those persons who come into specific contact with the bureaucracy in particular. The independence of the office, its impartial stance and broad powers of investigation are essential conditions for the effective operation of the ombudsman institution."[3] Fundamentally, all ombudsmen ought to be independent, act independently from the government, handle complaints from citizens, and conduct their own investigations. The key word is "accountability" of the government towards the citizenry, specifically in the sense of holding government to account with regard to the law and the rules of office. Therefore, ombudsmen have also been called the "people's watchdog", the "grievance-man", or the "citizen's defender".[4]

The history of the ombudsman institution can be traced back to early 18th century Sweden, when the Swedish king appointed a "chancellor of justice" to look into claims against royal officials.[5] The first real ombudsman was set up by the Swedish parliament in 1809 to "monitor and regulate the administrative activities of the executive branch".[6] By the mid-20th century, the ombudsman model had spread throughout Scandinavia, from the mid-1960s throughout Europe, and eventually across the world. In Europe as elsewhere, the ombudsman institution played a particularly important role in the transition from authoritarianism to liberal democracy. In Spain and Portugal during the 1970s, ombudsman institutions were founded by both countries' constituent assemblies as fundamental elements of their democratic transitions. These institutions were granted vast powers of inquiry and litigation, such as the power to appeal to courts.[7] Most Central and Eastern European countries established ombudsmen to assist their transition towards the rule of law and democracy and to aid the fight against corruption and nepotism during the 1990s.[8] Those developments made ombudsmen fundamental players in the protection

of the EU's shared values as enshrined in Article 2 of the Treaty on European Union (TEU).[9]

How the European Ombudsman came into being

The European Ombudsman was created by the Maastricht Treaty of 1992.[10] Yet the idea of a European Ombudsman circulated already in the 1970s, with a resolution by the European Parliament calling for the establishment of a "Community Ombudsman".[11] As the idea of a "people's Europe" started to gain traction in EU circles in the 1980s, the European Council commissioned a report by a working group chaired by former Italian MEP Pietro Adonnino, tasked with strengthening the Community's identity among its citizens.[12] The report suggested the creation of an ombudsman that would "investigate complaints, advise citizens on the procedure for complaints and issue regular reports to the European Parliament".[13] With the creation of a European Ombudsman firmly on the agenda, the governments of Spain and Denmark acted as the main drivers of a European Ombudsman during the intergovernmental negotiations leading to the Maastricht treaty.[14] Both countries faced resistance from other member states and the majority of the European Parliament, which now regarded an ombudsman as a potential competitor for its role as the "guardian of the citizens".[15] The Luxembourg presidency of the Council reached a compromise, giving the Ombudsman a narrowly defined role to keep it from becoming political and granting the right of appointment to the European Parliament.[16]

The establishment of the Ombudsman with the Maastricht treaty was closely tied to the creation of European citizenship at the same time. As Ombudsman Diamandouros stated in a speech in 2010: "the Maastricht Treaty established the European Ombudsman in 1993 to enhance relations between citizens and the Union level of governance. With the EU institutions seen as 'impersonal' and technocratic and far removed from ordinary citizens, it was deemed important to give the EU administration a human face."[17] Thus, a complaint to the Ombudsman was from the start not simply regarded as a technicality, but as an act of citizen participation. The introduction of democratic EU citizenship acknowledged the direct connection between the EU's public administration and the EU citizen, making the Ombudsman an important intermediary to signal and remedy deficiencies, not only responding to citizens' complaints, but also actively making "own-initiative inquiries" to uncover potential maladministration.

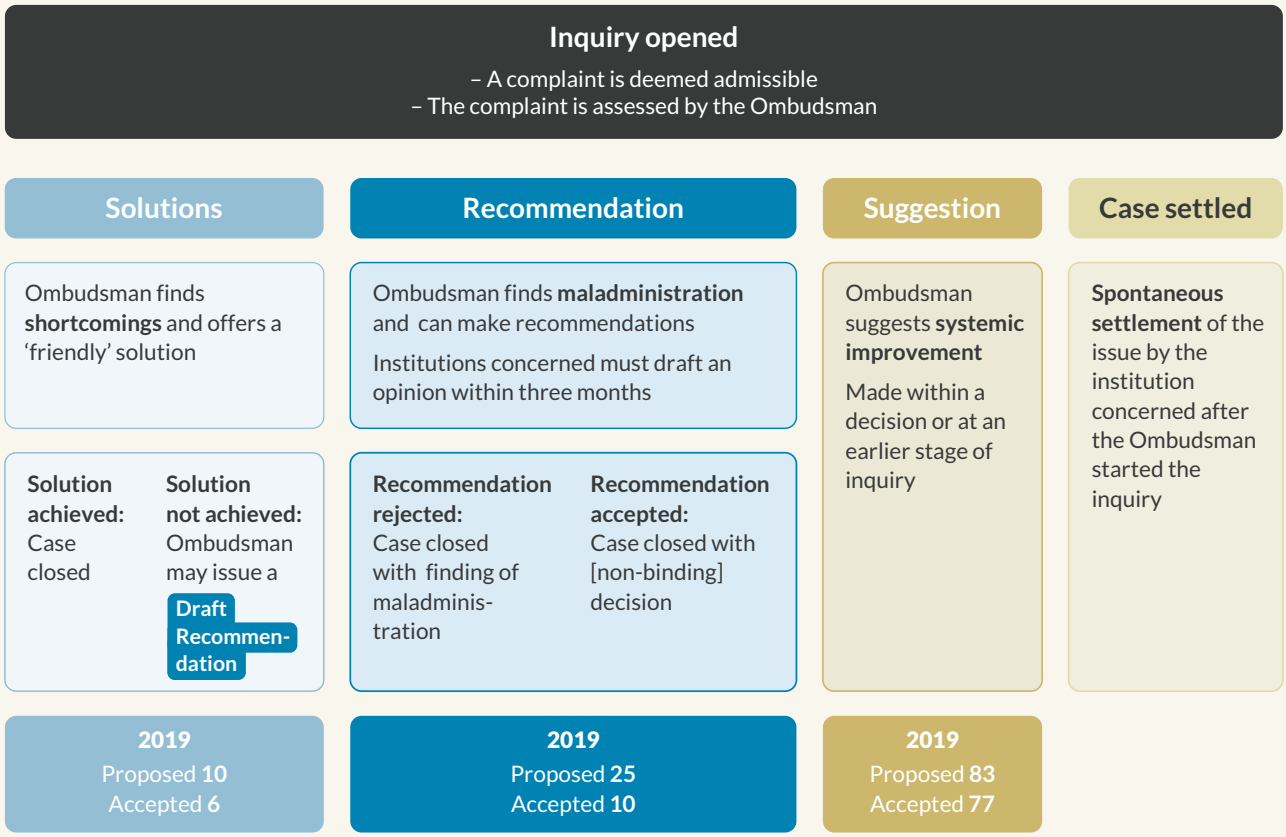
Before it was introduced, two models were considered for the European Ombudsman: the Spanish model with vast powers of inquiry and legal appeal or the more restrictive Danish approach, focused on the settlement of administrative disputes.[18] In the end, the Danish model prevailed, with the Ombudsman expected to "deal with specific instances of maladministration" and to promote "good administrative practices".[19] Despite the more restrictive approach chosen, the focus on maladministration and good practices and the initial lack of a clear definition of either gave the Ombudsman sufficient scope to expand its influence. In its 1997 annual report, the Ombudsman introduced its own definition of maladministration: "a public body fails to act in accordance with a rule or principle which is binding upon it."[20] Such a definition goes considerably beyond the sheer legality of administrative behaviour, as it covers issues such as "lack of transparency, negligence or even the impoliteness" of administrative actions.[21]

While maladministration was given a rather broad definition, the Ombudsman was keen to develop clear guidelines on what constitutes "good administrative practice". Thus, in 1999, the European Ombudsman proposed a "Code of good administrative behaviour" (Code), as a blueprint for administrative standards for all EU institutions and agencies. The Code was approved by the European Parliament, giving it considerable political weight. The Charter of Fundamental Rights of the European Union (Charter) further legitimised the Code when it entered into force in 2009, by introducing the right to good administration in Article 41.

The development of the European Ombudsman's approach

Jacob Söderman from Finland was inaugurated in 1995 as the first European Ombudsman and served two terms until 2003. Given the democratic

FIGURE 52 **Possible outcomes of a European Ombudsman inquiry following a complaint**



EUROPEAN POLICY CENTRE Source: European Ombudsman website; European Ombudsman 'Putting it Right?' report 2019 | BertelsmannStiftung

advancements at the time, particularly the democratisation of Eastern Europe and the Maastricht treaty, Söderman outlined the premise of the Ombudsman as follows: "[to] focus on helping European citizens [...] to exercise their rights fully and [...] to give the European administration a more human face."[22] As a result, the focus of the Ombudsman was firmly set on the effective implementation of the rights of individuals in the EU and on making EU institutions and administrations more transparent and open towards citizens.[23] Importantly, the Ombudsman made clear that it would not only focus on detecting maladministration on a case-by-case basis, but on ensuring "an open, democratic and accountable [EU] administration".[24] Under Söderman's leadership, the Ombudsman introduced the European Code of Good Administrative Behaviour and established a network of European Ombudsmen to address complaints about the implementation of EU law on the national level.

Nikiforos Diamandouros took over an institution whose independence had been well established by his predecessor Söderman. During his mandate, Diamandouros tried to widen the scope of the Ombudsman further towards more fundamental issues of democracy and the rule of law.[25] Throughout his mandate, Diamandouros travelled extensively to the EU's member states, particularly the new ones, to raise awareness about the European Ombudsman. He also actively increased the visibility and intensified the work of the network of ombudsmen.

Emily O'Reilly, the third European Ombudsman, has given the European Ombudsman a decisively more political direction. O'Reilly built on the wide scope of the Ombudsman's work established by her predecessors, but established a more proactive, change-centred approach. As she put it in 2015: "The complaints, central to our work, do solve individual problems, but they are also the drivers of change, the vehicles through we can tackle wider systemic problems."[26] As a result, O'Reilly significantly increased the role of own-initiative inquiries, now called "strategic inquiries". O'Reilly appointed an own-initiative coordinator to her office to focus solely on the identification of "problematic issues to which [the Ombudsman] could make a useful contribution".[27] Under O'Reilly, the Ombudsman took on several high-level cases on matters such as the transparency of Council proceedings, the post-Commission career of former President José Manuel Barroso, and the appointment of Secretary General Martin Selmayr. Her more confrontative approach has faced resistance among EU institutions. This was exemplified in the run-up to her re-election in 2019, when she faced considerable opposition. MEP Daniel Caspary's criticism of O'Reilly is emblematic of the wider resistance she has faced, as he argued: "Concrete problems should be remedied instead of shaping general political decisions."[28]

The Ombudsman's legal basis and modus operandi

The Ombudsman is neither an EU institution – it is not listed in Article 13 TEU –nor an EU agency, as it does not fulfil any regulatory function. It is an independent body. In its early days, the Ombudsman was not entirely independent, as it was appointed by the European Parliament.[29] Since then, it has increased its independence, undertaking several critical inquiries into the work of the Parliament.[30]

Compared to most other EU participation instruments, the European Ombudsman has a particularly strong legal basis. The Charter establishes the main normative framework on which the work of the Ombudsman is based; the right to good administration as set out in Article 41. Article 20(2)d of the Treaty on the Functioning of the European Union (TfEU) substantiates the right

Compared to most other EU participation instruments, the European Ombudsman has a particularly strong legal basis.

to good administration as a citizenship right of the EU, and gives citizens the right to apply to the Ombudsman. Article 228 TfEU outlines the wider scope of the Ombudsman's mandate. This includes: Receiving complaints from anyone residing legally in a member state, the ability to handle complaints against any EU institution or body but the European Court of Justice, the ability to launch inquiries either based on a complaint or on its own initiative, the reporting obligations of the Ombudsman towards the European Parliament, and the complete independence of the Ombudsman. Article 228 is key to the work of the Ombudsman, as it provides a mandate of complete independence and considerable discretion of inquiry while at the same time keeping the definition of what can be investigated open to interpretation by the Ombudsman, by simply referring to "instances of maladministration".

Citizens who wish to make a complaint to the European Ombudsman can do so online via the Ombudsman portal, or by letter or fax. Complaints must be directed against an EU body's administrative actions and the complainant must have previously contacted the relevant EU body on the issue at stake. Once the complaint is received, the Ombudsman decides whether to open an inquiry. A complaint may be discarded at this point if it is deemed to be outside the Ombudsman's mandate, if there is a lack of information or if another body is considered to be in a better position to help the complainant. In 2020, around 34 percent of all complaints (728 in total) were found to be within the Ombudsman's mandate, whereas around 66 percent (1420 in total) were found to be outside it.[31] If the complaint is deemed admissible, the Ombudsman can open an inquiry into the institution in question. It may ask the institution to reply to the complaint and provide information, or it may arrange a meeting with the institution or carry out an inspection and ask the complainant for additional information and comments.

2. Assessment of the European Ombudsman against its stated objectives

In the following section, the European Ombudsman is assessed in relation to its own stated objectives. The objectives are derived from Article 20 (2d) of Treaty on European Union, Article 228 of the Treaty on the Functioning of the European Union, and the European Parliament's factsheet on the European Ombudsman.

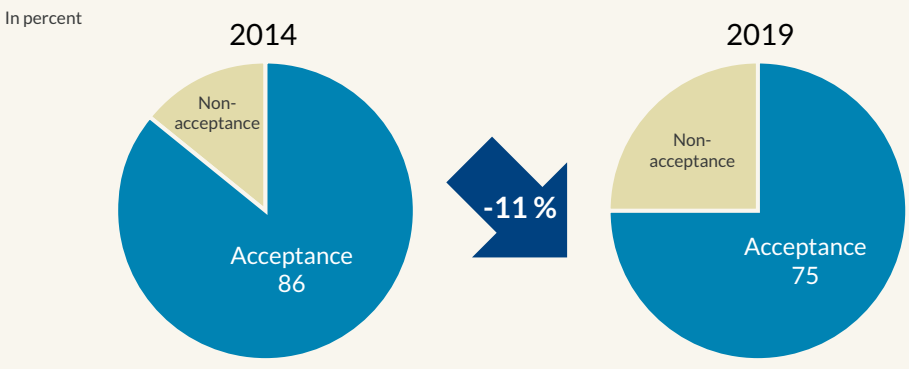
To give EU citizens the right to complain about maladministration in the activities of the Union institutions, bodies, offices or agencies and to obtain a reply

The right to complain against maladministration is well established, both in the Treaty on the Functioning of the European Union (TfEU) and in the Charter of Fundamental Rights of the EU (Charter). Article 15 TfEU states that the EU should conduct its work as openly as possible, so that any citizen has the right to documents of the Union's institutions. In relation to that, Article 41 of the Charter establishes that "every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time". These two provisions constitute the EU citizen's fundamental right to good administration. To uphold that right, any citizen or legal person lawfully residing in the EU has the right to refer cases of maladministration to the European Ombudsman (Article 43, Charter) and the European Ombudsman has the duty to receive and to deal with those complaints (Articles 24 and 225, TfEU). Over the years, the Ombudsman has increasingly broadened its approach by shifting its focus from a narrower notion of maladministration to the wider and more encompassing idea of good administration.[32]

> *"Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union."*
>
> Charter of Fundamental Rights of the European Union, Art. 41

As a result, **the European Ombudsman has developed a relatively lenient approach to the admissibility of cases**. Rather than a purely technical agency handling well-defined cases within the realm of maladministration, the current European Ombudsman and its office regards itself more as an "ethical and moral compass [...] as part of a citizen-oriented administration".[33] Despite the

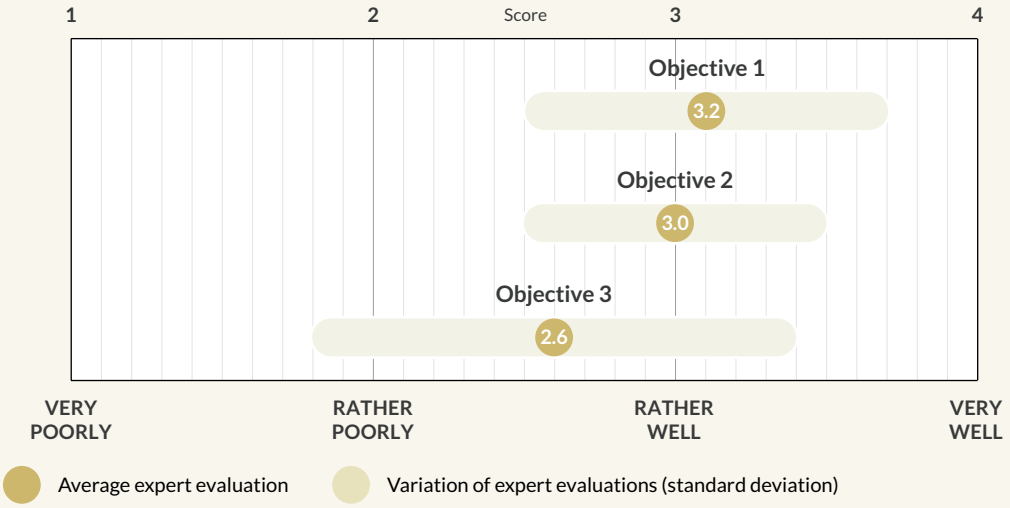
FIGURE 53 **The European Commission's dropping acceptance rate, 2014 and 2019**



EUROPEAN POLICY CENTRE Source: European Ombudsman 'Putting it Right?' reports 2014 and 2019 | BertelsmannStiftung

FIGURE 54 **Expert views on the European Ombudsman – stated objectives**

How well or how poorly does the European Ombudsman perform in relation to its stated objectives?



Objective 1: To give EU citizens the right to complain about maladministration in the activities of the Union institutions, bodies, offices or agencies and to obtain a reply
Objective 2: To improve the protection of citizens in connection with cases of maladministration by European Union institutions, bodies, offices or agencies
Objective 3: To enhance openness and democratic accountability in the decision-making and administration of the EU's institutions

The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

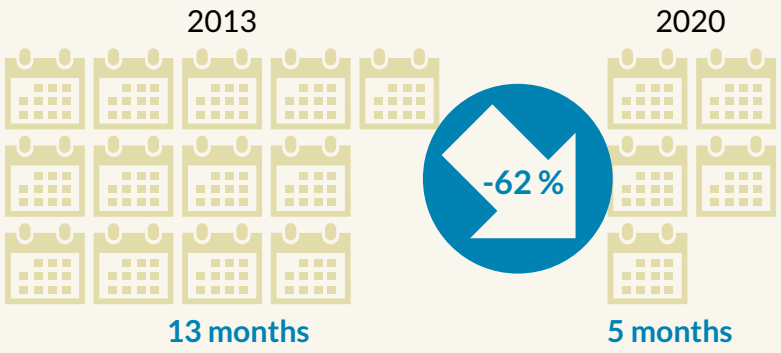
EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey | BertelsmannStiftung

widening of the European Ombudsman's approach, it has managed to strengthen its "citizen-oriented approach" as it **responds increasingly quickly to the complaints it receives**. Since 2013, the Ombudsman has continuously managed to reduce the average length of handling an inquiry from 13 months to its current average of five months.

To improve the protection of citizens in connection with cases of maladministration by European Union institutions, bodies, offices or agencies

Overall, **the acceptance rate[34] of Ombudsman recommendations has been and remains quite high**, at 79 percent in 2019.[35] However looking at the trend, particularly since 2014, it is notable that the acceptance rate has been dropping from an all-time high of 90 percent, and that the acceptance rate of the most important institution for the work of the Ombudsman, the European Commission, has consistently been below the average of all EU institutions. It is unclear whether the slight drop in the acceptance rate is due to an overall decrease in regard for the recommendations of the European Ombudsman or due to the fact that the Ombudsman, particularly under the leadership of O'Reilly, has increasingly been taking on more high-level and fundamental cases that engender greater institutional resistance. Furthermore, as the Ombudsman has noted herself, for many high-level cases, changes in response to recommendations take a longer time, and are thus often not reflected in the annual acceptance rate figures.[36] Nevertheless, the 2019 report of the European Parliament's Petitions Committee noted the drop in the acceptance rate (here still referred to as compliance) as a point of concern.[37]

FIGURE 55 **Drop in the average time it takes the European Ombudsman to respond to complaints**



EUROPEAN POLICY CENTRE Source: European Ombudsman Annual Reports; own calculations | BertelsmannStiftung

Beyond the acceptance rate, **the sheer existence of the European Ombudsman makes policymakers more alert, thereby helping to prevent maladministration**. As one of our interviewees expressed it, the knowledge that the Ombudsman exists, and that it is possible for people to complain to it, can have a beneficial effect on civil servants and on the institutions themselves.[38] The possibility of receiving a complaint and the reputational costs that involves make civil servants less likely to dodge complaints and ignore the interests of citizens. This creates an incentive structure for EU institutions to adopt a service culture as promoted by the European Ombudsman.[39]

To enhance openness and democratic accountability in the decision-making and administration of the EU's institutions

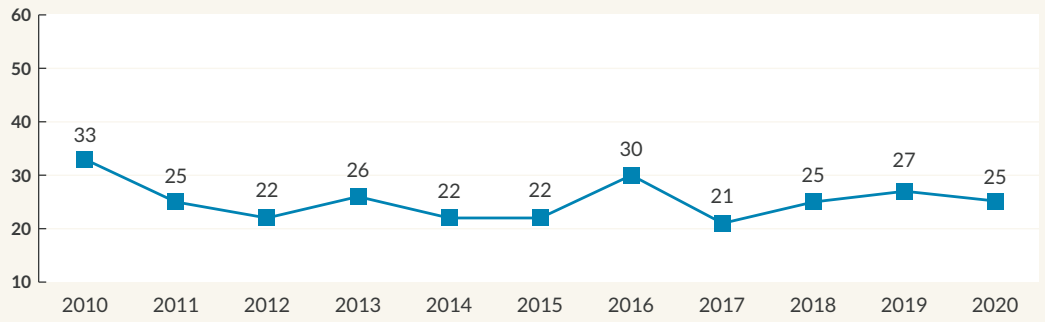
For a long time, the EU's administrative culture was one of closed procedures and little transparency. It was presumed that EU documents were confidential unless the institutions decided to make them public.[40] This changed in 2001 with the regulation regarding public access to European Parliament, Council and Commission documents.[41] It was this regulation that provided the basis for **the European Ombudsman to play an important part in changing the EU's administrative culture**. Cases relating to the transparency and accountability of the institutions, particularly in relation to the disclosure of documents, have been a key focus for the Ombudsman and account for roughly a quarter of all closed cases each year and more than half in 2020. Those cases, along with the importance the Ombudsman gave to the transparency of institutions and the publication of documentation, helped considerably in changing the work of civil servants to become more open and eventually more accountable to the wider public. The Ombudsman's office has been very proactive in the years since the regulation came out in directly engaging with civil servants in the EU on matters of transparency and good administration, beyond the realm of individual cases, helping further to mould the administrative culture of the EU.

To further the openness of the European Commission to its citizens, the Ombudsman paid particular attention to the European Citizens' Initiative (ECI).[42] The Ombudsman started a number of own-initiative inquiries to provide a platform for people who were dissatisfied with the ECI's work, to engage the Commission in a dialogue to improve its functioning.[43] **The Ombudsman has considerably increased the use of its own strategic inquiries to push for openness and democratic accountability from institutions**. Strategic inquiries are a powerful tool at the disposal of the Ombudsman, as they allow her to tackle more fundamental issues beyond the specificities of individual complaints. The Ombudsman has considerable discretion on what to focus on when it comes to strategic inquiries and what may be in the public interest. Particularly the current Ombuds-

man has not shied away from tackling contentious issues, demonstrated by investigations into issues such as the Transatlantic Trade and Investment Partnership[44] or the transparency of the Council's legislative work.[45] There is an ongoing discussion as to whether this has led the current Ombudsman to overstretch her competences and overtly politicise her mandate.[46]

FIGURE 56 **Inquiries concerned with transparency and accountability**

Percentage of total inquiries



EUROPEAN POLICY CENTRE Source: European Ombudsman Annual Reports BertelsmannStiftung

3. Assessment of the European Ombudsman against six criteria of good participation

In the following section, the European Ombudsman is assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

Visibility – relatively low but increasing

Overall, the European Ombudsman is well-known in Brussels circles, but lacks visibility among the wider European public. Yet it is notable that the current Ombudsman is making considerable efforts to increase the visibility of her institution.

Visibility is rather low: Eurobarometer indicates that, in 2019, around 41 percent of all respondents claimed to have heard of the European Ombudsman.[47] The expert survey results on the other hand indicate that experts perceive the visibility of the Ombudsman to be low to very low. The surprisingly high Eurobarometer number may be due to the recognition of national ombudsman institutions, rather than because so many citizens have previously heard of the European Ombudsman specifically. If we disaggregate the Eurobarometer figure by country, we see that in countries that have a relatively established and well-known ombudsman institution on the national level, such as Slovenia, Finland or Spain, visibility is seemingly very high with 78 percent, 75 percent, and 63 percent.[48] The notable exception here is

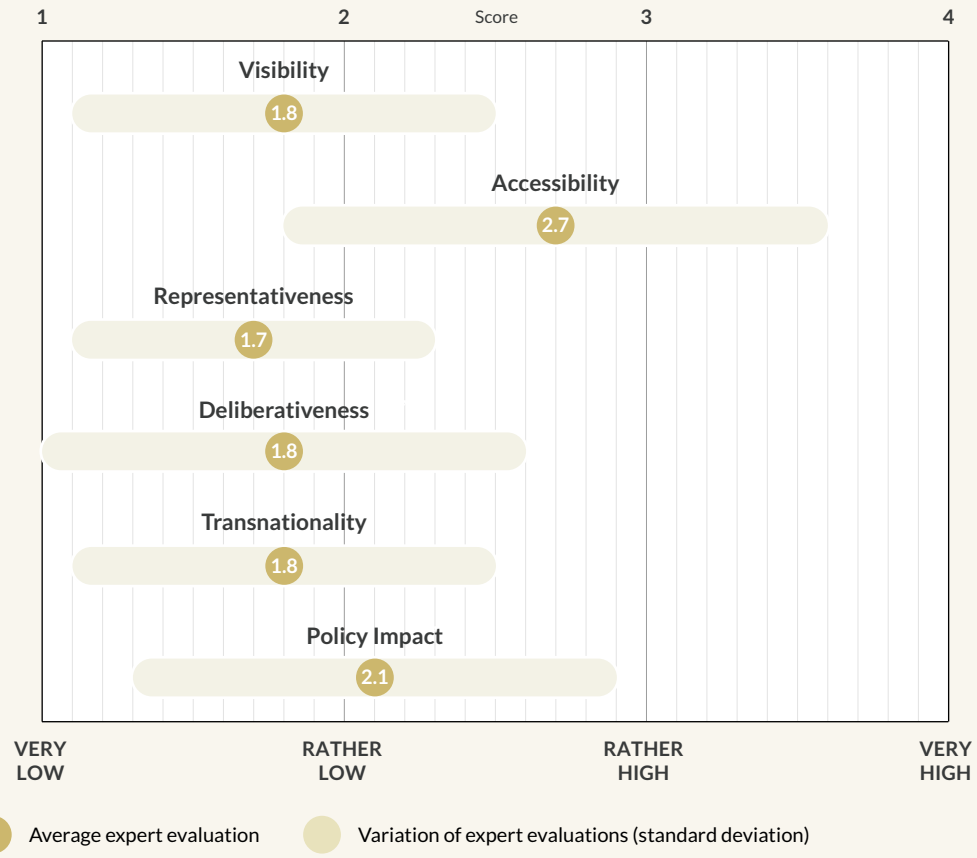
the country where the ombudsman institution emerged, Sweden, with only 36 percent. Yet in the countries where there is no national ombudsman, Italy and Germany, visibility is much lower, at 27 and 29 percent. Thus, there is a certain familiarity effect meaning that citizens who have an active and visible ombudsman in their own country seem to be at least cognisant of the idea that there might be such a thing as a European Ombudsman.

Already the second European Ombudsman, Nikoforos Diamandouros, recognised the importance of visibility and spent a considerable time travelling to the different member states, networking with national institutions and national ombudsmen to help increase their and subsequently the citizens' awareness of his institution. Though the overall effects remained arguably marginal, it set the agenda for the next Ombudsman to step up the efforts to increase visibility even further.

The current European Ombudsman strategy puts visibility first: Ombudsman O'Reilly has been very active during her tenure to raise the profile of the institution. She has done this in several ways. Firstly, she has pursued high-level cases that are picked up by national media in EU member states.[49] Cases such as the investigation of former Commission President Barroso's move to become

FIGURE 57 **Expert views on the European Ombudsman – criteria of good participation**

How high or low does the European Ombudsman score in relation to six criteria of good participation?



The above scores are the result of a survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

a non-executive chairman at Goldman Sachs were covered in prominent newspapers including the Guardian,[50] the Financial Times[51] and Politico.[52] Also in regard to visibility, there is a debate as to whether this is the right role for the Ombudsman and whether high-level cases are the right focus. One interviewee argued that it comes down to a choice of priorities: the goal being either to change the administrative culture slowly and implicitly or to be highly visible and push for high-level political changes.[53] Earlier Ombudsmen's approaches went in the direction of the former, whereas O'Reilly is gradually shifting her emphasis to the latter.

Besides high-level cases, the European Ombudsman has considerably changed its own communication strategy over the years to become more visible to the public. Its website has been consistently updated and adapted, now featuring all European languages and highlighting the Ombudsman's main achievements and latest high-level cases. The office is quite active on social media channels such as Twitter, to draw attention to its work.[54] Over the years, the Ombudsman has continuously updated its main communication tool, the annual report, making it visually more appealing and concise. It also holds an annual international press conference to present the main findings of the report.

Accessibility – easy, and getting easier

Submitting a complaint to the European Ombudsman is relatively straightforward, provided the citizen knows that the possibility exists, and has previously contacted the EU institution in question. Still, the Ombudsman continues to step up her efforts to increase accessibility.

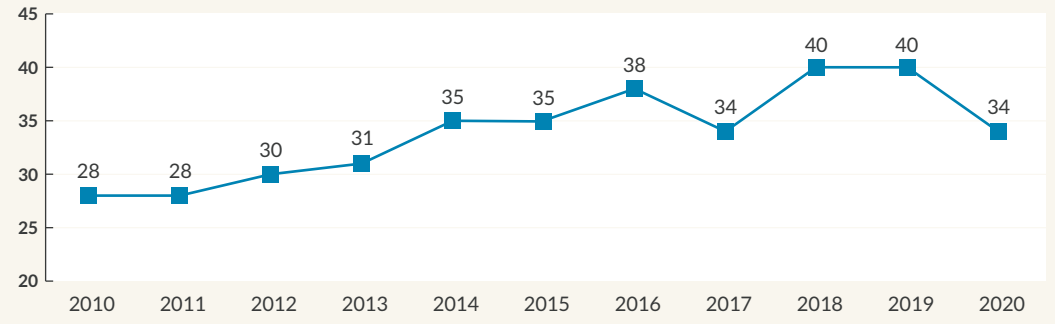
Submitting a complaint to the European Ombudsman is fairly easy: as recognised by the expert survey, the European Ombudsman is a relatively accessible institution. Anybody who is either a European citizen or a natural or legal person rightfully residing or registered in an EU member state can apply to the European Ombudsman. This constitutes one of the most open approaches towards participation among all instruments studied, as it also allows non-EU citizens to participate effectively and equally. Furthermore, the absence of any requirement to be individually affected by the subject matter of the complaint (unlike EP petitions) helps to open up the range of people and actors who can apply to the Ombudsman.[55] Participation itself is made very easy by the Ombudsman but is not entirely without barriers. The Ombudsman offers a very clear web-portal in all European languages and the choice of viewing instructions in simplified language, to enable access. An interviewee argued that the European Ombudsman is also open to receiving complaints in non-official languages.[56] According to the European Ombudsman's office, this is not the case. Complaints can be sent either via a form on the internet,[57] by mail, or by fax to the Ombudsman's office. The Ombudsman has a two-year time limit on complaints, meaning that the subject matter of the complaint can be up to two years in the past at the time of complaint, giving complainants sufficient time and flexibility.

As the Ombudsman interprets the scope of maladministration relatively broadly, it has considerable discretion when it comes to deciding whether a case is eligible or not. The Ombudsman has frequently made use of that discretion in the past three years. Whereas in 2010 only 28 percent of all complaints were deemed to be within the Ombudsman's mandate, in 2019 the rate increased to 40 percent, although there was a drop back to 34 percent in 2020.[58] The only real obstacle to submitting a complaint to the European Ombudsman is that the complainant must have contacted the European institution in question beforehand and not have received a satisfactory remedy before contacting the Ombudsman. The Ombudsman takes this one requirement very seriously, and redirects applicants to the institution if they have not approached it on the issue before.

The European Ombudsman has stepped up its efforts to increase accessibility. Thousands of people reach out to the European Ombudsman annually with questions, and the Ombudsman's office tries to answer as many inquiries as possible, not just by telling people what may or may not be within its mandate, but also redirecting people to the appropriate national or European institutions for their question.[59] The Ombudsman keeps improving its website and its complaints handling

FIGURE 58 **Complaints considered to be within the European Ombudsman's mandate**

Percentage of total complaints



EUROPEAN POLICY CENTRE Source: European Ombudsman Annual Reports BertelsmannStiftung

procedure. For instance, it has introduced a fast-track procedure for complaints regarding public access to documents, where it commits to making a decision within 40 days.[60] Related to this, the average time it takes the Ombudsman to handle a complaint has been dropping continuously over the past years.[61]

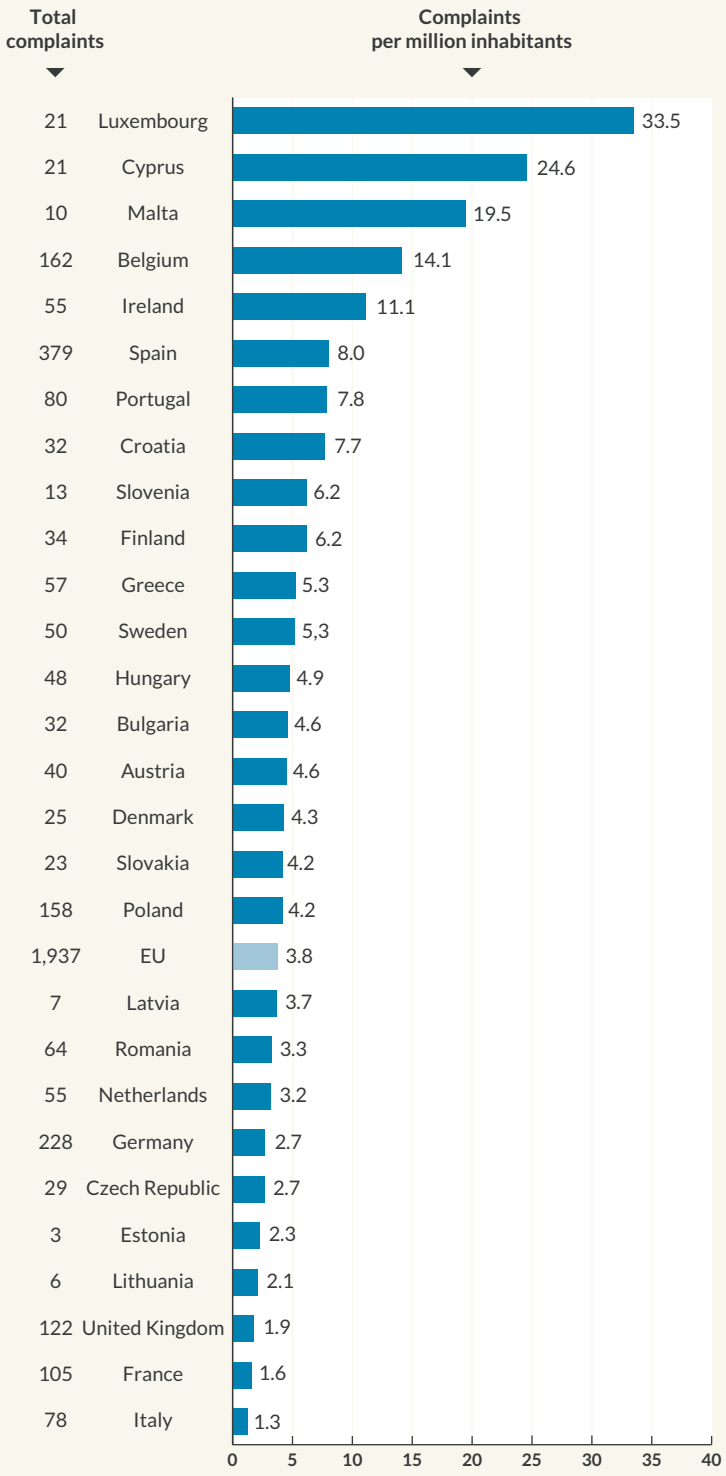
Representativeness – low, with differences between countries, but barriers are being tackled

Being an instrument for individual complaints, the European Ombudsman is not necessarily meant to be representative. Yet considerable differences in participation between countries are cause for concern and initiatives to reduce barriers for certain groups to participate are being introduced.

While not aiming to be representative, the Ombudsman gives everyone in Europe an effective avenue to voice complaints to European institutions. As the Ombudsman is an instrument that works with individual complaints and concrete cases of maladministration, rather than direct voluntary participation in a political process, it is not expected to be representative in the same way as other instruments. This is reflected in the expert survey, which rates representativeness as very low. Thus, the more important question regarding the Ombudsman is whether it provides an effective avenue for complaints to all citizens. The answer in that case is yes. Its open, multilingual and broad approach ensures that anyone who has a problem has the same access to the instrument as any other person.[62] By providing the chance to contact the Ombudsman through an online form as well as via mail, it allows younger and older people, digitally connected and less connected to access it. By offering active support and feedback to applicants and not simply discarding a complaint because it is not sufficiently clear, the Ombudsman gives citizens from all walks of life that have experienced EU maladministration a chance to be heard.[63] It has only minimal standing requirements and does not discriminate according to passport status, as long as the person concerned resides legally in the European Union. Thus, if not representative, the Ombudsman is certainly an inclusive institution.

There are considerable differences between member states when it comes to the number of citizens making complaints to the European Ombudsman: as the European Union affects all European citizens, everyone in Europe could in one way or another come into contact with European institutions and have reason to contact the European Ombudsman with a complaint. If everything was equal, we would assume that each country should have a similar share of complaints in relation to its population size. Yet there are considerable differences. People residing in Belgium, Ireland and Slovenia are more likely to send a complaint to the European Ombudsman than people residing in Italy, France, or Germany. The high share of

FIGURE 59 **Complaints to the European Ombudsman from EU member states in 2020**



Total complaints in 2020 including other countries and unkown origin: 2,107

Sources: European Ombudsman Annual Report 2020; Eurostat; own calculations

EUROPEAN POLICY CENTRE | BertelsmannStiftung

complaints from Belgium stems most likely from the fact that most of the European institutions are based in Brussels and that complaints, for example relating to recruitment decisions in the EU, come from people close to EU circles. What is striking about the latter three is that neither Italy nor Germany have a national institution analogous to the European Ombudsman, and the French Ombudsman has a different name (Défenseur des droits) and is relatively new, founded only in 2011.[64] In the top third, we find for example Ireland, the home country of the current Ombudsman, who was also the Irish Ombudsman between 2003 and 2013, but also Spain and Portugal, which each have Ombudsman institutions (Defensor del Pueblo and Provedor de Justiça) that have a high standing, having been founded as key institutions in the 1970s to aid their respective countries in the transition towards democracy and the rule of law.[65] Thus, there is some evidence that the likelihood of someone applying to the European Ombudsman or not is related to the existence and standing of national ombudsman institutions. The European Ombudsman has been very active in building cooperation through the European Network of ombudsman. The more visible and effective a national ombudsman institution is, the more effect the European Ombudsman can have through the network in terms of awareness on the ground.

The European Ombudsman has actively been trying to reduce language barriers to broaden citizens' participation: as a matter of principle, when people approach the European Ombudsman in an official language of the European Union, they receive a reply in the same language.[66] The office employs a multilingual team of staff particularly for that purpose.[67] The Ombudsman also promotes multilingualism and the removal of language barriers in EU institutions as part of its mandate to support good administration.[68] The European Parliament has urged the Ombudsman to step up those efforts further by providing guidance to the institutions on how to develop their language policy in such a way that they could ensure the production of relevant content and information in all EU languages.[69] For instance, a business from France complained to the Ombudsman that the Commission's webpage on "novel foods" was only in English. During the Ombudsman's inquiry,

"the Commission started translating into more languages the information on the procedure for authorising novel foods. The webpages were also revised to include the information that applications may be submitted in any EU language."[70]

Deliberativeness – the Ombudsman will listen and reply, but not discuss

Due to its nature, communication between the European Ombudsman and the citizen is bound to remain limited. Despite that, the European Ombudsman actively promotes dialogue between citizens and EU institutions.

Communication between the European Ombudsman and citizens is limited to a basic exchange of information: a fundamental principle of the work of the European Ombudsman is the right to receive a reply, as established by the first European Ombudsman Jacob Söderman, as well as enshrined in Article 2.9 of the regulations and general conditions governing the performance of the Ombudsman's duties.[71] Through the work of the Ombudsman this has developed into a substantive obligation not simply to acknowledge the receipt of a complaint, but to provide an adequate reply which deals with the subject matter of the complaint and gives reasons for the Ombudsman's decision on how to handle it.

Although a reply is obligatory, the Ombudsman will not enter into a conversation or discussion with an applicant. Deliberation and debate are not envisaged as forms of interaction between the Ombudsman and the citizen, hence the low score in the expert survey. It is that understanding of the European Ombudsman's own conception that keeps it from playing the role of the Spanish Ombudsman, for example, which acts as the "people's advocate". When an issue is brought to the European Ombudsman, she takes the liberty of widening or narrowing the scope of the complaint until it can be understood as a problem of maladministration, where the Ombudsman can seek a remedy, taking neither the side of the complainant, nor of the institution concerned.[72] When the Ombudsman contacts the complainant, it is not to take sides, but to gather better information on the nature of the complaint and to put the Ombudsman in a better position to make a reasoned judgement. Despite that, contacting a complainant may also mean explaining the workings of the EU, the process and procedures that have led to the complainant's situation, and making sure the complainant feels heard.[73]

The European Ombudsman stimulates dialogue between citizens and EU institutions: despite the Ombudsman's inability to enter into any form of debate with citizens, it can be said that it at least fosters interaction between citizens and institutions. The Ombudsman has been very active in promoting the European Citizens' Initiative, the purpose of which is to make the Union more accessible and participatory. It further encourages communication by making it mandatory for complainants to contact the relevant institution first before seeking redress from the Ombudsman. This, in combination with the Ombudsman's agenda of fostering good administration that is open and transparent, increases the likelihood of direct and active dialogue between citizens and the European public administration.

Transnationality – limited, but the Ombudsman fosters transnational awareness

Due to its nature, the European Ombudsman does not directly foster interaction between European citizens. But it has been active in creating awareness among the citizenry of key European issues through its own strategic initiatives and its work with the European Network of Ombudsmen.

The Ombudsman does not incentivise transnational interaction among citizens. If we interpret transnationality narrowly (the extent to which the instrument increases cross-border interaction, debate and awareness), the Ombudsman is not inherently transnational. This is reflected in the expert survey, with around 80 percent of all respondents rating it low or very low. Connecting people across borders is neither part of the Ombudsman's job description, nor has it been made a priority by any of the previous three Om-

budsmen. When the European Ombudsman was established, legislators chose between the Danish and the Spanish approach. The Danish version envisages the Ombudsman as a "problem-solving" institution, whereas the Spanish version would have taken a broader approach, overseeing all implementation activities of EU law on an EU and a national level, aiming to overcome the distance between the EU and the wider citizenry.[74] The Danish approach won, and with it a certain focus on individual grievances rather than collective action. Despite the increasing use of strategic inquiries, the individual complaint remains at the centre of the work of the Ombudsman, rather than collective problems across borders and population groups.

The European Ombudsman increases transnational awareness by facilitating high-level cases: in mid-2020, Commission President Ursula von der Leyen appeared in a campaign video for the Croatian HDZ party during their national election campaign. Several civil society organisations submitted complaints to the European Ombudsman. As a result, the Ombudsman began an exchange with the European Commission questioning to what extent the values of impartiality and independence, enshrined in Article 8 of the European Code of Good Administration, are upheld by the Commission. By declaring that "in light of the disquiet and concerns raised, including by the wider public, I consider it important that the Commission clarifies these issues",[75] the Ombudsman practically put herself in front of the public and portrayed herself as an advocate of the public interest, in this case for an impartial European Commission President. Through high-level cases like this one, and others concerning for example leading Commission officials or the workings of the Council, the European Ombudsman can contribute to the creation of a transnational sphere. By taking on these cases, the Ombudsman can tangibly portray herself as a champion of citizens' interests, as an institution that is independent and instrumental in upholding the citizens' interests in a good, fair, and impartial EU administration.

Though the von der Leyen case fell short of an actual inquiry, it is particularly the Ombudsman's own-initiative inquiries that could create scope for more transnationality in the future. In previous inquiries, such as the one on the ECI in 2013, the Ombudsman already used the instrument of public consultations to receive feedback from citizens all over Europe on the ECI's procedure.[76] By actively taking on cases that have a high public salience in the EU, the Ombudsman can be instrumental in creating space for public debate and in making citizens aware that their interests and rights count when it comes to how the EU conducts its daily business.

> *"The knowledge that the Ombudsman is there can actually help the civil servant to say: Well, I don't particularly want to deal with this matter, but perhaps I ought to, because otherwise my institution will have problems."*
>
> Interview 36

The European Network of Ombudsmen helps foster good administration and trust in institutions across Europe: according to Article 5 of the European Ombudsman's Statute, the Ombudsman may cooperate with national authorities of the same type, if this can help her to make inquiries more efficient and to better safeguard the rights of complainants. The ongoing cooperation that evolved from Article 5 developed into the European Network of Ombudsmen.[77] The network is a forum for cooperation between all national actors and the European Ombudsman dealing with matters of maladministration. Currently, the network consists of 96 offices in 36 European countries and the European Parliament's Committee on Petitions.[78]

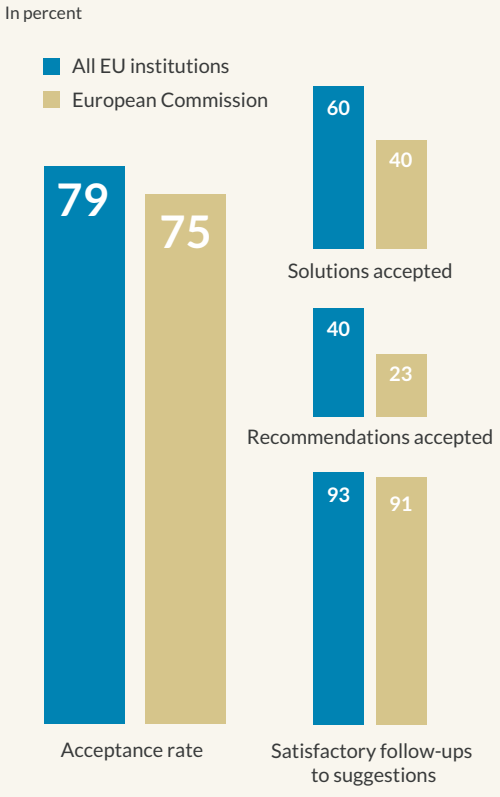
There are several ways in which the network fosters cooperation between national ombudsmen and the European Ombudsman: queries from members of the network, the transfer of complaints, and parallel inquiries. First of all, members of the network can submit queries to the European Ombudsman about EU issues that have arisen during national inquiries. The Ombudsman helps its national counterparts by obtaining expert replies at the EU level that are instrumental in closing investigations.[79] In this case, the European Ombudsman serves as an intermediary between the

national and EU level and helps to foster domestic understanding of European issues. Although this is a potentially important tool, the European Ombudsman only lists 36 such inquiries since 2006, indicating that they are not frequently used.

Second, the European Ombudsman can transfer the complaints which it receives to members of the network, including the European Parliament's Committee on Petitions. By transferring complaints, the European Ombudsman plays a useful function for the citizen to navigate between the European and domestic level and helps national ombudsmen to receive relevant complaints.

Third, through parallel inquiries, the European Ombudsman can team up with members of the network to look into issues that involve both European and national administrations.[80] One such inquiry took place in 2019. It involved seven national ombudsmen and the European Ombudsman, looking into the complaint mechanisms in EU member states for matters concerning EU structural and investment funds.[81] As a result of this inquiry, covering complaint handling at both the national and the European level, the European Ombudsman urged the Commission to increase the quality of its handling of individual complaints concerning structural and investment funds and to address situations in member states where complaint handling is evidently deficient.[82] These parallel inquiries are a potentially powerful tool, as they allow the European Ombudsman to combine its own expertise with that of different member state peers, increasing its grasp of specific problems that transcend the European/national divide, and as a result making it better equipped to push for change.

FIGURE 60 **Acceptance rate of the European Ombudsman in 2019**



Source: European Ombudsman website; 'Putting it Right?' report 2019

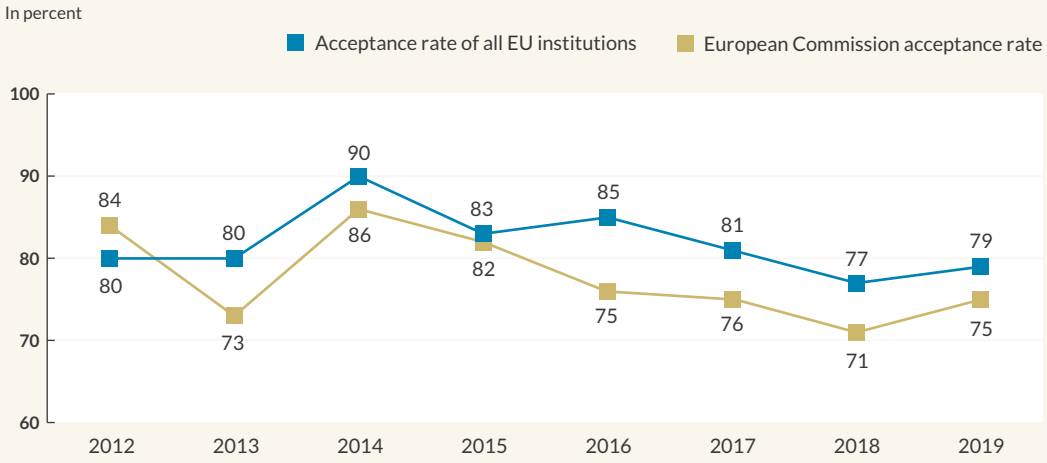
EUROPEAN POLICY CENTRE | BertelsmannStiftung

Impact – making a difference while flying under the radar

Though it is difficult to point to any particular legislation which has been fundamentally influenced by the European Ombudsman, its various individual and strategic inquiries and its continuous work have substantially impacted the workings of the EU's public administration.

Despite their non-binding nature, the acceptance rate of proposals of the European Ombudsman is high: when looking at the impact of the European Ombudsman's work, we face a bit of a conundrum. If we focus entirely on the figures produced by the Ombudsman regarding the acceptance of its decisions, we can conclude that the Ombudsman has a substantial impact on the workings of the EU. However, if we look at the ratings of our experts, with 80 percent saying that the impact is low, we get an entirely different picture. Our interviewees were also split on the issue. Some argued that the acceptance or compliance rate itself does not tell us much about the actual performance of the Ombudsman,[83] others argued that a high acceptance or compliance rate, despite the non-binding nature of Ombudsman recommendations, is a good indication of the Ombudsman's high standing and its institutional impact.[84] When we take the

FIGURE 61 **Acceptance rate of the European Ombudsman**



EUROPEAN POLICY CENTRE Source: European Ombudsman 'Putting it Right?' reports BertelsmannStiftung

acceptance rate as an indicator, we can actually see some nuances to the overall positive figure if we disaggregate it by recommendation type.

Taking the 2019 "Putting it Right" report as a point of reference, we can see that when complaints could be easily resolved, there was a 60 percent acceptance rate (100 percent in 2018) of the solutions proposed by the Ombudsman.[85] However, when we look at recommendations, which are usually made when the Ombudsman finds cases of maladministration, only 40 percent of these were accepted. The European Commission rejected ten out of 13 recommendations made. When it comes to suggestions for systemic improvement, something the Ombudsman can give at any stage of an inquiry, there is an overall acceptance rate of 93 percent, with 91 percent for the Commission. What we can see from these figures is that although the overall acceptance rate is high, when it comes to very sensitive cases, when the Ombudsman finds maladministration and makes recommendations, institutions are considerably more reluctant to comply than on less sensitive, more general issues. Still, a recommendation acceptance rate of 40 percent does not correspond fully with the low expert survey scores.

> *"Many EU leaders lament the sometimes weak links between the EU institutions and the people yet fail to see that this problem is compounded by a lack of openness about what they are doing."*
>
> Emily O'Reilly, 2020

The Ombudsman has made EU public administration more citizen-oriented and responsive: an increased responsiveness and openness towards the demands and interests of citizens from the side of the EU is an indirect effect of the Ombudsman's work. This is due to a combination of the knowledge of the Ombudsman's existence, the threat of a loss of reputation if maladministration is found, and the persuasiveness of the Ombudsman when making its decisions and communicating them to EU administrations. To illustrate this point, an interviewee described a fictional case of an unpleasant contractor whose dossier an EU administration would naturally be inclined to neglect. He argues: "The knowledge that the Ombudsman is there [...] can actually help the civil servant to say: Well, I don't particularly want to deal with this matter, but perhaps I ought to, because otherwise my institution will have problems."[86] At the very least, the existence and work of the Ombudsman undermines those impulses not to respond to citizens' inquiries and not to use procedures of good,

open and transparent administration because it may be easier not to. Many changes, as pointed out by previous Ombudsman Diamandouros, take place quietly, without much notice from the public. Nevertheless, EU administrations eventually change their behaviour as "an expression of respect for the Ombudsman's moral authority".[87]

Strategic inquiries increased the European Ombudsman's reach, yet impact varies: in a speech in October 2020, celebrating 25 years of the European Ombudsman, Emily O'Reilly elaborated on her own role, arguing that intensifying her focus on strategic inquiries had been crucial to increas-

FIGURE 62 **The European Ombudsman through the lens of six criteria of good participation**

Visibility

Overall, the European Ombudsman is well-known in Brussels circles, but lacks visibility among the wider European public. Yet it is notable that the current Ombudsman is making considerable efforts to increase the visibility of her institution.

Deliberativeness

Due to its nature, communication between the European Ombudsman and the citizen is bound to remain limited. Despite that, the European Ombudsman actively promotes dialogue between citizens and EU institutions.

Accessibility

Submitting a complaint to the European Ombudsman is relatively straightforward, provided the citizen knows that the possibility exists, and has previously contacted the EU institution in question. Still, the Ombudsman continues to step up her efforts to increase accessibility.

Transnationality

Due to its nature, the European Ombudsman does not directly foster interaction between European citizens. But it has been active in creating awareness among the citizenry of key European issues through its own strategic initiatives and its work with the European Network of Ombudsmen.

Representativeness

Being an instrument for individual complaints, the European Ombudsman is not necessarily meant to be representative. Yet considerable differences in participation between countries are cause for concern and initiatives to reduce barriers for certain groups to participate are being introduced.

Impact

Though it is difficult to point to any particular legislation which has been fundamentally influenced by the European Ombudsman, its various individual and strategic inquiries and its continuous work have substantially impacted the workings of the EU's public administration.

EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

ing the visibility, relevance and impact of the Ombudsman via the EU institutions as well as the citizens. Addressing ordinary citizens, she argued: "Many EU leaders lament the sometimes weak links between the EU institutions and the people yet fail to see that this problem is compounded by a lack of openness about what they are doing. They are asking people in effect blindly to trust them, asking for acceptance of laws and measures that have been agreed at times often without their input, despite the citizens' Treaty right to participate in the democratic life of the Union."[88]

Strategic inquiries raise the visibility of the Ombudsman's work. Also, investigations against high-level EU personnel such as former Commission Secretary General Selmayr (2018)[89] or former Commission President Barroso (2018)[90] have been widely publicised in the European news media and discussed in Brussels circles. But how much of an impact have they actually had? This is difficult to measure, as amendments caused by strategic inquiries are not always highly visible, but it is fair to say that results have been mixed. In both the Selmayr and the Barroso cases, the European Commission did not formally concede. An EU ethics panel cleared Barroso of breaching rules on lobbying by joining the board of Goldman Sachs, and the Commission followed those recommendations and ignored those of the Ombudsman.[91] As for the Selmayr case, when the Ombudsman investigated the appointment of Martin Selmayr as Secretary General of the Juncker Commission, Selmayr moved to Vienna as the head of the EU's mission in Austria when Jean-Claude Juncker's term ended.[92] In another case, the European Ombudsman opened an inquiry on corporate sponsors for Council presidencies, based on a complaint about Coca Cola's sponsorship of the Romanian presidency in 2019. When the Ombudsman closed its investigation in January 2020 with a finding of maladministration,[93] the Council blocked it, arguing that sponsorships were the sole responsibility of the member state in question. The next presidency was held by Finland, which took up a sponsorship deal with BMW.[94]

With other strategic inquiries, the Ombudsman did achieve change. When it opened an inquiry into the accessibility of the European Commission's website, the Commission created an easy-read version of its web-portal and promised to adopt a web accessibility action plan and improved training for staff.[95] After a strategic inquiry concerning the adequacy of the Commission's annual review of member states' export credit agencies (bodies that give support to business in risky markets), the Commission followed the Ombudsman's recommendations and promised to implement new templates for its 2019 report on this subject.[96] Though the results are mixed, it is clear that the former three cases had much greater political salience than the latter two. This shows that despite its increased visibility and standing, the Ombudsman still faces considerably higher barriers to remedying maladministration at the highest political levels, as opposed to the lower and middle administrative levels of the EU.

4. Conclusion

Since it was established in 1993, the European Ombudsman has increasingly developed into an institution to be reckoned with. This is particularly due to the contrasting profiles of the three incumbents so far. Each focused on different aspects of their mandate and developed it further. Jacob Söderman set out the notion of maladministration and the principles of good administration, Nikoforos Diamandouros broadened the approach to include fundamental rights and democratic practices, and Emily O'Reilly increased the use of strategic inquiries to extend the office's political influence. The Ombudsman benefits from a particularly strong legal basis, drawing both from the EU Treaties and from the EU Charter of Fundamental Rights. This normative power in combination with the individual determination of past and current office holders has allowed the Ombudsman to make a difference in the area of the EU's administrative behaviour and beyond.

Our study shows that the European Ombudsman largely lives up to its own objectives: to effectively provide citizens with an avenue to complain about maladministration, to protect citizens against maladministration, and to enhance openness and democratic accountability. By effectively reducing the overall length of individual inquiries and an increasingly quicker response rate, the Ombudsman has become more effective in dealing with citizens' complaints. The acceptance rate of EU institutions with Ombudsman recommendations, although slightly lower in recent years, remains high at 79 percent in 2019. The Ombudsman has been instrumental in ensuring public access to EU documents and in promoting transparency and accountability among EU institutions, thus increasing the EU's openness and raising its democratic profile. The recent shift in focus towards strategic inquiries succeeded in bringing high-level EU issues to the public's attention, although the legitimacy of at least some of those inquiries and their overall effectiveness remains contested.

Like most other EU participation instruments, the Ombudsman has a low level of visibility beyond the Brussels bubble. However, although it is not in the public eye, it is relatively easy to use, without major obstacles for individual complainants. As is to be expected for a complaint-based instrument, representativeness is low, yet there are considerable differences between member states when it comes to the share of Ombudsman complaints. Deliberativeness is relatively low too. Communication is generally limited to a basic exchange of information. Still, as the Ombudsman plays a mediating role between EU institutions and citizens, it is instrumental in maintaining at least some dialogue between both sides. Transnationality is not particularly high and 80 percent of our experts rate impact as low. Nevertheless, the European Ombudsman is increasingly becoming a driver of transnational debate by taking up and publicising high-level cases through own-initiative inquiries. These may not necessarily lead to direct and immediate change, but by publicising and pinpointing cases of potential wrongdoing and untransparent practice, they increase public scrutiny of the EU and its workings.

Overall, the European Ombudsman shows how gradual evolution can improve the performance of an instrument. What is key for its future is that it strikes the right balance between independence, credibility towards the EU's institutions, and perceived legitimacy in the eyes of the citizenry. Currently, the Ombudsman is caught between two stools. On the one hand, it is a technical complaint-handling body that does not take sides in its pursuit of amicable solutions. On the other, it has become a pronounced advocate of citizens' interests through its increasing pursuit of strategic inquiries. Both approaches help in increasing the Ombudsman's participatory profile. But it must be careful that one side of its identity does not start to discredit the other at some point. In particular, its more political engagement should not undermine its more neutral conflict solution role. A key to maintaining this balance is to increase acceptance of the Ombudsman's work among the other EU institutions. It is important for the Commission, as well as the Parliament and the Council, to understand that public scrutiny, full openness and transparency are beneficial to the EU as a whole and to their acceptance among the wider EU citizenry.

V. Public consultations: systematic input with inconsistent output

The European Commission's policymaking process allows 'stakeholders' to be consulted at various stages of preparing a legislative proposal or evaluating existing legislation. Following formalised guidelines elaborated for the first time in 2002 and expanded in 2017 (in the context of the 'Better Regulation' agenda), this consultation process has become increasingly standardised and directed not only towards interest groups and specialists, but also towards citizens as a whole. Each legislative proposal is opened to the public for feedback through the *Have Your Say* online platform. However, the very fact that every legislative proposal is assigned its own consultation means that most consultations do not receive much attention. The instrument is therefore characterised by a low level of engagement, apart from a handful of extreme outliers.

The public consultation process in five steps

- STEP 1: Prepare roadmap or inception impact assessment describing the problem and how consultation can help
- STEP 2: Determine consultation strategy, in terms of stakeholders to be targeted, timeframe and languages required
- STEP 3: Begin public consultation, open for online submissions for at least 12 weeks
- STEP 4: Publish factual summary report (non-mandatory) and synopsis report (mandatory) after the consultation has closed
- STEP 5: Publish legislative proposal taking into account results of consultation

Strengths

- **Systematic input**
  Public consultations are embedded in the EU's policymaking process, meaning that there is a consultation for every proposal.
- **Accessible to all**
  Consultations are open to everybody with an internet connection – at least in theory.
- **An opportunity to spread the word**
  The Commission can communicate about upcoming initiatives as it gathers input for them.

Shortcomings

- **High workload**
  Reading, compiling and acting on responses can be very resource-intensive, which leads to delays in feedback.
- **Poor language availability**
  Consultations are rarely available in all EU languages, skewing responses towards educated multilingual citizens.
- **Inconsistent output**
  While most feedback acknowledges that consultations are not representative, sometimes the results are presented as decisive.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

1. Introduction

Stakeholder consultations play a key role in the European Commission's policymaking process. Article 11 of the Treaty on European Union requires that "the European Commission shall carry out broad consultations with parties concerned",[1] while Protocol No.2 (on the application of the principles of subsidiarity and proportionality) stipulates that "before proposing legislative acts, the Commission shall consult widely". Consultations are therefore built directly into the EU's legislative procedure. The 2017 Better Regulation guidelines indicate that "stakeholders should *always* be consulted when preparing a Commission legislative or policy initiative".[2]

Since 2018, online public consultations, aimed at experts and citizens equally, have been hosted on the Commission's online platform *Have Your Say*. They are used either to inform or help prepare new initiatives, or to evaluate existing policies. While the 2001 White Paper on European Governance refers to the need to consult throughout the policy cycle, in practice consultations mainly take place during the conception phase or in the evaluation phase: consultations are mandatory not only for preparing legislative proposals, but also for evaluations or fitness checks of existing policies – as well as for consultative Commission communications and Green Papers.[3] Although this is not applied systematically, it is common for a legislative proposal to be open for feedback in the roadmap stage, for the formal public consultation, and then again during the adoption stage to obtain comments on the proposal once it has been formulated.[4]

The history of public consultations

The Commission has always included external experts and interest groups in the process of designing and refining its legislative proposals, but the nature and methods of such consultation processes has changed over time. One study refers to three "generations" in the Commission's relationship with external partners.[5] The first generation was marked by ad hoc informal consultations, chiefly with economic experts, trade unions and powerful business actors. In the second, starting in the mid-1980s, consultation with

FIGURE 63 **General principles and minimum standards for public consultations**

Four **general** principles:

Participation	"Adopt an inclusive approach by consulting as widely as possible."
Openness and accountability	"Make the consultation process and how it has affected policymaking transparent to those involved and to the general public."
Effectiveness	"Consult at a time where stakeholder views can still make a difference, respect proportionality and specific restraints."
Coherence	"Ensure consistency of consultation processes across all services as well as evaluation, review and quality control."

Five **minimum** standards:

Clarity	"Clear content of the consultation process"
Targeting	"Consultation of target groups"
Publication	"Adequate awareness-raising and publicity"
Consultation period	"Suitable time limits for participation"
Feedback	"Acknowledgement of feedback"

Source: European Commission, Better Regulation Guidelines; European Commission, Better Regulation Toolbox, 2017, p. 69.

EUROPEAN POLICY CENTRE | BertelsmannStiftung

partners took on a greater social dimension, with a more institutionalised process of "partnership" with NGOs in fields such as human rights or consumer protection, aiming for broader acceptance of Commission policies. Finally, the 2001 White Paper on European Governance marks the starting point of a third generation, which recognised that "the quality, relevance and effectiveness of EU policies depend on ensuring wide participation" from all kinds of stakeholders – including citizens in their own capacity as individuals.[6] Accordingly, the 2002 Commission communication "Towards a reinforced culture of consultation and dialogue" set out for the first time a set of principles and "minimum standards" for consultations.

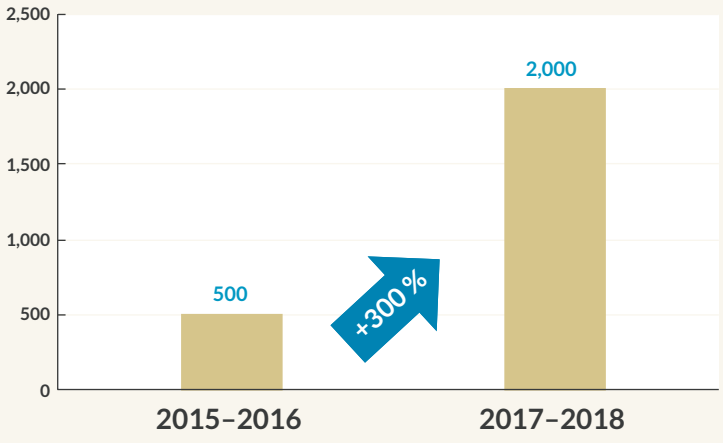
These principles and minimum standards continue to apply today, but have been supplemented and expanded through the Commission's 'Better Regulation' agenda. The Better Regulation Guidelines and "Stakeholder Consultation Tools", published in 2017, provide in-depth instructions on how best to deliver consultations – they are not binding, but constitute good practice which each Commission service should seek to follow.[7]

Prior to the introduction of these revised guidelines, each Commission Directorate General implemented consultations in its own way, including individual methods for analysing and collecting data, drafting questionnaires, and so on.[8] The Better Regulation agenda sought to harmonise these diverse processes. Starting in 2016, consultations have been grouped together in a dedicated web portal: first 'Your Voice in Europe' (which merely provided links to the relevant pages on the DGs' websites), then a searchable list labelled simply 'Consultations',[9] and finally in 2018 a fully-fledged platform called *Have Your Say*.[10] This platform constitutes the "single access point" referred to in the guidelines.[11] The consultations themselves now make use of a single format – hosted by EUSurvey, the Commission's own survey management tool – and can be accessed through the EULogin digital identity, which anyone can sign up to with just a username and email address. By utilising its own custodial data platforms, the Commission therefore ensures that no personal data or consultation responses are hosted by third-party services.

Moving to the new platform has coincided with a significant increase in the number of consultations. This is largely because the *Have Your Say* portal systematically ties each legislative proposal to a dedicated consultation, meaning that there are now around 300–400 consultations per year on the platform.

FIGURE 64 **Public consultations: an instrument on the rise**

Average number of participants in all public consultations, excluding the top consultation for the year in question



Source: European Court of Auditors, special report No. 14, 2019

EUROPEAN POLICY CENTRE | BertelsmannStiftung

Citizens as stakeholders

Despite the shift over time from only consulting experts and interest groups towards opening consultation processes to the general public, most Commission references to the consultations continue to use the term 'stakeholders', rather than 'citizens' as preferred by many other instruments (such as the European Citizens' Initiative, Citizens' Dialogues, and so on). This may partly reflect the instrument's origins as a more selective expert consultation tool; but it is also the case that the public consultations continue to solicit input from groups besides individual 'citizens', including experts, NGOs, businesses and professional organisations.

In fact, the 2002 minimum standards define three stakeholder types: those who are directly or indirectly affected by the policy, those who will have

to implement it, and those who have a stated interest in the policy. Effectively, then, this defines a stakeholder in such a way that it may include any citizen who takes an interest in a particular proposal. The 2002 guidelines obliged the Commission to identify target groups for each consultation that should be especially encouraged to respond, but in principle the questionnaire is always open to all.

Thus, citizens may be a sub-category of stakeholders, but the consultations are also intended to include special interests – hence, they are *public* consultations in the sense that they are not closed or private, but they are not (only) citizen consultations. In practice, many if not most are somewhat technical in nature and apparently directed towards potential respondents with special knowledge of the field in question, and it is generally assumed that the majority of participants are not common citizens: "Although there are no statistical data (publicly) available on this, there is a general perception that participants are mostly lobby and interest groups, but hardly 'ordinary citizens'."[12] The online platform includes all public consultations, but the Commission's policymaking process also allows for other types of targeted stakeholder consultation to take place behind closed doors.[13] As they do not involve individual citizens, these events are not covered in this chapter's analysis, which will focus only on open access online public consultations.

2. Assessment of public consultations against their stated objectives

In the following section, the public consultations are assessed in relation to their own stated objectives. The objectives are derived from Article 11 of the Treaty on European Union and the European Commission's Better Regulation Guidelines.

To ensure coherence and transparency in the Union's actions

Transparency is an oft-cited goal and outcome of public consultations, both in Commission documents and in analytical or research work by civil society actors. For example, the Commission's synopsis report on the 2018 consultation on abolishing summertime clock changes declares that "[p]ublic consultation is a tool which provides transparency in the policymaking process. It informs the broader public and stakeholders about a certain policy issue and allows for the collection of views and evidence".[14]

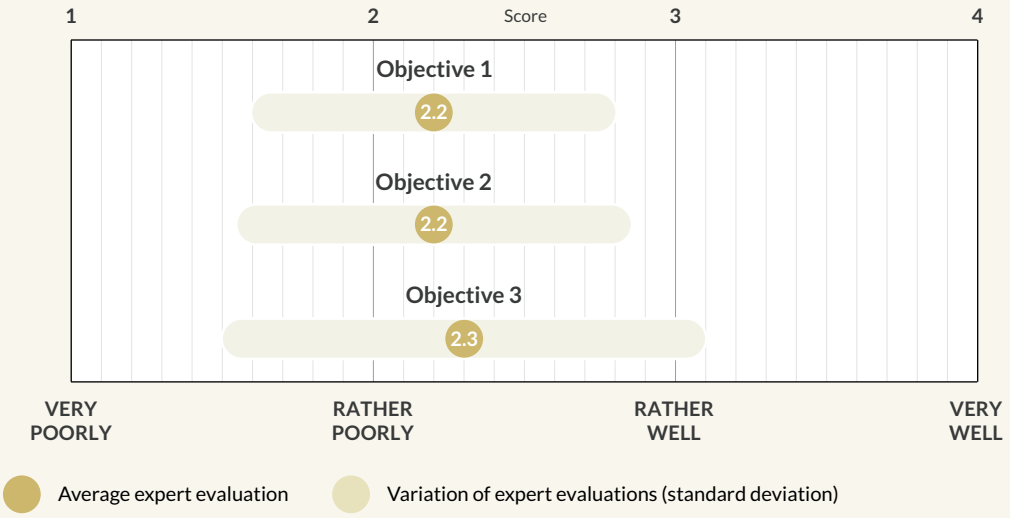
However, the connection between public consultations and transparency in the Union's actions requires a certain amount of explication. As *all* legislative proposals need to be accompanied by a consultation, consultations should ensure that the policy process starts in a transparent way. Through the responses, it should become clear which issues the Commission is expected to take on board and address in formulating the proposal. Consultations should also demonstrate that the Commission is open to considering new views about the issue, rather than deciding a single objective in advance behind closed doors.[15] Furthermore, consultations represent an opportunity to raise awareness about which issues the EU is considering legislating on, especially as they require the Commission to explain briefly why a given initiative is being considered.

This case for transparency does not appear to be particularly convincing for most of the experts

> *"The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent."*
>
> Article 11.3 TEU

FIGURE 65 **Expert views on public consultations – stated objectives**

How well or how poorly do the public consultations perform in relation to their stated objectives?



Objective 1: To ensure coherence and transparency in the Union's actions
Objective 2: To enable the European Commission to consider the input and views provided by citizens, enhancing its capacity to identify and promote the general public interest of the Union in its policy initiatives
Objective 3: To improve the evidence base underpinning policy initiatives

The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

surveyed for this study, who generally rated the instrument poorly regarding this objective (see Figure 65). As regards awareness raising, the European Court of Auditors found that effectively communicating the "scope and objectives" were among the greatest flaws of the consultations they analysed, with citizens who participated often expressing confusion or frustration on this point.[16]

Nonetheless, when it comes to the transparency of the input taken on board through the instrument, public consultations perform rather well. All currently open consultations are easily located on the *Have Your Say* portal, which provides a great deal of detail on each proposal and its timeframe (including roadmap, adoption and so on), as well as providing a contact email address and the opportunity to sign up for update notifications. Organisations and businesses that seek to make a submission must be listed in the Transparency Register. After a consultation phase has been completed, all of the submissions are made publicly available on the portal: in the case of submissions by organisations registered with the Transparency Register, these organisations are named; submissions by individuals are anonymised if they request it. Thus, the transparency of the instrument itself is quite high, even if its impact on the transparency of the EU's actions as a whole is rather weak.[17]

'Coherence' as a concept is also not immediately self-explanatory. It is one of the five criteria for evaluating EU actions listed in the Better Regulation guidelines (the others being effectiveness, efficiency, relevance and EU added value), where it is defined as "how well the intervention [EU initiative] works: i) internally and ii) with other EU interventions".[18] Evaluations of an initiative's

coherence "should provide evidence of where and how EU interventions are working well together (e.g. to achieve common objectives or as complementary actions) or point to areas where there are tensions (e.g. objectives which are potentially contradictory, or approaches which are causing inefficiencies)".[19] With this definition in mind, public consultations could be said to "ensure that the Union's actions are coherent" in so far as they may provide an impression of the 'big picture', with respondents potentially drawing links to other legislation or pointing out sources of tension or inefficiency. The questionnaires do not generally require respondents to consider such aspects, however, meaning that it is difficult to say that public consultations systematically ensure or improve coherence.

One expert interviewed for this study expressed the view that, aside from coherence and transparency, the public consultations seek to establish legitimacy for the EU's actions, thereby partly serving a political purpose: allowing the Commission to say that it has consulted widely and implemented policy according to citizens' wishes.[20]

To enable the European Commission to consider the input and views provided by citizens, enhancing its capacity to identify and promote the general public interest of the Union in its policy initiatives

On the surface, this objective is clearly fulfilled, in that public consultations provide the Commission with a means to receive and consider input from citizens and other stakeholders. However, considering the claim that consulting widely allows the Commission to fulfil its duty of representing the "general public interest" adds a further element to the objective: effectively, the consultations are supposed to allow the Union to design policy that reflects the interests of its citizens *as a whole*, not merely those of particular member states or interest groups.

This goal is enshrined in the Treaties, as Article 9 TEU establishes the principle of political equality and indicates that every citizen "shall receive equal attention" from the institutions.[21] Being open to all citizens, and not restricted to those who can objectively demonstrate a relevant interest in the subject, the public consultations arguably allow for this. However, in the view of Alberto Alemanno, the lack of a recognition in primary law of "an actual right for ordinary citizens and other affected parties to participate in the EU policy process" means that the public consultations provide "no guarantee of involvement of all the parties concerned with the issue", while "the Commission remains in charge of what initiatives are subject to consultation, of design and format, and implementation of consultative results".[22] Thus, he argues that the influence of citizens through the public consultations is still insufficient in comparison with organised interests.

For other experts, including some of those interviewed for this study, the reality is too complicated for a simple answer: the extent to which the objective is fulfilled differs between consultations, as they have wildly different response rates and the profiles of those responding also vary significantly.[23] It also depends on the extent to which the Commission follows up on the targeting of those who will be directly affected by a legislative initiative – if the nominated target groups are not actually reached in the attempt to spread

> *"The initial design, evaluation and revision of policy initiatives benefits from considering the input and views provided by citizens and stakeholders, including those who will be directly affected by the policy but also those who are involved in ensuring its correct application. [...] Early consultation can avoid problems later and promote greater acceptance of the policy initiative."*
>
> *"In addition, the Commission has a duty to identify and promote the general public interest of the Union in its policy initiatives as opposed to special interests of particular Member States or groups or parts of society – hence the need to consult widely."*
>
> European Commission, 7.7.2017. Commission Staff Working Document: Better Regulation Guidelines

awareness about the consultation, their views are unlikely to be captured.

The contrast between these two views may be partly reflected in the responses to the expert survey: while many experts appraised this objective as being poorly fulfilled, a significant number felt that it was in fact fulfilled quite well. This may depend on whether the experts interpreted the objective in theory – whereby the public consultations objectively allow for input from all who care to submit it – or in practice, where the predominance of organised voices continues to crowd out ordinary citizens.

To improve the evidence base underpinning policy initiatives

The Better Regulation Guidelines list a number of possible goals for a consultation, and stress that the goal of each individual one should be made clear from the outset. The example objectives listed include some with an evidence-gathering purpose: "to gather new ideas, collect views and opinions, gather factual information, data and knowledge; and test existing ideas and analysis".[24]

The experts surveyed for this study generally ranked this objective as being achieved quite successfully in comparison to the others. There is no

> *"Stakeholder consultation can also improve the evidence base underpinning a given policy initiative."*
>
> European Commission, 7.7.2017. Commission Staff Working Document: Better Regulation Guidelines

denying that opening up legislative initiatives to comments, input and feedback from all walks of life provides a larger amount of information and opinion on which to base decisions; the extent to which this subjective input is evidence-based is harder to measure. Input from organisations, businesses and other directly impacted 'stakeholders' probably does provide valuable experience; likewise, in most cases, input from the general public is likely to be provided predominantly by those with real-world experience of the subject at hand. Without an in-depth qualitative review of a significant number of consultations, however (something which is beyond the scope of this study), it is difficult to say for certain – and there are also questions to be raised about the extent to which consultations reach a broad enough spectrum of potential respondents (see Visibility, Accessibility and Representativeness below). Still, it seems likely that this is a strength of public consultations, as the nature of most consultations attracts input from those with significant relevant experience or expertise.

3. Assessment of public consultations against six criteria of good participation

In the following section, the public consultations are assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

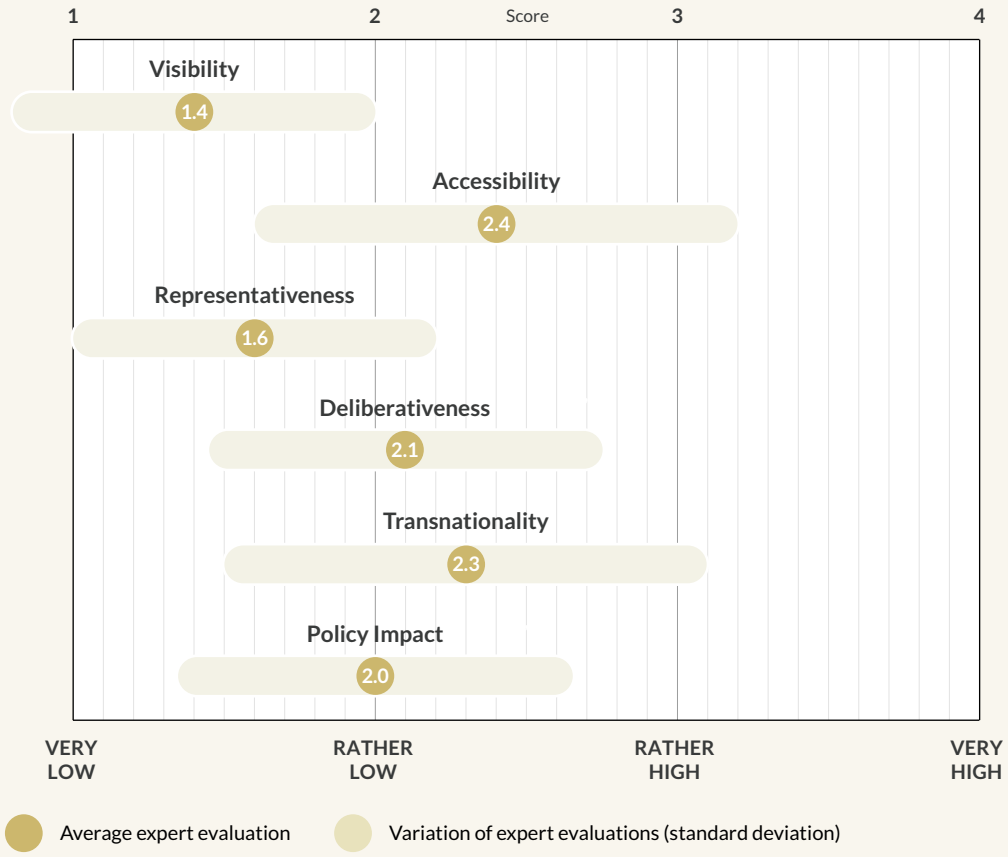
Visibility – determined mostly by salience of issues

The overall visibility of the instrument is low, but individual consultations may obtain a high profile when promoted by media or NGO campaigns.

The Commission is increasing efforts to publicise consultations, rather than simply waiting for responses. The visibility of public consultations has generally been quite low for most of the instrument's history. However, the Better Regulation agenda involved a deliberate push to increase visibility:[25] the guidelines indicate that

FIGURE 66 **Expert views on public consultations – criteria of good participation**

How high or how low do the public consultations score in relation to six criteria of good participation?



The above scores are the result of an expert survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

the Commission must not merely publish consultations online and wait passively for people to find them, but must take deliberate action to disseminate them through multiple channels, and especially to target groups identified in the consultation conception phase.[26] To spread the word, it suggests using Commission representations in the member states, placing announcements in "relevant publications", and contacting potentially interested stakeholders directly. In practice, the European Court of Auditors continues to regard the visibility of the instrument as "very limited" and geographically imbalanced, and highlights the need for improved channels of communication, especially regarding the number of EU languages in which the consultations are available.[27] Commission officials, too, do not often make reference to consultations or take significant steps to promote them while they are open, meaning that consultations usually do not receive any boost from the 'political' side of the Commission that commands most media attention.

Topics of broad interest receive more attention, especially from the media and civil society. While the instrument itself is not widely recognised, individual consultations sometimes attract significant attention. With 4.6 million responses

FIGURE 67 **A German thing?**

Percentage of the population that participated in the Public Consultation on summertime

Source: European Court of Auditors, 2019, p. 68

EUROPEAN POLICY CENTRE | BertelsmannStiftung

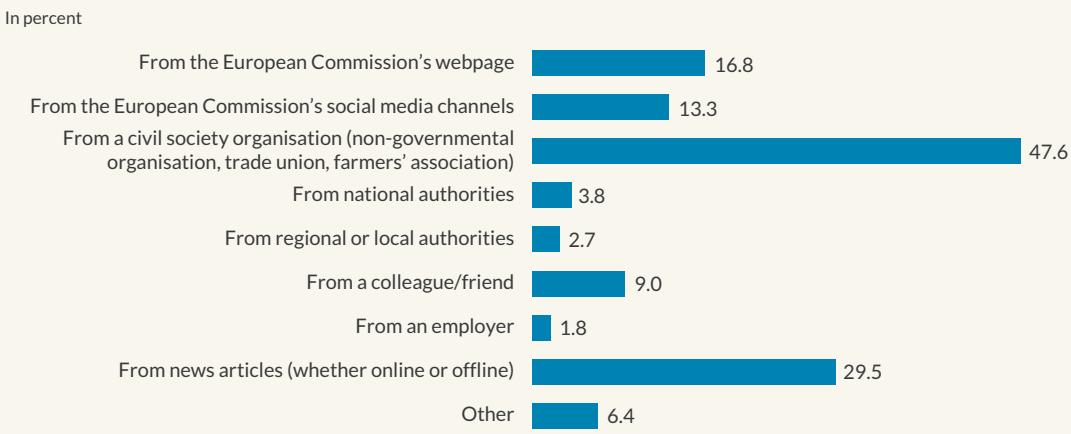
– many times more than the nearest competitors – 2018's consultation on summertime clock changes is an enormous outlier.[28] It is likely that this is partly due to the fact that the subject, far from being a technical niche issue like many consultations, is very salient and relatable, with real-world impact for millions of Europeans. This meant that national and local newspapers could easily report on it and drum up interest from their readers.[29] The available data about the responses appears to support the theory that national media and/or campaign groups latched on to this consultation: responses were very strongly concentrated in just one or two countries, namely Germany (with an enormous 70 percent of the total) and Austria (only 6 percent of the total, but after adjusting for population this is quite close to German *per capita* figures).

Indeed, it seems that attention from media and especially civil society/campaigners makes an enormous difference to the reach of any given consultation. The European Court of Auditors' research, based on a survey of citizens who had participated in any of the consultations they analysed, found that 48 percent found out about consultations via civil society groups and 29 percent through the news or other media – dwarfing all other sources such as the European Commission's own webpage (17 percent) or national authorities (only 4 percent).[30]

The summertime consultation also received a press release about its result,[31] which depicted it as something of a 'poster child' for consultations and for citizen input in EU policymaking in general. The resulting policy decision was even referred to by Commission President Jean-Claude Juncker himself in his 2018 State of the Union address – without, however, mentioning the consultation as the origin of this decision. This meant that, in addition to attracting a lot of responses while ongoing, it has received considerably more attention after concluding than most consultations on less engaging subjects can expect.

Another lesson of the summertime consultation is that **the number of responses to consultations varies enormously**. The figure of 4.6 million who responded to that questionnaire has never been approached before or since: in fact, most con-

FIGURE 68 **How participants heard about public consultations**

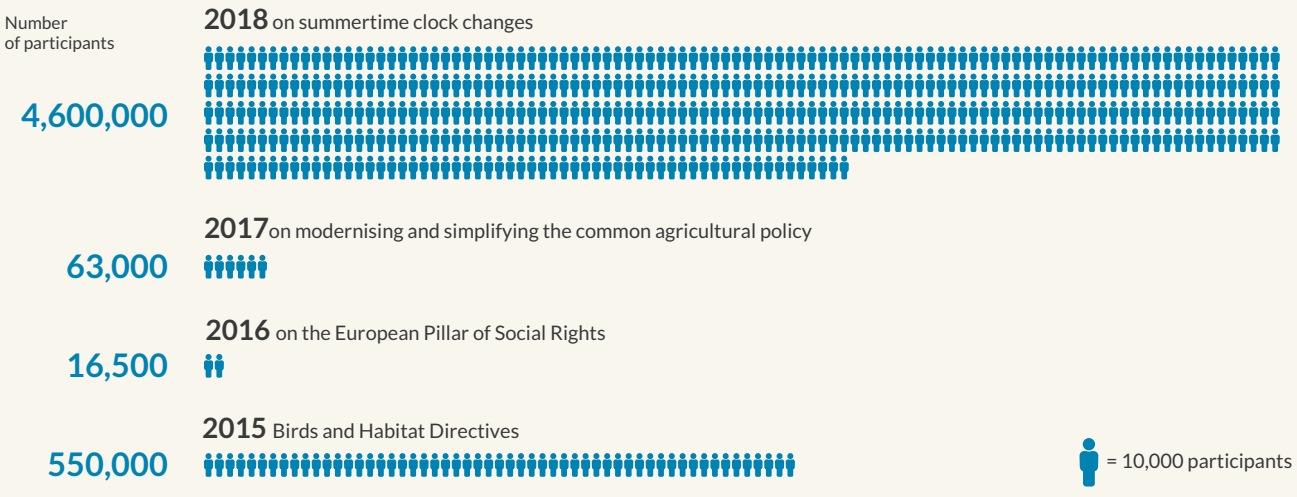


Explanation: The data is based on a survey conducted by the European Court of Auditors among 16,007 citizens who participated in online public consultations between 2016 and 2017, 2,224 of whom replied.

EUROPEAN POLICY CENTRE Source: European Court of Auditors, special report No. 14, 2019 BertelsmannStiftung

sultations receive comparatively few responses, especially if they are more technical. The European Court of Auditors analysed 26 consultations, consisting of the summertime consultation and 25 others selected randomly. It found that the next largest had only 63,000 responses,[32] while 17 of the 26 received fewer than a thousand. One consultation – an evaluation of an initiative that sought to increase European authorities' crime-fighting capabilities – received only three responses.[33] Similarly, **the geographical imbalance of many consultation responses indicates that the instrument is more visible in some countries than in others**, with Germany and Belgium being frequently overrepresented (the latter likely due to the large number of 'expert' inputs provided by those working in NGOs, think tanks and lobbying groups in Brussels).[34]

FIGURE 69 **High but varied: participation numbers of the top public consultations for each year**



Source: European Court of Auditors, special report No. 14, 2019

EUROPEAN POLICY CENTRE BertelsmannStiftung

Accessibility – easy to access, but not necessarily easy to understand

Public consultations are easily accessible. However, they are not always available in all EU languages, and the content of questionnaires is sometimes difficult for the general public to understand.

Consultations are available online and easy to access. In theory, public consultations are one of the most widely accessible participation instruments.[35] In practice, this largely holds true, as the consultations are available online to anyone with an internet connection. It is generally easy to access the platform and participate, as all that is required is an EULogin account.[36] The Commission may prefer to target a consultation at particular interest groups or affected stakeholders, but once it has been published there is no way to control or limit who makes contributions, as the consultations are all completely open access.[37]

In fact, some interviewees expressed the view that **the consultations may even be 'too accessible', as they can be manipulated or exploited fairly easily**. As the origin of submissions is not checked or verified, there is no way of confirming that participants are who they say they are. Submissions can even be sent in from outside the EU. There are relatively minimal measures in place to prevent submissions from being spammed by bots (automated computer scripts impersonating human users), and the only thing preventing a single user from submitting multiple responses would be the need to create a new account (with a new email address) each time. In practice, there does not appear to have been much evidence of such manipulation, but the potential remains.[38]

There are, however, quite frequent cases of consultations receiving a significant number of identical inputs as a result of NGOs organising campaigns. For example, they may request their members and supporters to fill in questionnaires, sometimes with prepared responses. As an example, for the DG TRADE "Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Partnership Agreement (TTIP)" in 2014, the Commission estimates that 97 percent of the responses were submitted collectively using online tools organised by NGOs, with pre-defined answers.[39] A 2016 consultation on the 'Birds and Habitat Directives' even included submissions from opposing campaigns, with more than 500,000 identical submissions from supporters of an environmental organisation and over 6,000 opposing submissions by supporters of an agricultural, forestry, hunting and fishing interest group.[40] So long as these campaigns are recognised for what they are, they need not pose a problem for the results – in fact, by reaching so many people via these NGO campaigns, the consultations could be said to have achieved their secondary objectives even despite the presence of duplicate responses. The large numbers of identical submissions reflect the fact that certain viewpoints are shared by large numbers of people, so these inputs are actually valuable in their own way. Nevertheless, the consultations are typically supposed to be a tool for *individual* input, so it is striking that they are in practice used to make group submissions, while more group-oriented instruments (such as European Parliament Petitions) often struggle to attract large numbers of supporters. As there is no distinction between individual submissions and group submissions, the number of responses to a given consultation is not necessarily an indication of a diverse selection of views.

Some consultations use excessively technical language or assume prior/expert knowledge. The origin of public consultations as a tool for sourcing expert input, and the need to consult on every legislative proposal (most of which are of primarily specialist interest), means that a great many consultations feature difficult, obscure language or jargon. This further contributes to a situation whereby many consultations do not lend themselves to meaningful contributions from the general public – even if they would like to. The Better Regulation guidelines require that consultation questions should be relevant, short and simple, be designed in a neutral manner, and contain the right balance between open and closed questions.[41] In many cases, the questionnaires are subject to internal testing prior to publication.[42] Nevertheless, excessively long or complex questionnaires still feature frequently in consultations, often resulting in incomplete responses.[43] In a few cases, a single initiative may involve two

separate consultations with two questionnaires, one for experts and one for the general public – a solution that may help to increase response rates and open up otherwise intimidating technical consultations to a wider audience. However, this two-questionnaire system is not currently applied widely or systematically.[44]

Much more is needed to improve access in different languages. One of the minimum standards for public consultations is that access should be assured for "all affected and interested stakeholders", with "equal treatment of all participants" and "fair representation (gender, age, socioeconomic background, urban/rural, marginalised groups)".[45] In practice, the most frequent barrier in this regard is language accessibility. The Better Regulation guidelines only require that the priority initiatives included in the Commission's annual Work Programme are translated into all official EU languages; for the others, only English, French and German are required.[46] The toolbox does suggest that consultations should be translated into as many languages as feasible and appropriate, but in practice this is reserved for "major" initiatives or topics of "broad public interest".[47] There are no clear criteria for deciding which initiatives count as sufficiently important to warrant wider translation, meaning translation generally depends on the decisions of the responsible DG or on time constraints.[48] In 2020, the European Ombudsman issued a recommendation that all consultations should be made available in all official languages; where this is not possible for all consultation material, it should at least be clear that *submissions* can be made in any EU language.[49]

Nonetheless, translation of consultations into more than the minimum number of languages certainly does appear to make a difference to the number of responses. The European Court of Auditors found that, of their sample of 26 public consultations, "the questionnaires for 11 of the 12 public consultations with the highest number of inputs had been translated into all EU languages. Of the remaining 14 cases with the lowest number of inputs, only two had been translated into all EU languages".[50]

Representativeness – still dominated by specialists and interest groups

Public consultations are not controlled for representativeness, and often explicitly solicit input from those with special interests. So long as contributions by campaigners and interest groups are identified as such, this poses no issues – but the overall demographic profile of respondents is hard to identify due to a lack of data.

Language restrictions for some consultations mean educated multilingual citizens are over-represented. The language restrictions described above (under Accessibility) have knock-on effects for the representativeness of the submissions received – not merely in terms of geographical balance, but also regarding other demographic factors. When consultations are available only in English, French and German, this effectively allows for contributions from highly-educated multilingual citizens from all over Europe, while the 'ordinary public' can only participate from English-, French- or German-speaking countries. Similarly, **the demographic makeup of respondents depends on the topic and how relevant it is for a general audience**, with specialist topics presumably being dominated by educated stakeholders with expertise. However, **very little data is collected on the demographics of respondents**, making it difficult to say for sure what their precise background is. Prior research appears to suggest that consultations are "dominated by the interests of corporate representatives in comparison to CSOs, public authorities and research centres, as well as by stakeholders from member states in northern and western Europe".[51] This is also recognised by the expert survey, in which experts overwhelmingly ranked the representativeness of the instrument as low.

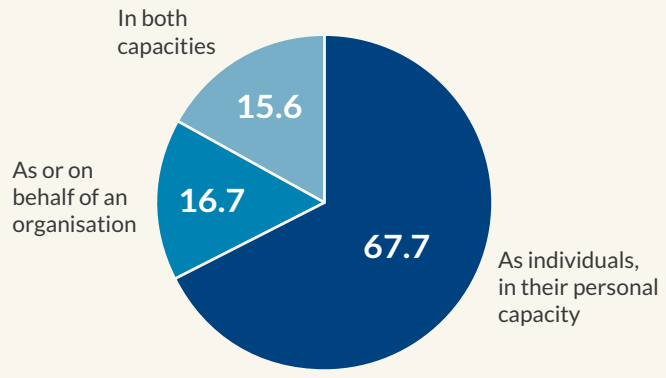
However, **the Commission is explicit that there is no controlling for representativeness in consultations**, and that the outcome should be interpreted with this in mind. The consultations deliberately do not seek to consult a representative sample, but rather are targeted towards those most impacted by or interested in a proposal or initiative. The Commission is typically clear about this in its communication about the instrument and individual consultation results. For example, the Better Regulation toolbox is quite clear that

"there is a fundamental difference between a survey, such as Eurobarometer, and public consultation [...] Data gathered through public consultation does not provide a representative view of the EU population",[52] and, as a result, "it is therefore essential to provide the right context of the consultation when presenting the outcome, including information on who participated and whom respondents represent".[53]

While generally the Commission has been proactive in calling attention to the fact that consultation respondents are self-selecting and do not represent a microcosm of the EU, there have been occasions where it has fallen into the trap of talking about a consultation result "as if it were a referendum", in the words of one of the experts interviewed for this study.[54] For example, while the synopsis report for the summertime consultation called attention to its lack of representativeness, the press release made no reference to this disclaimer, but instead highlighted the supposedly conclusive headline finding that "84% want Europe to stop changing the clock".[55] Commissioner for Transport Violeta Bulc said, "millions of Europeans used our public consultation to make their voices heard. The message is very clear: 84 percent of them do not want the clocks to change anymore. We will now act accordingly and prepare a legislative proposal to the European Parliament and the Council, who will then decide together."[56] The proposal was subsequently referred to in President Juncker's State of the Union address. Given the severe geographical imbalance of this consultation, the communication of the results was perceived by some experts as inappropriate and potentially misleading.[57]

FIGURE 70 **How people participated in public consultations**

In percent



Explanation: The data is based on a survey conducted by the European Court of Auditors among 16,007 citizens who participated in online public consultations between 2016 and 2017, 2,224 of whom replied.

Source: European Court of Auditors, special report No. 14, 2019

EUROPEAN POLICY CENTRE | BertelsmannStiftung

Individuals, interest groups and potential campaigner influence must be identified. As discussed above (under Accessibility), many consultations are subject to campaigns by NGOs or other interest groups that submit large numbers of identical (or very similar) responses. This means that the overall numbers for a consultation do not necessarily provide an indication of how many different points of view are represented. However, this is not a problem so long as the results are thoroughly analysed, the interests and motivations of each submission are recognised, and each of these aspects are factored into any conclusions and suitably communicated in all consultation follow-up activity. For example, the Better Regulation toolbox includes some advice for ensuring that campaign responses are identified as such, and that responses from organisations are processed separately from those of individuals; organisations should be registered in the Transparency Register.[58] In most cases, respondents are asked to indicate in their submissions whether they are a member of the general public with an interest in the topic, or someone with specialist expertise.

Deliberativeness – isolated contributions and general feedback

Individual consultation responses take place in a vacuum, with no opportunity to discuss or view other responses while the consultation is ongoing. The Commission provides feedback on each consultation, but not individually to each respondent, and often with a delay of many months.

The format does not offer an opportunity to discuss or shape views with others, or to choose between options or preferences. Deliberation between citizens in public consultations is effectively

zero: unless they are connected with one another through other means prior to filling in the consultation – for example, through a civil society organisation preparing a joint/collective response – each citizen will fill in the consultation alone and without the opportunity to view or discuss other submissions. Submissions are not public while the consultation is ongoing (although they are available after it has concluded), meaning that citizens cannot consider other responses before formulating their own. However, it would be perfectly feasible for the consultation portal to provide an opportunity for more deliberation, for example through a platform with public comment threads, similar to the online platform of the Conference on the Future of Europe[59] or the vTaiwan platform that facilitates online consultations in Taiwan.[60] In other words, the design of the instrument does not currently include this aspect, but there is no inherent reason preventing it.

Consultations are left open for long enough to obtain significant input. The Better Regulation guidelines established a minimum length of time for a public consultation – 12 weeks – to ensure that as many stakeholders as possible have a chance to contribute. The toolbox also strongly recommends that this minimum period be extended wherever possible, especially if it overlaps with holiday periods.[61] In practice, many submissions are received very shortly before the closing date of submissions – for example, the summertime consultation received 40 percent of all responses (1.4 million) on the last day, perhaps indicating a last-minute push by interested media or campaign groups.[62] Thus, the long consultation period provides ample opportunity for citizens to consider their responses and potentially discuss them; but at the same time, the existence of a hard cut-off date does spur respondents to action when they are faced with the prospect of missing that opportunity.

The Commission reports on results, but in an aggregate manner, not individually. Feedback is one of the most important aspects of the consultation process, yet one that is deficient in some respects. It is mentioned explicitly in two of the four general principles established following the 2001 White Paper on European Governance: under "openness and accountability", the principles declare that feedback must be provided on stakeholders' input and any follow-up based on particular recommendations should be explained, while the principle of "coherence" indicates that the process should include mechanisms for "feedback, evaluation and review".[63] The provision of feedback is also one of the five minimum standards in the same document.[64] The feedback in question, however, is provided in the form of reports indicating the overall results and next steps: there is no individual feedback to respondents beyond an acknowledgement of receipt. While this clearly would not be feasible for larger or more popular consultations with many responses, tailored feedback could potentially be provided for those with very few. Many citizens surveyed about their satisfaction with the consultation process identified a lack of feedback or follow-up as a major point of dissatisfaction, complaining that they received no further updates and had no idea how their input would be taken into account.[65]

There is sometimes a very long delay between the close of a consultation and feedback. The first round of feedback to a concluded consultation is supposed to be the 'factual summary report', which should be published shortly after the consultation has closed and provide basic information such as the number and geographical spread of responses, the stakeholder groups involved, and a rough overview of the main headline results.[66] At the end of the consultation work, when the legislative proposal has been formulated, there should then be a 'synopsis report' providing a more detailed view and informing citizens how their inputs have been taken into account.[67] Both kinds of report are often published only in English, limiting the degree of feedback received by the public as a whole. What is more, the delay between the conclusion of the consultation and the publication of the reports varies enormously – but is generally lengthy. Synopsis reports are published on average nine months after the consultation has ended, and in some cases more than a year.[68] Even the factual summary reports are sometimes delayed by a number of months, diminishing their impact for citizens who must wait a long time to find out how their input has been used. On some occasions, the factual reports were even published *after* the synopsis reports.

Transnationality – an "abstract transnational community"

Public consultations are open for all of the European public to provide input on the same issues at the same time and in the same format – but they do so individually, with no transnational communication taking place. Responses are often concentrated in one or more member states.

People across Europe answer the same question, but do not meet or discuss. As public consultations are filled out individually online, usually at home or in the office, there is no noteworthy transnational debate facilitated by the instrument. That said, the fact that citizens and stakeholders all over Europe are able to consider the same question at the same time, bringing their national and local perspectives to a question of European relevance, has a certain degree of transnational importance: the consultations are always launched simultaneously in all member states, even if not necessarily in all EU languages.[69] One expert interviewed for this study referred to "the sense that all of us meet in these open consultations, irrespective of where we come from [...] we overcome the national boundaries and become part of the same community of stakeholders" – but acknowledged that this was merely "a very abstract transnational community" in which the different stakeholders do not have the opportunity to meet or communicate with one another.[70] On the other hand, the consultations do potentially raise the profile of European issues and may help engage citizens through civil society initiatives that could encourage them to consider issues from a more European perspective. Prior research has referred to the fact that national associations have started to become more involved in EU policymaking as a result of the online consultations.[71]

In some cases, consultation responses are wildly unbalanced geographically. As in so many other regards, the summertime consultation is an outlier, with fully 70 percent of responses coming from Germany. This suggests that participation in public consultations is still typically driven by national circumstances rather than European concerns.

Impact – formal input, but informal output

Despite being a formal part of the legislative process, it remains unclear to what extent public consultations actually shape the resulting proposals. On the other hand, sometimes consultations that received large numbers of responses are referred to as justification for policy choices.

Public consultations are a formal part of the legislative process. All Commission legislative proposals must feature a public consultation, according to the Better Regulation guidelines. The guidelines also demand that consultations take place at appropriate times in the policy cycle – principally, early enough that they can still shape the conceptualisation of the policy. This is also covered by the "effectiveness" principle resulting from the 2001 White Paper on European Governance.[72] And although consultations formally focus on the inception and/or evaluation phases of the policy cycle, it is entirely possible that ideas or feedback raised in the submissions could be of use during other phases, such as implementation, providing a resource for policymakers to tap into whenever needed. The scene is therefore set for public consultations to have a fairly significant impact on the formulation, implementation or evaluation of policy. Nevertheless, the experts surveyed for this study generally appraised the impact of the consultations as rather low.

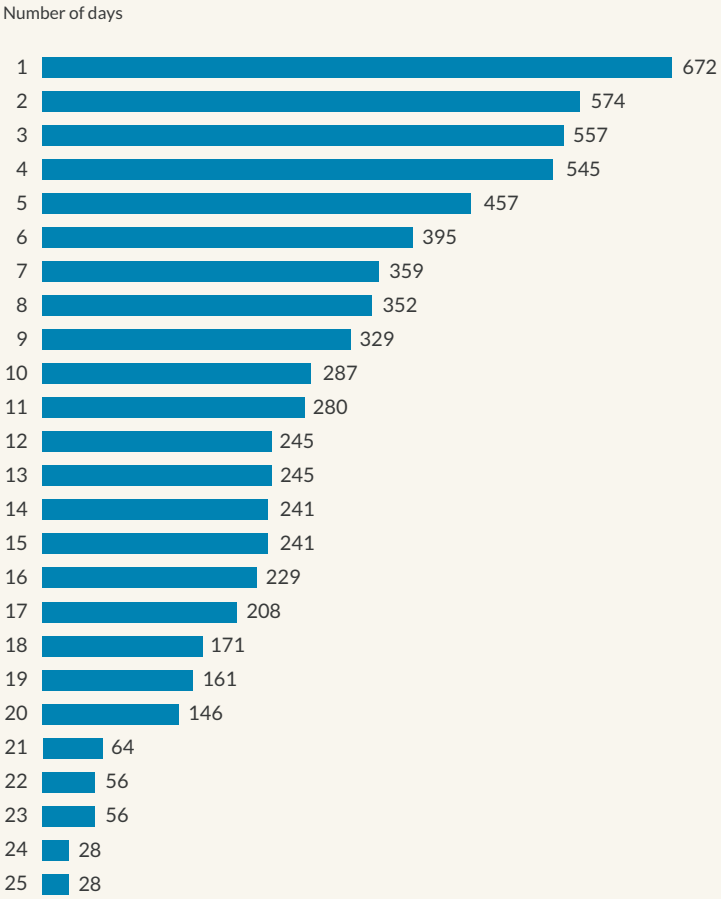
Some details about how views were taken into account are provided. The Commission is clear that the consultations are not a binding instrument and a large number of responses requesting a particular action does not necessarily mean they will implement it. The impact of consultations is therefore best appraised with reference to how policymakers justify their choices. Legislative proposals include an explanatory memorandum, which makes reference to any relevant consultations and how they influenced the resulting proposal.[73] In practice, some provide extensive details of links between consultation results and the ultimate proposal, including why certain proposals were *not* included; others, meanwhile, are merely descriptive and do not clearly explain the links between the consultation and the proposal.[74]

Taking into account so many responses and formulating a response is resource-intensive. Very large numbers of responses can be compiled and presented relatively easily when they are answers to multiple-choice questions (i.e. quantitative data), but qualitative analysis of open questions (a preferred format both for organisers and for citizens)[75] becomes extremely difficult when there are a thousand or more responses. In the case of the summertime consultation with its 4.6 million responses, one may assume that it was impossible to adequately read and consider all of the input with a small internal team. The use of AI and machine reading technology may serve to facilitate this task in future consultations, but there is no evidence that it is already systematically used by the Commission – or that the technology itself is yet at a stage where it could consistently produce useful results that fairly reflect the contributions of thousands or potentially millions of citizens. One interviewee emphasised that the challenge of properly processing and considering consultation responses carries a reputational risk: "once you start a consultation, you have to do it properly. […] It can tarnish your representation as a DG, as a unit, as a policymaker [if you do not]."[76] In some cases, it appears that legislative proposals are rushed for political reasons and there is not enough to time to organise a consultation properly. The interviewee in question suggested that a dedicated DG to handle consultations may be one solution to this challenge.

There is not usually a clear line of succession between input and output. When considering large numbers of responses, alongside many other concerns influencing the formulation of a legislative proposal (such as the input of the European Parliament and Council), it is entirely possible that the Commission will not always be able to indicate a clear output that relates directly to the consultation. In some cases, merely reading the feedback and reflecting on the points raised can be a valuable contribution to policymaking without leaving a definable impact on the ensuing legislation. For this reason, it may not be surprising that many legislative proposals do not prominently refer to their consultations as formative influences.

As with so many other criteria, the summertime consultation is an outlier and a rather surprising exception. Transport Commissioner Violeta Bulc drew a very clear connection between the consultation results – without commenting on their representativeness – and the subsequent Commission decision to recommend abolishing summertime clock changes. This direct path from consultation to decision was implicitly recognised by President Juncker in the 2018 State of the Union address: although he did not explicitly refer to the consultation, he mentioned this decision under the heading of "delivering on our promises" and phrased it as a response to popular demand.[77]

FIGURE 71 **Number of days needed for public consultations to report their results in a synopsis report**



Explanation: These durations are based on a sample of 25 consultations analysed by the European Court of Auditors in 2019.

Source: European Court of Auditors, 'Have your say!': Commission's public consultations engage citizens, but fall short of outreach activities, 2019, p. 43

EUROPEAN POLICY CENTRE | BertelsmannStiftung

Such a clear connection between a consultation and a piece of legislation is unusual, and likely indicates that **there is more pressure to go along with the majority view when a consultation receives a high number of responses**. The European Court of Auditors felt that "the Commission drafted its proposal to abolish the clock change in Europe without first having carried out a proper assessment of the pros and cons of the various options", suggesting it was rushed, possibly in order to depict the Commission as especially responsive to a consultation that had attracted so much attention and such a seemingly decisive reaction.

FIGURE 72 **Public consultations through the lens of six criteria of good participation**

Visibility

The overall visibility of the instrument is low, but individual consultations may obtain a high profile when promoted by media or NGO campaigns.

Deliberativeness

Individual consultation responses take place in a vacuum, with no opportunity to discuss or view other responses while the consultation is ongoing. The Commission provides feedback on each consultation, but not individually to each respondent, and often with a delay of many months.

Accessibility

Public consultations are easily accessible. However, they are not always available in all EU languages, and the content of questionnaires is sometimes difficult for the general public to understand.

Transnationality

Public consultations are open for all of the European public to provide input on the same issues at the same time and in the same format – but they do so individually, with no transnational communication taking place. Responses are often concentrated in one or more member states.

Representativeness

Public consultations are not controlled for representativeness, and often explicitly solicit input from those with special interests. So long as contributions by campaigners and interest groups are identified as such, this poses no issues – but the overall demographic profile of respondents is hard to identify due to a lack of data.

Impact

Despite being a formal part of the legislative process, it remains unclear to what extent public consultations actually shape the resulting proposals. On the other hand, sometimes consultations that received large numbers of responses are referred to as justification for policy choices.

EUROPEAN POLICY CENTRE

Source: own illustration

4. Conclusion

Online public consultations fill a unique niche in the EU's participatory landscape, as they are both very specific and very frequent. Every legislative proposal systematically leads to a consultation, making it an opportunity not only to gather input from citizens or stakeholders, but also to increase awareness about upcoming Commission proposals and ideas. Their frequency means there is always an active consultation, and they are always timely and relevant due to their systematic connection to the conception or evaluation phases of policy. Citizens and stakeholders can contribute frequently in the knowledge that their input has a specific purpose.

However, this very connection to particular policy proposals underlies one of the weaknesses of the consultations. As most EU legal initiatives are complex, technical and often of niche interest, they can be unattractive or intimidating to ordinary citizens. The consultations themselves frequently feature difficult or technical language that may be inaccessible to members of the public – if they are even available in their native languages. As a result, it is not surprising if the bulk of consultation responses still appear to be submitted by interest groups, lobbyists, experts and organisations rather than 'ordinary' citizens as such.

That said, the existence of certain consultations that have received very high levels of engagement indicates that the instrument is not solely a tool for expert stakeholders. In consultations on subjects of clear relevance for citizens' daily lives, or emotive policy issues where civil society campaigners can count on large numbers of supporters, citizens demonstrated that the practical structure of the instrument creates few impediments to mass participation. These initiatives demonstrate the potential of public consultations.

Improving upon this potential will mean building on the system of feedback, to help citizens to feel that their contributions are worthwhile and genuinely filter into the policymaking system. There need to be improvements to the way in which consultation results are communicated, not only to those who participated, but also to the wider public: acknowledging the self-selecting nature of the participants (and highlighting any especially noteworthy imbalances) is essential in order to keep expectations in check. This need for appropriate communication goes not only for the synopsis reports or follow-up communications intended for internal use, but also – perhaps especially – for press releases and any public use that EU officials make of the results.

One of the experts interviewed for this study felt that the EU's public consultation system is ultimately one of the most developed and sophisticated in the world, in terms of the number of people using it and the number of analyses resulting from the constant turnover of feedback.[78] Overall, the public consultations strike a good balance between acting as a tool for specialist input and allowing citizens to get involved in the latest policy topics and learn about Commission initiatives in the process. That said, they still have certain defects, particularly regarding accessibility, visibility and the clear communication of output and feedback. In order to strengthen these aspects and turn public consultations into a participation instrument that is clearly open for all, significantly more effort must be dedicated to getting the word out about the *Have Your Say* portal, about specific consultations, and about the fact that citizens have this constant opportunity to get involved. Language provision must be improved as a matter of priority, and less technical language used in consultation materials. Finally and perhaps most importantly, the connection between consultation submissions and the details of policy proposals must be made clear, so that citizens can trace how their input has been taken on board.

VI. The Citizens' Dialogues: discussion with little formal impact

Citizens' Dialogues are events organised by the European Commission where citizens can meet face-to-face (or online) with Commissioners and other EU officials in order to discuss policy topics in a relatively informal setting. As a tool of citizen participation, the Dialogues put the focus on deliberation and a 'democracy of proximity', with little or no direct or formal channels for discussions or proposals to feed into policymaking. However, they have been developing in recent years from a tool used predominantly for the Commission to communicate about its priorities to a more participatory opportunity, for example through new formats with a more representative dimension.

Citizens' Dialogues held during the Juncker Commission

~1,300

Dialogues held

~210,000

People involved

Strengths

- **Accessibility**
  An opportunity for anyone to participate, without having to have expertise or put in a lot of effort.
- **Simple to organise**
  Often arranged around Commissions' visits to the member states.
- **A personal touch**
  Meeting face-to-face with officials and getting immediate feedback on ideas fills a personal niche in the participatory system.

Shortcomings

- **Impact**
  There are no formal channels through which citizens' ideas raised in Dialogues can be translated into policymaking.
- **Representativeness**
  In practice, the audience at Dialogues is disproportionately pro-EU and well educated.
- **Deliberation**
  The standard question-and-answer Dialogue format offers few opportunities for genuine deliberation.

EUROPEAN POLICY CENTRE

Source: own calculations; interview 3

BertelsmannStiftung

1. Introduction

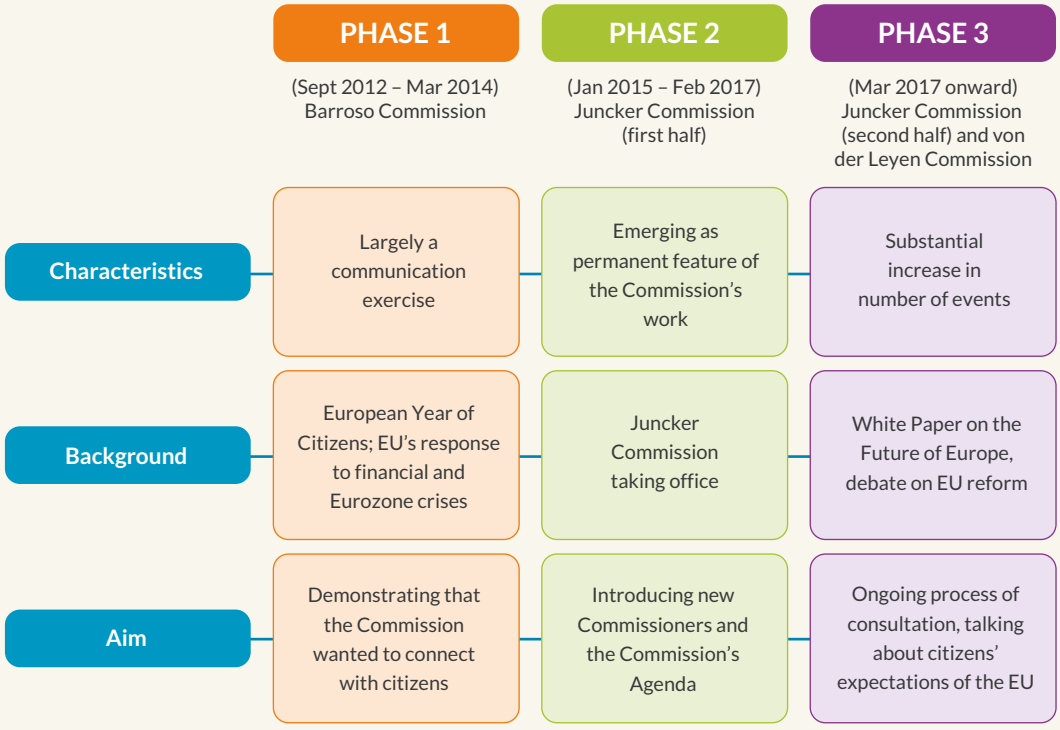
Citizens' Dialogues are "town-hall" style events, generally taking place in person (though some are conducted online), in which citizens are invited to meet with EU officials, ask them questions, and make policy suggestions. The events were initially concentrated in major cities in different member states, but are now increasingly taking place in smaller towns. While a variety of different models of event may take the name "Citizens' Dialogue", the most common format consists of a question and answer session with one representative of the Commission (or sometimes two or three), generally a Commissioner, Director General, or Head of the European Commission Representation in the member state.

History of the instrument

The Citizens' Dialogues trace their origins to 2012 and the preparations for the "European Year of Citizens", which took place in 2013. However, the format, frequency and role of the Dialogues for the European Commission's communication and policy work has changed over time. Today, they are a core part of the Commission's outreach to citizens.

The evolution of the Citizens' Dialogues instrument can be divided into three broad phases:

FIGURE 73 **History of the Citizens' Dialogues**



EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

Phase 1: a communication exercise

Since 1983, the European Commission has proposed a "European Year"; an annual theme of action on a particular subject area, aiming "to encourage debate and dialogue within and between countries".[1] As part of this scheme, 2013 was designated the "European Year of Citizens", coinciding with the 20th anniversary of the introduction of European citizenship via the Maastricht Treaty. It was in this context that the first Citizens' Dialogues took place, with a total of 50 events leading up to the European Parliament elections in May 2014. With only a few exceptions, each of these Dialogues featured Viviane Reding, European Commissioner for Justice, Fundamental Rights and Citizenship, alongside a national politician from the member state in which the event took place. The first Dialogue was in Cadiz, Spain, on 27 September 2012, with a formal launch event for the European Year of the Citizens following in Dublin, Ireland, on 10 January 2013.[2]

> *"We cannot continue trying to solve European problems just with national solutions. This debate has to take place in our societies and among our citizens."*
>
> J. M. Barroso, former President of the EU Commission

Discussions at these events focused mostly on citizens' rights and the response to the economic and Eurozone crisis, which was ongoing at the time. Press releases and promotional material about the events referred to Commission President José Manuel Barroso's State of the Union address in 2012, saying that the Dialogues "follow a call by European Commission President José Manuel Barroso for an EU-wide debate on proposals to deepen Economic and Monetary Union, and to create a legitimate political union".[3] However, the State of the Union speech did not explicitly refer to Citizens' Dialogues as a format, calling only for an increased public debate in the run-up to the 2014 European Parliament elections.[4] Despite that, the press releases for the Dialogues quoted from the speech: "We cannot continue trying to solve European problems just with national solutions. This debate has to take place in our societies and among our citizens."[5]

Phase 2: becoming a permanent feature

After taking office in 2014, the new President of the European Commission, Jean-Claude Juncker, announced his intention to continue with Citizens' Dialogues. In his mission letters to the newly appointed Commissioners, he indicated his wish that they should be "politically active in the Member States and in dialogues with citizens".[6] Accordingly, Dialogues continued in the new mandate. At this stage, they were still quite infrequent events: between January 2015 and March 2017 there were 110 Citizens' Dialogues, or about four per month.[7] Thus, the Phase 2 Dialogues acted as a kind of transition phase, institutionalising the instrument as a regular part of the Commission's activities while not tying it to any particular ongoing initiative.

Phase 3: increasing frequency of events

The number of Citizens' Dialogues dramatically increased following the publication of the Commission's White Paper on the Future of Europe on 1 March 2017.[8] This paper set out a series of five "scenarios" for how the Union could refocus its energies. The massive intensification of Citizens' Dialogues – 170 events were held in the rest of 2017 alone, with 566 in 2018 – was part of the outreach efforts to complement the White Paper. To accommodate the larger ambition, the format of the Dialogues was expanded somewhat: where previously each Dialogue had involved a Commissioner, after March 2017 the events could also include a variety of other Commission representatives, such as Directors General, heads of Commission Representations in the member states and regions, and less senior positions such as Heads of Unit and Counsellors.

The White Paper and the increased number of Citizens' Dialogues were both intended to respond to the sense of a crisis of legitimacy facing the EU. In particular, several of those interviewed for this study referred to Brexit as a motivating factor: the shock delivered by the citizens of one member state voting to leave the EU set in motion a realisation that European politics had to become closer to the citizens. In the words of one interviewee, it indicated that "you cannot continue to do things in the old way".[9] The development of the

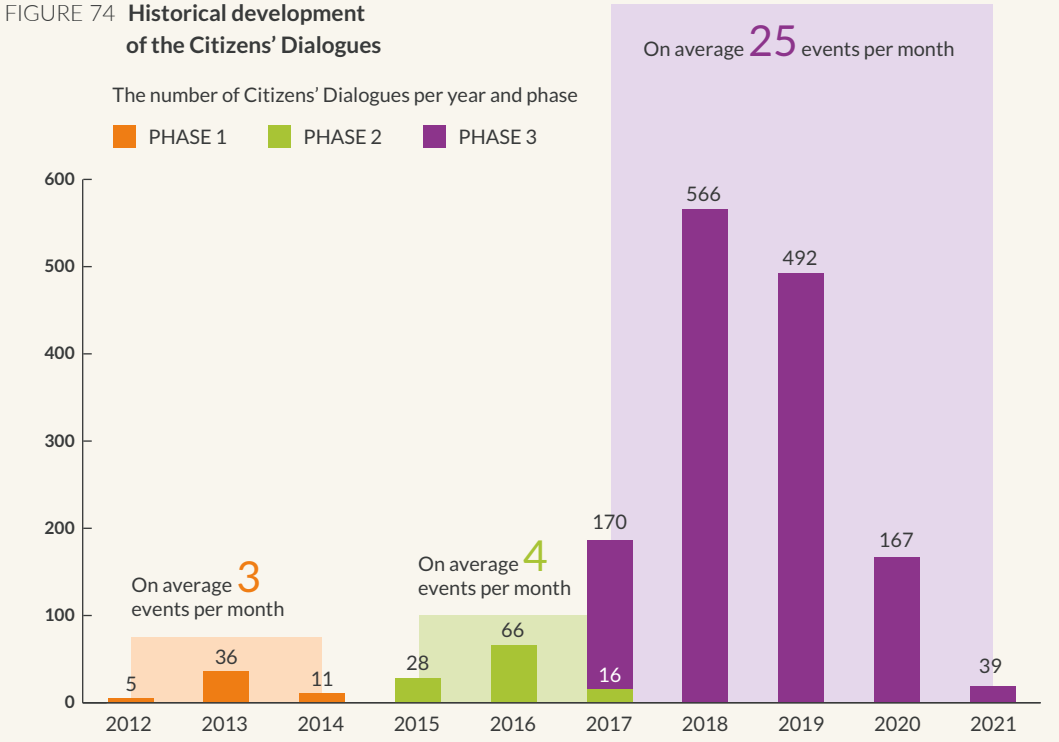
Citizens' Dialogues over time has thus been closely connected to the Union's experience of crisis and alleged "democratic deficit": the first Dialogues were at least partly a "post-crisis instrument" to demonstrate that the Union was listening to citizens' views (that crisis being the Eurozone/financial crisis), and they were stepped up following the legitimacy crisis exposed by Brexit.[10]

> The development of the Citizens' Dialogues over time has been closely connected to the Union's experience of crisis and supposed "democratic deficit".

By the end of the Juncker Commission, Citizens' Dialogues had become a prominent and established part of the Commission's communications efforts *vis-à-vis* citizens. In total, around 1,300 Citizens' Dialogues were held during the Juncker Commission.[11] Since taking office on 1 December 2019, Ursula von der Leyen has continued this tradition, with 72 Citizens' Dialogues in her first 100 days in office.[12] Her mission letters to the new Commissioners instruct them, "You should meet regularly with national parliaments and take part in Citizens' Dialogues across our Union, notably as part of the Conference on the Future of Europe," while the letter to Vice-President for Democracy and Demography Dubravka Šuica further specifies that she should "ensure the widest possible participation in the Commission's Citizens' Dialogues to ensure that Europeans can shape the outcome of the Conference".[13]

In each of the phases, the format and aims of the Citizens' Dialogues were slightly different. However, there is a clear continuity in terms of their presentation, even though they were not necessarily intended to become a permanent feature of the Union's relationship with citizens when they were first introduced in 2012. The experience of the European Year of the Citizens has largely been folded into the now permanent Citizens' Dialogues

FIGURE 74 **Historical development of the Citizens' Dialogues**



EUROPEAN POLICY CENTRE Source: European Commission; own calculations BertelsmannStiftung

process: links to the European Year of the Citizens on the Commission's website now redirect to the Citizens' Dialogues page.[14] The "Future of Europe" brand, first introduced for the Reding Dialogues in 2012, is applied to all the Commission's efforts to promote discussion about the EU's future direction, including the Citizens' Dialogues, the Commission's contribution to the European Citizens' Consultations, the White Paper, and the annual State of the Union addresses.

The EU institutions involved in the Citizens' Dialogues

Citizens' Dialogues are primarily an instrument of the European Commission: when the European Parliament organises events in the member states, it does so under its own branding. The European Committee of the Regions and the European Economic and Social Committee may contribute to or co-organise Citizens' Dialogues, but it is the European Commission - more specifically, since 2014, the dedicated department in the Commission's Directorate General for Communication (DG COMM) - that has leadership over the process. A record of past and upcoming Dialogues is kept on the Commission's website, as are the pages explaining the instrument and providing details of how citizens can get involved.[15]

Many of the EU officials interviewed for this study referred to a shift in priorities over time, with the instrument starting out as a largely communicative tool and becoming a more participatory one in recent years.[16] Starting in 2018, there have been experimental formats such as transnational Dialogues (involving participants from more than one member state), world café-style deliberations among citizens, and citizens' assembly-style events in which audiences are selected by a polling company. Thus, the Citizens' Dialogue label is increasingly applied to a variety of different event formats. For the sake of comparability, the analysis presented in this chapter focuses on the classic Citizens' Dialogue format: essentially a question and answer session between a Commissioner (or other high-ranking Commission official) and an audience of citizens.

There has been a shift in priorities over time, with the instrument starting out as a largely communicative tool and becoming a more participatory one in recent years.

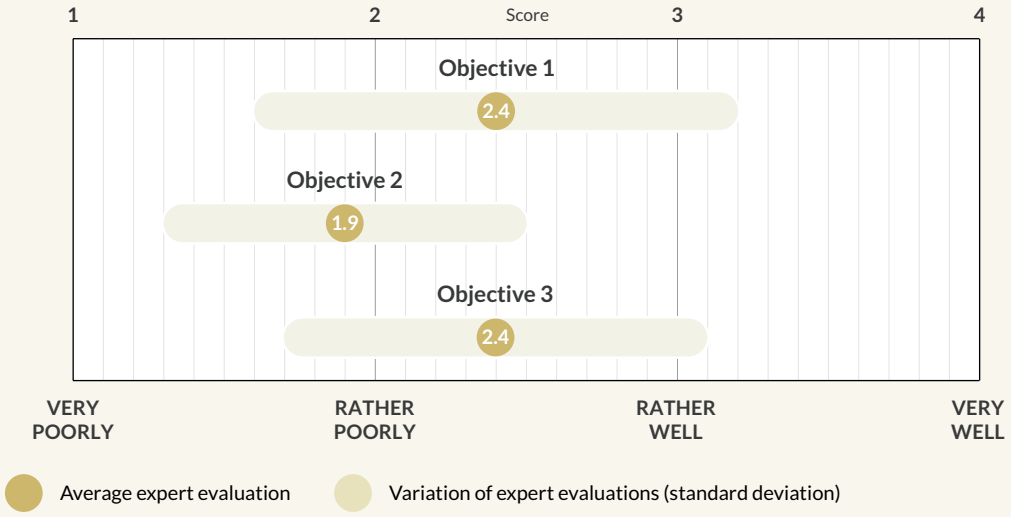
2. Assessment of the Citizens' Dialogues against their stated objectives

In the following section, the Citizens' Dialogues are assessed in relation to their own stated objectives. The objectives are derived from Jean-Claude Juncker's mission letters to his Commissioners.

There is no official document or set of guidelines setting out the format of Citizens' Dialogues: they have no basis in the treaties, other than the general instruction in Article 11 of the Treaty on European Union (TEU) that "the institutions shall [...] give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action". None of the three phases of Citizens' Dialogues outlined above was preceded by a document explaining their

FIGURE 75 **Expert views on Citizens' Dialogues – stated objectives**

How well or how poorly do the Citizens' Dialogues perform in relation to their stated objectives?



Objective 1: To enable the European Commission to present and communicate its agenda
Objective 2: To enable the European Commission to listen to citizens' ideas
Objective 3: To enable the European Commission to engage with stakeholders

The above scores are the result of a survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey | BertelsmannStiftung

goals. The closest thing to an instruction appears in Juncker's mission letters to the Commissioners.[17]

From this source, we obtain the following objectives for the instrument:

To present and communicate the Commission's agenda

This objective has been present consistently throughout the three phases, in the sense that each sought to inform the public about the Commission's work. In Phase 1, this mainly meant making people aware of what the Commission was doing to respond to the Eurozone crisis, and informing them about the benefits of European citizenship. The report produced at the end of this phase explicitly refers to the Citizens' Dialogues as "a new communication tool", making relatively little reference to any participatory function.[18]

It was in Phase 2 that the Citizens' Dialogues formally took on the goal of communicating a full set of policy priorities - namely those of the new Juncker Commission. The events were also a means of introducing the new Commissioners.

> *"I want you all to be politically active in the Member States and in dialogues with citizens, by presenting and communicating our common agenda, listening to ideas and engaging with stakeholders."*
>
> Jean-Claude Juncker

Phase 3 sought to present the 2017 White Paper and get feedback on its scenarios; later, other big themes on the Commission's agenda were also presented in the Citizens' Dialogues, such as those relating to the Energy Union or the Multiannual Financial Framework.[19] Recognising that the public does not generally read Commission documents or follow their work closely, Juncker requested that the White Paper be communicated to citizens through other channels: the Citizens' Dialogues, as an established format with a reach throughout the member states, were ideal for this purpose.[20] Thus, it can be said that the Citizens' Dialogues fulfil their purpose as a communication tool that reaches citizens through a physical channel, rather than online or through paid-for promotion. Although the numbers of people attending Citizens' Dialogues are relatively small as a percentage of the Union's population, those who attend generally report that they have learned more about the EU.

In fact, the communicative purpose of the Citizens' Dialogues was so central to the earlier formats in Phases 1 and 2 that several of those interviewed for this study referred to them as essentially fulfilling a "propaganda" purpose.[21] That is, the conversation at the time was largely one-way, with more focus being placed on presenting the agenda than on hearing feedback about it. It was only in Phase 3 that the other, more participative, objectives started to be taken more seriously.

The communicative purpose of the Citizens' Dialogues was so central to the earlier formats that several of those interviewed for this study referred to them as essentially fulfilling a "propaganda" purpose.

To listen to citizens' ideas

Citizens participating in a Dialogue are encouraged not only to ask questions, but to make proposals. According to one Commission representative interviewed for this study, this was especially the case in the third phase following the publication of the White Paper: before then, the Dialogues were structured chiefly around the idea of bringing decision makers together with people, while in 2017 the instrument was re-adjusted to be primarily a "listening process".[22] However, even in Phase 1, the idea of listening to the citizens was presented as a priority of the instrument, even if this was less the case in practice: "The European Year of Citizens is an opportunity for us to listen and learn from you what you want and how we can build the European Union of the future together."

Accordingly, Citizens' Dialogues are promoted not as a speech or presentation by the Commission, but as a two-way conversation - that is, a dialogue. This is reflected in the (typical) format: while the speaker may make some introductory remarks, the majority of the time is always reserved for questions from the audience.[23]

However, there is no formalised channel through which the proposals made by citizens can be taken on board and turned into policy suggestions, making the Citizens' Dialogues rather weak as an instrument of direct policy influence. Their advantage is primarily to provide proximity between citizens and decision makers, serving to influence policymakers indirectly. (See impact section, below, for further details.)

To engage with stakeholders

It is not quite clear what Juncker meant by "stakeholders" and how they differ from citizens in general. There have been a few Citizens' Dialogues targeted towards specific interest groups, for example, youth. However, as a tool of consultation or engagement with particular stakeholders, the Citizens' Dialogues seem less appropriate than other instruments such as public consultations or face-to-face meetings with lobbyists and industry representatives. The Citizens' Dialogues are more suited for general input from citizens as a whole. Indeed, a Commission representative interviewed for this study suggested that one purpose of Citizens' Dialogues was precisely to go beyond the usual means of stakeholder engagement: "We didn't want to go the normal way. [...] It was not the stakeholders [we wished to reach], it was not intermediaries, it was indeed what every communicator tells you doesn't exist: the general public."[24]

Additional expectations

Although there are no formal sources for the objectives for Citizens' Dialogues, semi-regular reports referring to the events and the discussions that took place sometimes make reference to additional goals or expectations that the Dialogues are intended to fulfil. The first report, published following the conclusion of Phase 1, does mention particular uses of the instrument that can be inferred from this early experience:

> *"The Dialogues have therefore established themselves as an instrument to inform people, restore trust in European and national Institutions and make citizens aware that their voice does count in the EU."*[25]

This gives us the following additional expectations of the instrument:

To inform people

This objective is related to main objective 1, above ("to present and communicate the Commission's agenda"), in that both imply a communicative function for the instrument. The phrasing in the report, however, suggests that Citizens' Dialogues are intended to help communicate more than just the items on the Commission's agenda at any given time, but to raise awareness about the EU in general, how it works, and how citizens can get involved. One interviewee also mentioned the instrument's potential to correct the record if citizens are mistaken about the EU and what it does, as well as "making the EU meaningful" and informing them about how it makes a difference in their lives.[26] Most interviewees expressed the view that this is the main strength of the instrument, and that it effectively serves as a means of making the EU relevant to citizens, particularly as "human contact" makes such a message more persuasive than textual promotional material.[27]

> The Commission sought to boost its legitimacy through the instrument by demonstrating its commitment to a "democracy of proximity".

To restore trust in European and national institutions

The early Dialogues in particular were intended to demonstrate the willingness of the Commission - and the Commissioners personally - to meet with citizens directly and be approachable. Dialogue was presented as a goal in itself, with the subtext that, simply by holding Citizens' Dialogues, the EU was demonstrating its interest in citizens' views.[28] In this way the Commission sought to boost its legitimacy through the instrument, demonstrating its commitment to a "democracy of proximity".[29] This message was particularly prominent in the promotional material for the Phase 1 Dialogues, but multiple interviewees referred to it as an important purpose of the instrument throughout all phases.

The extent to which this goal has been met is difficult to measure. It largely depends on whether the citizens who have participated in the events feel they were worthwhile: this, in turn, depends on the expectations raised before the event. Some interviewees felt that implying the Dialogues had a true participative function, and that by participating citizens could influence EU policy, risked causing disappointment and frustration, even increasing distrust in the EU.[30]

To contribute to the development of a European public space

In his 2012 State of the Union address, cited in the promotional material for the Phase 1 Citizens' Dialogues, José Manuel Barroso mentions that he "would like to see a European public space".[31] The introduction of the Dialogues could be perceived as an effort to move towards this goal. In fact, the Commission report following this first phase was titled "Citizens' Dialogues as a Contribution to Developing a European Public Space", and it concludes that the events had been successful in bringing a European debate to national constituencies.[32]

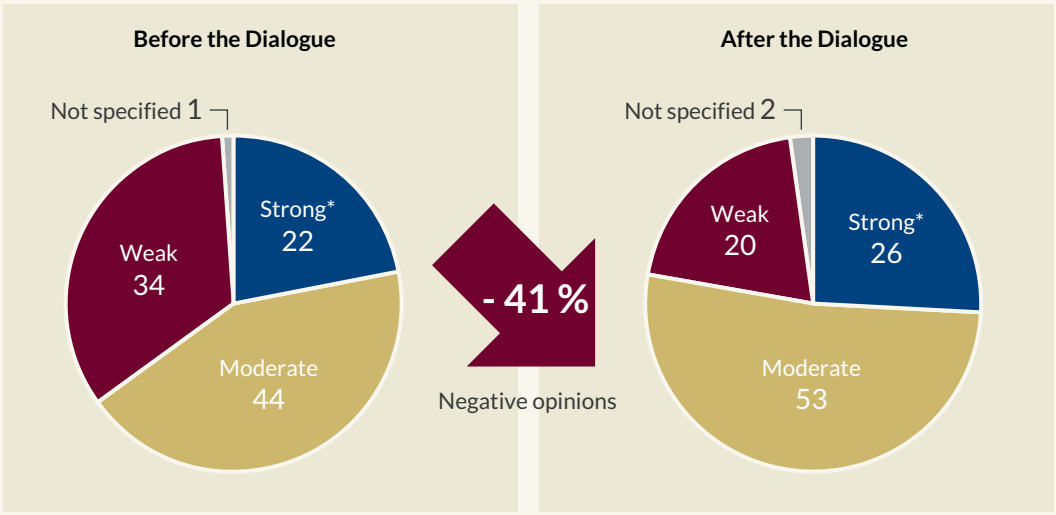
From the beginning, the Dialogues were intended to be "an EU-wide debate with citizens about what the European Union should look like in the future and which reforms are needed to improve their every-day lives" - that is, they are intended as constituting a *single* debate rather than multiple local or national ones.[33] At the same time, by raising awareness of the rights connected with European citizenship - a common theme in the first phase - the European Commission sought to increase the feeling of belonging to the EU among citizens.[34] However, the extent to which these developments constitute a "European public space" is debatable, as European issues continue to be discussed primarily in national terms and a true European public space is still far from a reality.

FIGURE 76 **Citizens' Dialogues can counter negative opinions of the EU: example I**

The dialogue in question significantly reduced the share of participants holding a negative opinion of the EU.

In percent

Participants' response to the question:
"In your opinion, how strong is politicians' interest in citizens' issues and concerns?"



The Dialogue

- Location: The Hague, the Netherlands
- Organisers: EU Commission in cooperation with the Bertelsmann Stiftung
- Audience: 120 randomly selected citizens from the Netherlands, Germany, Belgium, France and Ireland

Note: The sum of all categories may differ from 100 percent due to rounding.
* The category "Strong" combines the answers "Very strong" and "Strong". "Weak" combines the answers "Not strong" and "Non existent".

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung, 2019; own calculations | BertelsmannStiftung

3. Assessment of the Citizens' Dialogues against six criteria of good participation

In the following section, the Citizens' Dialogues are assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

Visibility – good outreach but low brand recognition

Awareness of the Citizens' Dialogues as a regular, branded initiative is low even if the general concept of a face-to-face meeting between politicians and citizens is well recognised.

The numbers of people reached are impressive, but the format is far from being a recognised brand. The European Commission estimates that the around 1,300 events held during the Juncker Commission involved nearly 210,000 people[35] - however, this is of course a very small proportion of the entire European population (less than 0.05 percent). The combined local media and online social media coverage of the events theoretically reached up to 288 million people (about half the EU population), though of course such metrics do not imply that all of these people are aware of the instrument.[36]

The brand recognition of the term Citizens' Dialogue is still low, with one interviewee expressing doubt that even the citizens who had participated in one were necessarily aware of the format or that it is a regular occurrence.[37] Even communication campaigns run by the European institutions on related topics often fail to mention the Citizens' Dialogues: for example, the campaign for the European Year of Citizens campaign in 2013, despite being prominently advertised, did not explicitly refer to Dialogues or make it clear how citizens could get involved.[38]

Media coverage mostly focuses on (potentially controversial) statements made by prominent political figures at the events, but does not necessarily communicate what the events are about or how citizens can be involved in them.

Media attention focuses on politicians, not citizens: one major barrier to visibility, mentioned by several interviewees, is a low level of interest from national and local media. In most cases, it is from the media that people find out about the events. Increasing visibility of the events in the media is a difficult task given that national media already dedicate very little time and attention to European topics.[39] The amount of attention a given event receives in the media depends largely on the content of the discussion and its relevance for party politics in the member states. For example, at one event in Freiburg, Germany, in October 2018, Juncker made critical remarks about policies of the Italian government, provoking an angry response from then Deputy Prime Minister Matteo Salvini: this event alone received significantly higher media coverage than any other Citizens' Dialogue.[40] In other words, media coverage mostly focuses on (potentially controversial) statements made by prominent political figures at the events, but does not necessarily communicate what the events are about or how citizens can be involved in them.

Some member states are more familiar with the format than others: the level of interest in the events (including media attention) also varies significantly between member states. One interviewee mentioned that, in Denmark, people are generally aware that they can talk with politicians directly and that they could seek out opportunities to do so if they wanted to; in other countries, however, this is not the case and more prominent outreach methods are needed.[41] Thus, the visibility of Citizens' Dialogues depends on national political cultures and the extent to which citizens are used to the idea of meeting politicians in person and asking them questions directly.

Visibility can be boosted through partnerships: local organisers can make a difference to the instrument's visibility. Some events are

co-organised with civil society organisations, Commission representations in the member states, or venues such as universities, providing other means of reaching citizens through the memberships of the partner organisations. In some cases, Citizens' Dialogues have even been connected with other events, such as musical concerts, boosting their visibility by piggybacking on unrelated topics.

Accessibility – open format handicapped by low visibility

Most Citizens' Dialogues are open to all and are organised in diverse geographical locations, facilitating attendance; however, in practice the instrument is not sufficiently well-known to attract a diverse audience.

Typically, the open format allows anyone to attend, but people need to be aware of it: the typical Citizens' Dialogue format is open to all who wish to attend. With the exception of some events with a selected or restricted audience (such as the transnational Dialogues or Youth Dialogues held in universities), there are no barriers to who can participate. The open nature of the events is stressed on the European Commission's Citizens' Dialogues webpage: "Feel free to come along - it's 'first come, first served'!", indicating that the openness of access is intended to be a key feature of the format.[42] Some Dialogues require registration in advance, primarily for security purposes, but many others allow citizens to simply turn up at the advertised start time.[43]

> *"You should explore ways to make participation in person or online as easy and accessible as possible."*
>
> President Ursula von der Leyen's mission letter to Vice-President for Democracy and Demography Dubravka Šuica

The accessibility of the Citizens' Dialogues is therefore best appraised with reference to how easy it is for citizens to find out about and attend an event close to them. As recognised by all those interviewed for this study, there is a close connection between visibility and accessibility: to a great extent, the accessibility of the Dialogues is handicapped by their low visibility, as citizens need to be aware of them before they can be motivated to attend.

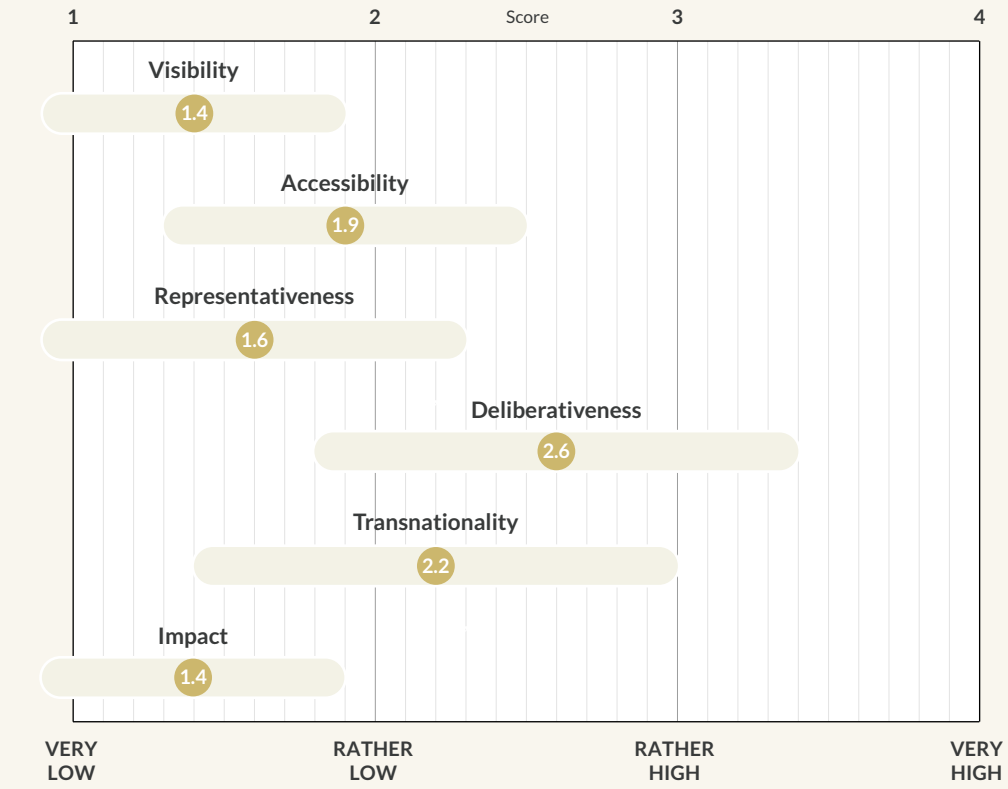
Increasing efforts are being made to provide more opportunities to attend. Expanding participation is certainly a goal of the Commission. President Ursula von der Leyen's mission letter to Vice-President for Democracy and Demography Dubravka Šuica instructs her to "ensure the widest possible participation in the Commission's Citizens' Dialogues to ensure that Europeans can shape the outcome of the Conference. You should explore ways to make participation in person or online as easy and accessible as possible".[44] Accordingly, special efforts have been made to improve the reach of the events. While the first Citizens' Dialogues took place mostly in larger cities, an increasing number are located in regional capitals and even small towns. For example, on 15 November 2019, a Citizens' Dialogue was held in Szadek, Poland: a town of 2,000 people. Citizens' Dialogues also take place in remote areas, such as the Italian alpine village of Bardonecchia (9 April 2019) or islands such as Madeira, Portugal (9 May 2019) and Gozo, Malta (8 April 2019).[45] With such broad geographical coverage, the Commission seeks to make sure that all European citizens theoretically have the prospect of attending a meeting close to them - if not immediately, at least within the span of a practical timeframe.[46]

Attendance often depends on invitations and practical considerations: ultimately, however, attendance at the events depends on interest and willingness to attend. One Commission representative referred to the lack of compulsory education about the EU in schools as a factor contributing to relatively low interest in and awareness of European issues.[47] Outreach and subsequent interest are generally greater when the Dialogues are paired with another event or organised in cooperation with a civil society organisation that can distribute invitations to its own mailing list.[48]

There are certain practical restrictions that may impact accessibility. Sometimes demand for the events outstrips the capacity of the venue, meaning that some who wished to attend are unable to do so; and while the typical Dialogue lasts for at

FIGURE 77 **Expert views on Citizens' Dialogues – criteria of good participation**

How high or low do the Citizens' Dialogues score in relation to six criteria of good participation?



The above scores are the result of a survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

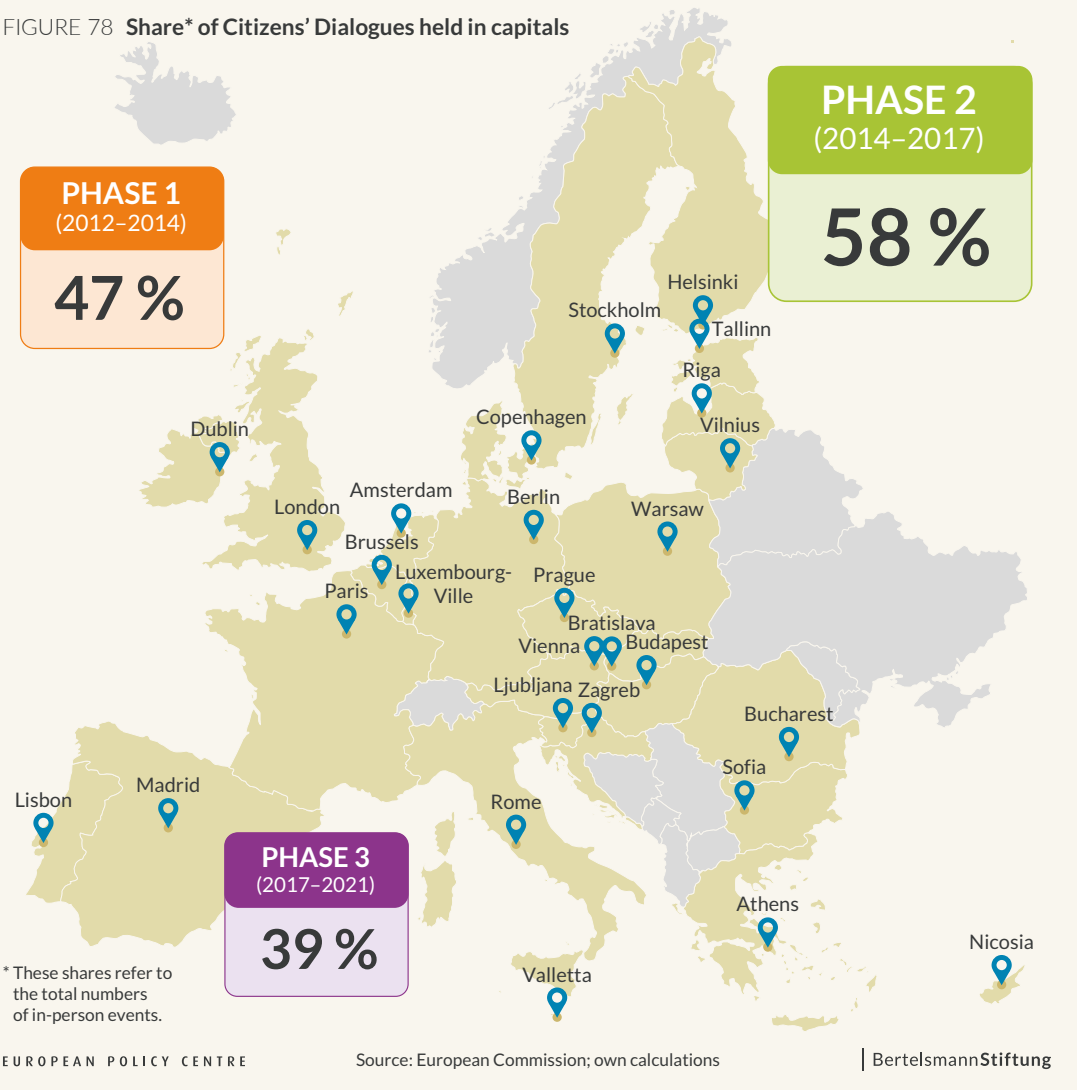
EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

least two hours, it is often the case that there is not enough time for everyone with a question to take the floor.[49]

From the beginning of Phase 1, it was typical for Citizens' Dialogues to be live-streamed, increasing their reach. Initially, this format did not allow for questions to be taken from online participants, but more recently the Dialogues have also been broadcast using tools such as Facebook Live, giving online participants the opportunity to contribute at the same level as those who attend physically. During the international shutdown caused by the Coronavirus pandemic, the schedule of Citizens' Dialogues continued with online-only events: starting in April 2020, all Citizens' Dialogues were turned into online events run through platforms such as Facebook Live and LinkedIn.

Events are easy to arrange, making them a simple way for Commissioners to expand their outreach: from the perspective of the Commissioners and other EU officials who speak, the Citizens' Dialogues are easy to use and easy to organise: whenever they are on mission or visiting a member state, it is relatively simple to set up Citizens' Dialogues to fit their schedule.[50] The ease of arranging events contributes to their high number.

FIGURE 78 **Share* of Citizens' Dialogues held in capitals**



Changing formats may involve a trade-off between quantity and quality: as the Commission moves towards new and more ambitious formats for the Citizens' Dialogues, such as the use of representative samples or random selection, there will inevitably be a trade-off between accessibility and representativeness. Besides the obvious fact that such events do not allow open attendance by all, they are also more expensive to organise, meaning that it will likely no longer be possible to reach out to as many different locations. One Commission representative, in acknowledging this, expressed the belief that the trade-off is worthwhile: "let us give up accessibility in favour of something which is of higher legitimacy and gives what we do a higher positive weight."[51]

Representativeness – preaching to the converted?

Self-selecting audiences tend to be pro-EU and well-informed about European politics. Increasing the diversity of the audiences has become more important as the instrument's intended purpose has moved from communication towards participation and policymaking influence.

Audiences are generally diverse, but all share an existing interest in politics and EU issues: the open-access nature of the typical Citizens' Dialogue format means that audiences are self-selecting, with no corrective for greater representativeness. As a result, it is to be expected that

citizens attending an event will not reliably be a cross-section of the European population as a whole; rather, certain demographics will be over- or under-represented.

The Commission's internal analysis suggests that, while it is true that the participants in Citizens' Dialogues tend to be slightly younger and more highly educated than average, they are not significantly so.[52] Most interviewees said they had the impression that participants were quite diverse, including people from "all walks of life". However, they all share one common trait: an interest in the EU, politics in general, or particular policy issues.[53] Attendance tends to be dominated by "political animals", although this is less striking outside of capital cities.[54]

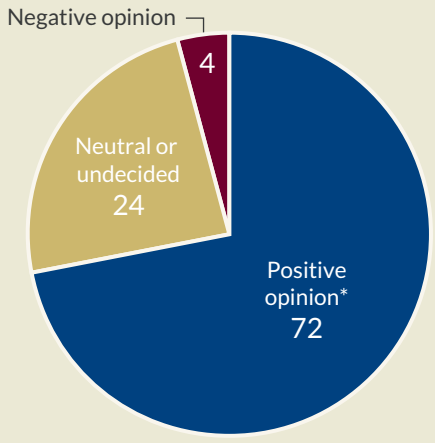
FIGURE 79 **Random selection can create an audience with more diverse opinions**

Examples of two different events: at the Citizens' Dialogue with a self-selecting audience, citizens had a largely positive opinion of the EU to begin with. At the Citizens' Dialogue with a randomly selected audience, opinions of the EU were more diverse to begin with.

In percent

Participants were asked before the event: "How do you feel about the EU in general?"

Self-selecting audience

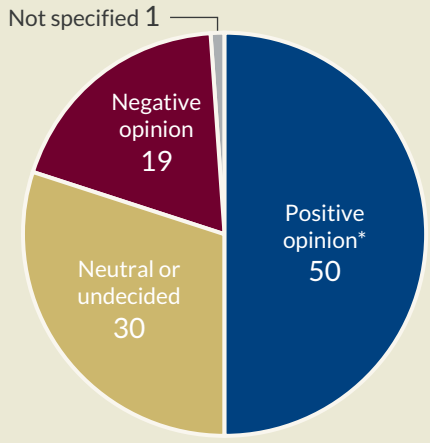


The Dialogue

- Location: Dublin, Ireland in 2013
- Organisers: European Commission in cooperation with the European Movement Ireland and the Department of the Taoiseach
- Audience: **200 citizens, "first come first served"**

Participants were asked before the event: "How satisfied are you with the European Union?"

Randomly selected audience



The Dialogue

- Location: The Hague, the Netherlands in 2019
- Organisers: European Commission in cooperation with the Bertelsmann Stiftung
- Audience: **120 randomly selected citizens** from the Netherlands, Germany, Belgium, France and Ireland

* In order for these two distinct questions to be compared, answers had to be recoded.

Recoded category	**"Positive opinion"**	**"Neutral or undecided"**	**"Negative opinion"**
2013 event	"Extremely positive", "Somewhat positive"	"Neither negative nor positive"	"Somewhat negative"
2019 event	"Highly satisfied", "Mainly satisfied"	"Undecided"	"Dissatisfied", "Mainly dissatisfied"

EUROPEAN POLICY CENTRE Source: European Movement Ireland, 2013; Bertelsmann Stiftung, 2019 | BertelsmannStiftung

Participants are particularly likely to be pro-EU. The report for the first Citizens' Dialogue of the European Year of Citizens (2013) by the European Movement Ireland found that fully 72 percent of the attendees had a positive view of the EU before the event, with only 4 percent expressing a "somewhat negative" view. None of the participants reported an "extremely negative" view.[55] (The remaining 24 percent described themselves as holding "neither positive nor negative" views of the Union.)

> The more the Dialogues come to be seen as a tool to foster participation or influence policymaking, the more important it becomes that they allow for a wide variety of views.

New formats seek to reach beyond the usual suspects: while this rather low level of representativeness may not have been especially problematic in the earlier phases of the instrument when its purpose was primarily communicative, the more the Dialogues come to be seen as a tool to foster participation or influence policymaking, the more important it becomes that they allow for a wide variety of views. It is necessary to improve the diversity of the audience, and therefore the legitimacy of the instrument and its dependability for reflecting the opinions of citizens as a whole. It is largely in recognition of this, that the Commission has taken the step of experimenting with new formats such as randomly-selected audiences.[56] Early experiences with such models have already proven their ability to reach those who would not normally be involved in Citizens' Dialogues. At one event in The Hague, 19 percent of participants described themselves as "dissatisfied" or "mainly dissatisfied" with the EU prior to the event: this was cited as a positive development by one Commission representative, as such people were precisely those generally missing from earlier Dialogues.[57]

Deliberativeness – question and answer formats giving way to broader discussion

Most events are designed to allow for all kinds of questions, but in the typical format there is little opportunity for citizens to discuss things among themselves. New formats under development seek to encourage greater deliberation.

Broad topics allow for broad answers: in most Citizens' Dialogues, the topic is set in advance, often depending on the expertise of the Commissioner or other EU representative attending. However, the topics are generally open enough for a general discussion - for example, "the European economy", or simply "the Future of Europe".[58] There is generally an introduction consisting of a short speech by the EU representative, but more than half the allotted event time is always dedicated to questions from the participants. Questions are not pre-screened or moderated.

However, even despite the focus placed on audience questions, this format does little to encourage genuine deliberation. Researchers who attended Citizens' Dialogues in the first phase reported that answers to the questions were often vague or formulaic, offering few details of specific policy approaches that could be taken to address the citizens' concerns. Rather, they tended to be somewhat defensive, interpreting questions as criticism.[59] However, this seems to have improved in later Dialogues, as Commissioners have become more familiar and comfortable with the concept.[60]

> There is no exchange of arguments or an attempt to move towards a conclusion or final output from the event.

Each event stands alone rather than contributing to a broader discussion. One particular weakness is that the discussions are not cumulative: each question is treated separately, rather than building on or responding to previous points. In such a format, there is no exchange of arguments or attempt to move towards a conclusion or final out-

put from the event. Similarly, individual Citizens' Dialogues do not build on one another: each one is a self-contained event.[61]

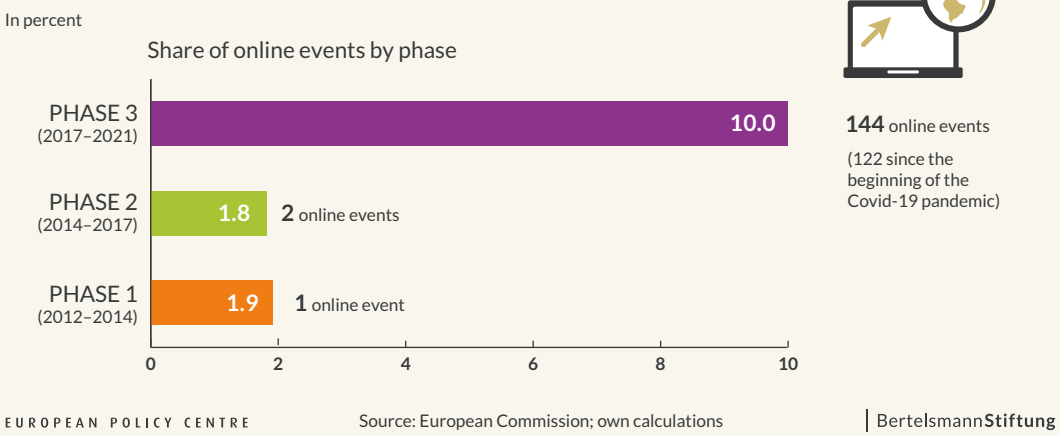
Citizens receive an immediate response: although citizens cannot expect a detailed back-and-forth discussion of their question, the Citizens' Dialogues do provide a type of immediate feedback. People receive a response to their proposal or comment straight away, without having to wait for a formal answer as is the case for other instruments such as petitions or public consultations.[62]

A move towards citizens talking with each other: some Commission representatives concede that a deliberative discussion was not really the objective in the Phase 1 Dialogues: the purpose was rather to connect people with European policymakers.[63] There was one exception in the final event of Phase 1, which took place in Brussels on 27 March 2014. This event involved a transnational audience consisting of selected participants from each of the previous Dialogues in the series, who talked among themselves before meeting with a number of Commissioners, MEPs, and Barroso himself. At the time, this was expected to be a one-off event, and the idea was not revisited for several years.[64]

While the Phase 2 Dialogues mostly returned to the politician-and-audience format, recent events have attempted to improve the deliberative aspect. Instead of a question and answer session with a Commissioner, these events have involved citizens discussing things among themselves in small groups (world café format), before the results of the discussions are presented to the officials present. This style of event is still rather experimental at present. The Commission has been trying out various formats, in cooperation with experts and civil society organisations, to determine the best model, considering questions such as time (full day workshops or evening events?), location (in Brussels, in border regions, or elsewhere?), and discussion format (monolingual groups or mixed groups?). Part of the motivation for experimenting with these new formulas was to gather experience and expertise in preparation for the Conference on the Future of Europe.[65]

Some Citizens' Dialogues led to further participation after the event: commissioners who have participated in Dialogues express the view that the events encourage citizens to think about European policy in more depth and to consider reaching out to politicians and elected representatives more frequently. One interviewee noted that the speaker always receives emails after a Citizens' Dialogue with more follow-up questions, indicating that participants have continued to reflect on the discussion after the event has concluded.[66] Another mentioned that the debate about EU politics had notably picked up in his country following some high-profile Citizens' Dialogues featuring that country's Commissioner, with a dedicated 'Europe Forum' becoming an annual event in one city.[67]

FIGURE 80 **The increasing importance of online events**



EUROPEAN POLICY CENTRE Source: European Commission; own calculations BertelsmannStiftung

Transnationality – bringing Europe to the local level

As Citizens' Dialogues generally take the form of local events, their transnational dimension is limited. However, this is changing with more cross-border experimental formats.

The events are inherently local, but the topics are European: the 'classic' Citizens' Dialogue format is necessarily mostly national or even local in nature, taking place as a physical event involving citizens living nearby. However, even this format does involve certain transnational characteristics: the Commissioner or speaker attending is frequently from another country, and the intention of the event is to bring a transnational European-level discussion to the national locality. The Phase 1 Dialogues, in particular, stressed the novelty of European Commission officials coming to the member states, rather than the other way around; as most of these events involved the same individuals (notably Viviane Reding, Commissioner for Justice, Fundamental Rights and Citizenship), it was also credible to portray them as a tool through which the Commissioner could get a clearer understanding of the priorities and developments in each member state.[68] The EU-wide nature of the debate held through Citizens' Dialogues is frequently stressed in the Commission's communication about the instrument. While it is true that some topics may be more prominent in certain countries than in others, generally the topics of discussion at the Citizens' Dialogues have been of EU-wide significance.[69]

The use of online events has added a further transnational dimension to the Citizens' Dialogues. While physical events that are live-streamed can be watched by citizens from any part of Europe, these events are still promoted in a "national" context. Online-only events, meanwhile, are "completely transnational", involving participants from all over the continent by default.[70]

Transnational Dialogues are changing the game, but are resource-intensive: as part of the innovations in Citizens' Dialogue formats starting in 2017, transnational and cross-border Dialogues involving participants from more than one member state have become a fairly regular occurrence. 46 Dialogues of this type were held during the Juncker Commission.[71] The majority of these took place in border regions – areas where it may be assumed that there is already a certain degree of cross-border consciousness. For example, there have been events in towns such as Guben, on the German/Polish border (6 May 2019), and Čakovec, near the Croatian/Slovenian/Hungarian border (8 November 2018). One event even took place on a ferry travelling between Poland and Sweden (24 April 2019).[72] Although such border events account for the majority of transnational Dialogues, a few have also taken place elsewhere, including Rome, Split, and Helsinki. Transnational Dialogues are generally held with selected audiences, brought to the location for the occasion, and they are often organised in cooperation with civil society organisations.

Transnational events have the benefit of creating face-to-face meetings between European citizens from different member states. Much as the classic Citizens' Dialogue format improves connections between politicians and citizens by means of direct human contact, a transnational Dialogue serves to improve understanding between cultures by bringing European citizens from different member states together in person.[73] Transnational events generally involve people from between two and four different countries. Pan-European events, with citizens from all European member states, require significantly more resources. To date, only one event has been branded as a 28-country Citizens' Dialogue: the final event of Phase 1, which took place in Brussels on 27 March 2014. (There was also a "Citizens' Panel", featuring selected citizens from the EU-27, on 5-6 May 2018 - this event is covered in the next chapter, on European Citizens' Consultations.)

While the benefit of including a transnational element in the Dialogues was recognised by most interviewees, one questioned whether it was an efficient use of resources, suggesting that ensuring good coverage in rural areas was more important than going transnational simply for the sake of it.[74]

FIGURE 81 **Locations of transnational Citizens' Dialogues**

EUROPEAN POLICY CENTRE Source: European Commission | BertelsmannStiftung

Impact – some influence behind the scenes

The impact of Citizens' Dialogues is inherently limited, and difficult to trace even when policymakers claim to have been influenced by the discussions. However, the events may have an impact on citizens' attitudes towards the EU and their participation in general.

The irregular reports and summaries of the dialogues do not seek to influence policymaking: the Citizens' Dialogues do not involve a formalised output as part of the model. Although there have been reports detailing the number of Dialogues and the topics discussed in them, these are not produced on a regular basis and mainly serve a communication purpose rather than a policy-influencing one: they are directed at journalists, NGOs and the general public rather than decision makers in the EU institutions.

The majority of these transnational Dialogues took place in border regions – areas where it may be assumed that there is already a certain degree of cross-border consciousness.

Internally, however, a reporting template covering the main themes, relevant quotes, and notes on the atmosphere at events is used to consolidate the outcomes of the Dialogues. Using this template, a report is created each week summarising the discussions at all Citizens' Dialogues that took place that week: this report is then shared with the Commission President, the college of Commissioners, the European Parliament, the Council of the European Union, the Committee of the Regions, and the Economic and Social Committee.[75] However, these documents remain internal and are not published. A very short summary of each event appears on the "Past Events" page of the Citizens' Dialogues webpage, but this is the only publicly available output from the events.

Policymakers do not often make reference to Citizens' Dialogues, even when the events may have influenced their decisions: the internal reports are definitely used by the Commissioners and other policymakers, according to officials interviewed for this study. In most cases, however, they do not explicitly refer to the exchanges at Citizens' Dialogues as justifications for particular decisions. Juncker referred to his conversations with citizens in his State of the Union addresses, and von der Leyen made use of the outcome of discussions in formulating her political guidelines.[76] There have been other occasions when Commission documents referred to conversations with citizens, such as the First Report on the State of the Energy Union (2015), which mentions that then-Vice-President Maroš Šefčovič "engaged in a dialogue with national governments and parliaments and with the European Parliament as well as stakeholders and citizens".[77] This was described by one Commission official interviewed for this study as "a kind of never repeated good example", suggesting that the threshold for communicating about the Citizens' Dialogues in policy documents is not especially high.[78]

Citizens' Dialogues serve as a testing ground for policy already in development: due to the lack of a formalised link to the policymaking process, it is difficult to determine which policies have been influenced by the Citizens' Dialogues and how. One Commission official interviewed for this study referred to three areas where he was aware that impressions gathered in the Dialogues had influenced the Commissioner's thinking: investment, the circular economy, and trade. In each case, the main benefit of the Dialogues for the Commissioner was that they offered a 'testing ground' to see if the Commission's approach to these topics had been well understood, and an opportunity to correct misconceptions, for example about trade agreements. In this way, the Citizens' Dialogues influenced the Commission's communication strategy (for example, pushing them to focus on the rules-based aspect of trade agreements to reassure citizens that they will not result in European markets being flooded with substandard goods).[79] This suggests that the impact of Citizens' Dialogues on policy as such is limited; rather, their main influence is on how the Commission *communicates* about policy.

> The impact of Citizens' Dialogues on policy as such is rather limited.

Since the Dialogues are not very representative, several interviewees noted that it would not be appropriate for them to have a direct or binding impact on policymaking, as the views expressed are generally only those of very engaged pro-Europeans. That said, the Commissioners are aware of this, and although the impact may not be easily traceable, there is a widespread feeling among officials that the regular experience of Citizens' Dialogues does have an impact on Commissioners' thinking: "I do think that when they sit upstairs in the Berlaymont on Wednesdays and adopt new pieces of legislation, they do have in mind what they have heard out there."[80] While other means of influencing policy exist, such as public consultations and stakeholder engagement, the main benefit of the Citizens' Dialogues is to "put the image in the Commissioner's head" and remind them that citizens are impacted by the decisions they make.[81]

Events may have a positive impact on people's view of the EU, but lack of policy output could cause frustration: the lack of a clear impact is potentially problematic, considering the relatively high level of engagement required from a citizen. Participating in a Citizens' Dialogue requires

> *"I do think that when the Commissioners sit upstairs in the Berlaymont on Wednesdays and adopt new pieces of legislation, they do have in mind what they have heard out there."*
>
> Interview 20

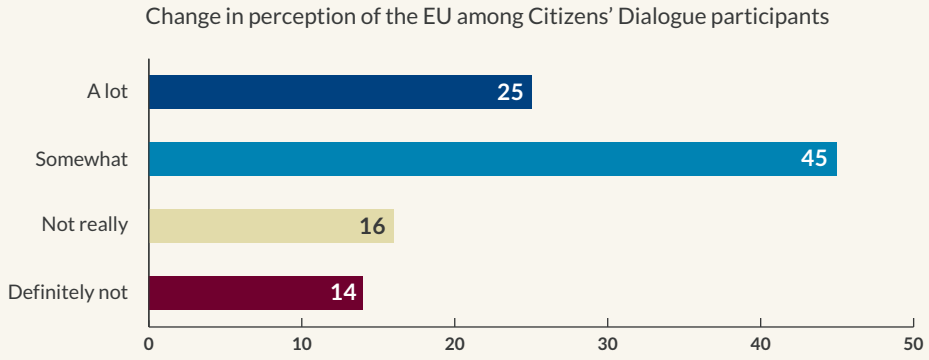
a citizen to give up an evening of their time (or more in the case of some transnational and/or workshop-style Dialogues) to attend an event; this involves rather more effort than signing a petition or filling in a consultation. If there is little or no visible impact from having participated, a citizen may well end up feeling frustrated with the experience. However, in the view of one academic who attended a Citizens' Dialogue, many citizens who participate do not truly expect a participative tool. Instead, they "go into it as a sort of game like a TV show": they are curious and expect an interesting spectacle, but do not seriously expect to have a real impact. If they did, they would be disappointed.

On the other hand, surveys carried out at Citizens' Dialogues generally find that a solid majority of participants feel that the events are worthwhile and that their perception of the EU has changed as a result – generally for the better.[82] While this may partly be explained by the generally pro-EU outlook of most participants at open access events, the fact that events with a selected audience also record positive feedback suggests that participating citizens generally find the experience positive even when not necessarily pre-inclined to positive feelings about the EU. For example, following the transnational Citizens' Dialogue in The Hague on 17 May 2019, 89 percent of participants rated the event as "good" or "very good". 79 percent felt that politicians had a strong interest in citizens' views, compared to 66 percent before the event; 66 percent felt satisfied with the EU, compared to just 50 percent beforehand.[83]

Several interviewees suggested that, despite the lack of direct influence on policy, the events do

FIGURE 82 **Example of how a Citizens' Dialogue can change its participants' perception of the EU**

In percent



The Dialogue

- Location: Dublin, Ireland
- Organisers: European Commission in cooperation with the European Movement Ireland and the Department of the Taoiseach
- The Audience: 200 citizens, "first come first served"

In 2013, participants of a Citizens' Dialogue were asked: "Has your perception of the EU changed as a result of this event?" 70 percent indicated that the event had an effect on them which made them change their mind about the EU.

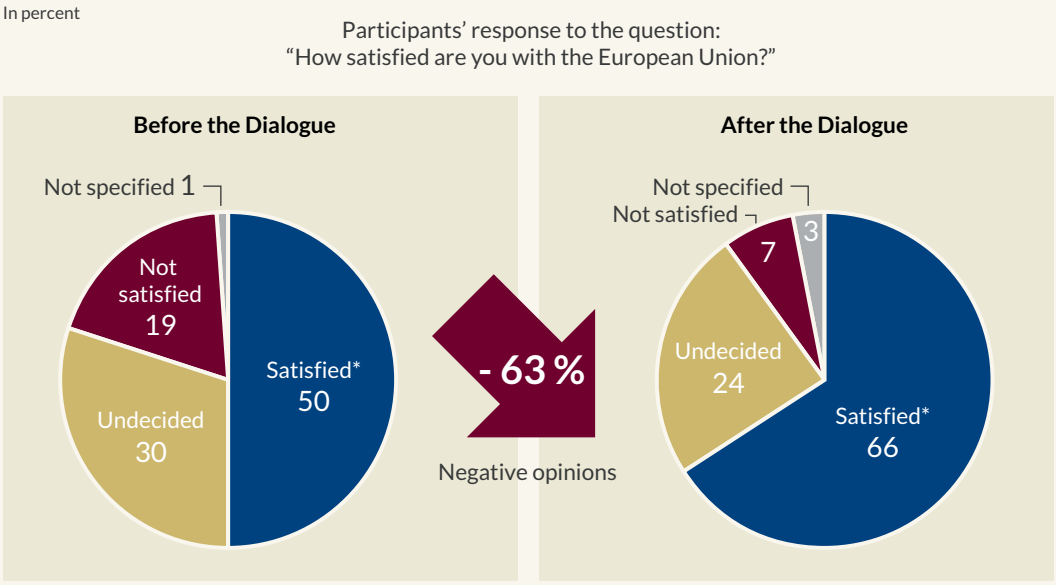
EUROPEAN POLICY CENTRE Source: European Movement Ireland, 2013 BertelsmannStiftung

serve a useful purpose in going beyond the election cycle to provide face-to-face contact with decision makers throughout the political term. This "emotional" connection is considered an important part of the Commission's work, in that it responds to citizens' desire to feel that politicians are listening to them. The follow-up questions and emails received by Commissioners after events suggest that people have been influenced and intrigued by what they have heard (see 'deliberativeness' section, above).[84] Thus, we can assume that the events have a relatively low but still apparent degree of impact on citizens' attitudes.

FIGURE 83 **Citizens' Dialogues can counter negative opinions of the EU: example II**

The dialogue in question significantly reduced the share of participants holding a negative opinion of the EU.

In percent



The Dialogue

- Location: The Hague, the Netherlands
- Organisers: European Commission in cooperation with the Bertelsmann Stiftung
- Audience: 120 randomly selected citizens from the Netherlands, Germany, Belgium, France and Ireland

* The category "Satisfied" combines the answers "Highly satisfied" and "Mainly satisfied". "Not satisfied" combines the answers "Mainly dissatisfied" and "Dissatisfied".

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung 2019; own calculations BertelsmannStiftung

FIGURE 84 **The Citizens' Dialogues through the lens of six criteria of good participation**

Visibility

Awareness of the Citizens' Dialogues as a regular, branded initiative is low even if the general concept of a face-to-face meeting between politicians and citizens is familiar.

Deliberativeness

Most events are formulated to allow for all kinds of questions, but in the typical format there is little opportunity for citizens to discuss things amongst themselves. New formats under development seek to encourage greater deliberation.

Accessibility

Most Citizens' Dialogues are open to all and are organised in diverse geographical locations, facilitating attendance; however, in practice the instrument is not sufficiently well-known to attract a diverse audience.

Transnationality

As Citizens' Dialogues generally take the format of local events, their transnational dimension is limited. However, this is changing with more cross-border experimental formats.

Representativeness

Self-selecting audiences tend to be pro-EU and well-informed about European politics. Increasing the diversity of the audiences has become more important as the instrument's intended purpose has moved from communication towards participation and policymaking influence.

Impact

The impact of Citizens' Dialogues is inherently limited, and difficult to trace even when policymakers claim to have been influenced by the discussions. However, the events may have an impact on citizens' attitudes towards the EU and their participation in general.

EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

4. Conclusion

The Citizens' Dialogues have become an important part of the European Commission's efforts to improve connections with citizens. They reflect a growing interest or fashion at all levels of politics to increase direct debate with citizens through face-to-face meetings, being roughly contemporary with (or in some cases a forerunner of) the European Citizens' Consultations; citizens' assemblies in Ireland, Poland, and elsewhere; the French *Grand Débat*; and the increasing trend for local events such as participatory budgeting exercises. In experimenting with new formats, including some which are more representative, deliberative, or transnational than the original model, the instrument is effectively keeping pace with developments in good practice for citizen participation. The story of the instrument's own development demonstrates that it has become more ambitious over time, with events steadily increasing in number, reaching more and more remote areas of Europe, and expanding from a largely communicative function to something far more inclusive and - potentially - participatory.

The Citizens' Dialogues play a particular role in the participatory system that makes them an appropriate complement to other instruments. While instruments such as the European Citizens' Initiative allow citizens to make a direct, formal request for changes in policy, the Citizens' Dialogues provide a venue for a less structured, potentially less intimidating form of participation. They require no special expertise or preparation, and citizens can use them to express feelings without needing to formulate a clear request. They offer the opportunity for a citizen to receive immediate feedback on their proposals or feelings, potentially encouraging them to use another, more formal channel if their idea is well received. Besides the potential impact on policymaking and on citizens' views, the Citizens' Dialogues also have an effect on the policymakers and officials who participate in them, giving them an impression of how their work is perceived on the ground in the member states. As Commissioners are not directly elected, the Citizens' Dialogues provide a valuable means of helping the citizens relate to them (and vice versa) and encouraging them to feel that they can influence them indirectly.[85]

However, the instrument suffers from a low level of legitimacy, especially regarding its participatory function. It is not taken seriously as a means of influencing policy, either by the independent policy community or by citizens themselves.[86] Its visibility is too low to be widely known by the citizens in general, and the events are all too often attended by only the "usual suspects". The question and answer format does little to encourage any real deliberation, instead giving the impression of a campaigning tool or a piece of political theatre. While innovative formats may improve these features, they will do so at the expense of the openness and informality that was the hallmark of the 'classic' Citizens' Dialogue format.

From the Commission's perspective, the Dialogues serve a useful purpose in demonstrating its willingness to get close to citizens (including at a local level), providing a more relatable "human face" for the European institutions.[87] At the same time, they provide a communication channel to spread its message, and allow the Commission to gain an informal impression of how the Union and its policies are perceived by the public. But from the citizens' perspective, the value of the instrument is rather less clear. It provides an opportunity for them to hold their leaders to account face-to-face, and they can make suggestions and proposals - but without any indication of how these will be taken on board. A binding influence on policymaking is clearly not appropriate for such an instrument in a representative democratic system. However, there is a lack of *any* clear process by which the proposals made and ideas expressed at a Citizens' Dialogue will be considered at the decision-making level and potentially turned into policy. This is a weakness that risks undermining the instrument's supposed intention of increasing trust and a sense of belonging to a European Union that listens to and cares about its citizens' views.

VII. European Citizens' Consultations: a learning experiment

The European Citizens' Consultations process was a participatory experiment launched in 2018, primarily on the initiative of French President Emmanuel Macron but with the engagement of the European Commission and ultimately involving nearly all of the EU's member states. It consisted of a critical mass of events, a pan-European 'Citizens' Panel', and an online questionnaire. The process had a formal end point in the form of the December 2018 European Council summit, when the results were supposed to be discussed. In practice, the discussions were minimal and the exercise has been largely forgotten, although it appears to have been an inspiration for the subsequent Conference on the Future of Europe.

The ECCs' key components

7 months of events

26 separate national campaigns

65,000 French citizens alone participated in ECC activities

1 transnational Citizen Panel with
- **100** randomly selected citizens from
- **27** EU countries helped create
- **1** pan-European online survey with
  - **87,000** participants from all over Europe[1]

Strengths

- **A participatory milestone**
  The EU has started to take new forms of citizen participation more seriously as an element of decision-making.
- **A dry run for future experiments**
  Although it was a one-off, the experience has been influential for the Conference on the Future of Europe.
- **Deliberativeness**
  All events were required to involve a deliberative aspect, with a focus on citizens' input rather than politicians' views.

Shortcomings

- **Transnationality**
  Different member states implemented very different processes and not all were engaged.
- **Formats too diverse**
  The diversity of formats made it hard to draw common conclusions and hindered brand awareness.
- **Impact**
  Despite formally targeting the European Council summit, the initiative ended with virtually no discussion or follow-up.

EUROPEAN POLICY CENTRE | Source: own illustration | BertelsmannStiftung

1. Introduction

In 2018 and 2019, on the initiative of French President Emmanuel Macron, the EU member states conducted an experimental exercise in engaging their citizens on European issues through a series of discussion-oriented events. In parallel, the European Commission ran a European-level contribution to the initiative in the form of a "Citizens' Panel" and an online questionnaire. Although the initiative had no formally agreed name or branding, the events were referred to as "Citizens' Consultations" in most of the relevant documents: accordingly, the European Policy Centre has suggested the name "European Citizens' Consultations" (ECCs) to refer to the whole process and its constituent parts.[2]

Despite being a one-off exercise, the ECCs represent a milestone in the development of the EU's approach to citizen participation instruments. The process marked the first time that member states and the Council of the European Union took the lead in a joint EU-level effort to engage with citizens. Furthermore, the experience of the ECCs influenced subsequent exercises in citizen participation, both at the national level – such as the French *Grand Débat* – and in shaping the Conference on the Future of Europe.

The ECCs share many characteristics with the European Commission's Citizens' Dialogues, and in practice some of the individual events overlapped directly with the Commission's programme of events, with Citizens' Dialogues promoted as ECCs and vice versa. However, the ECCs remain distinct as 1) they were organised by member states and coordinated by the European Council/Council of the European Union with only a minor role for the European Commission, and 2) unlike the open-ended Citizens' Dialogues, they were a time-limited process in connection with the December 2018 European Council summit.

The history of the European Citizens' Consultations

During his campaign for the 2017 French Presidential election, Emmanuel Macron gathered input about the concerns, interests and suggestions of French voters through a series of debates organised by his political movement, *En Marche*. Following his electoral victory, he announced his ambition to initiate a similar process at the European level, involving all EU member states. Through what he termed "democratic conventions", Macron hoped to engage citizens directly in European issues – a priority area of his presidential campaign – and build momentum for his EU reform agenda:

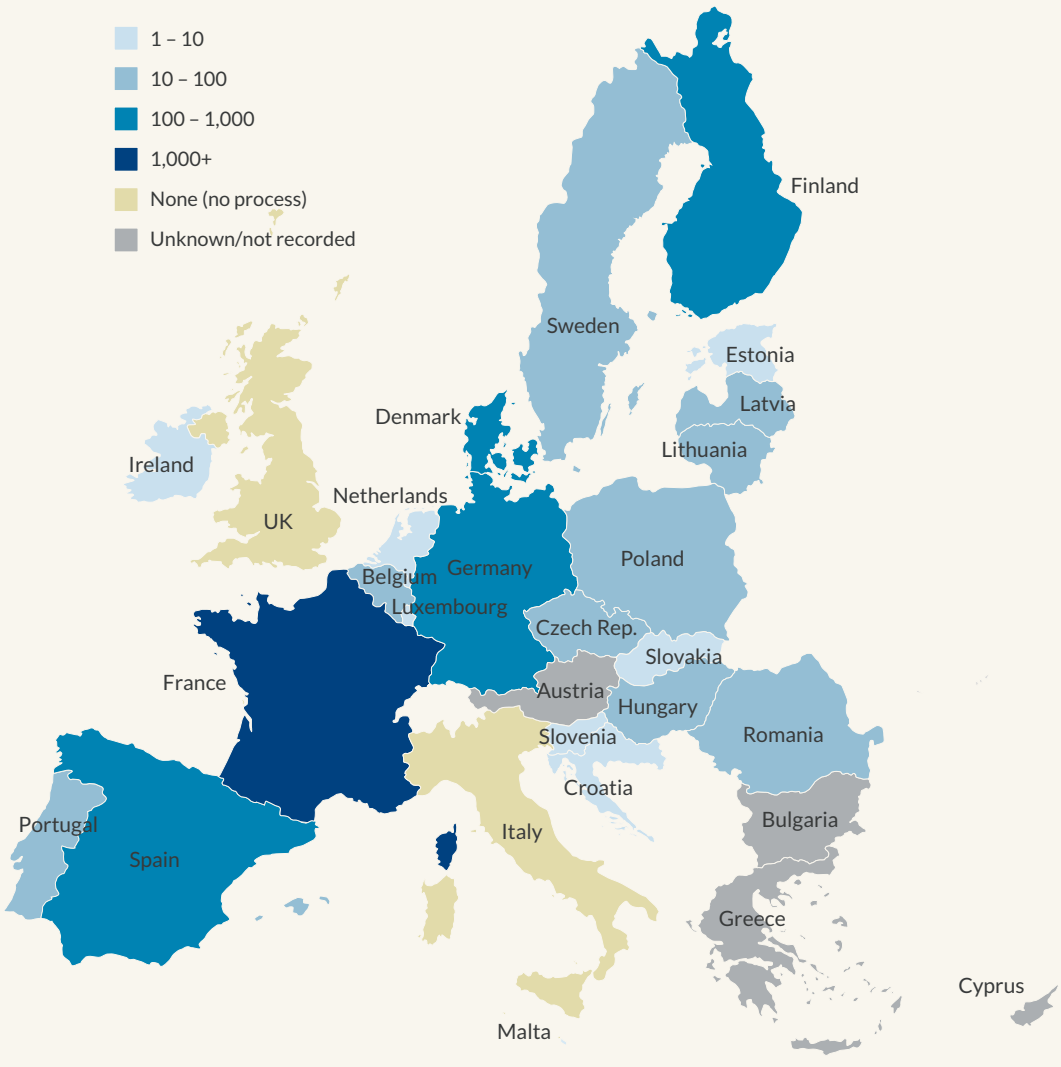
> *"We must rebuild the European project, by and with the people, with a democratic requirement much stronger than a simple 'yes or no' question. [...] That is why, if we want to move forward again, I would like us to hold democratic conventions which will be an integral part of the overhaul of Europe."*[3]

When the leaders of the EU27 met informally in February 2018, Macron worked to convince the other member states to join this plan. Certain changes and compromises were required to bring them on board: the name "democratic conventions" was dropped in favour of "citizens' consultations" (possibly to avoid implying any connection with an EU Convention that could lead to treaty change as described in Article 48 TEU), and member states received the guarantee that each country would have free rein to implement the process according to its own national priorities.[4] In the end, all member states agreed to participate (except for the UK, which was absent due to Brexit). They also agreed that the process would work towards a common goal: the outcomes of the events and the views and ideas raised by citizens would be discussed by the heads of state and government at the European Council summit in December 2018. Thus, citizens' views would be heard at the highest level and used to help shape the EU's common agenda.

Following the agreement of the member states, the European Commission took on a supporting role, ensuring that the process also had a common European dimension. Most notably, the Commission organised a *Citizens' Panel*, hosted by the European Economic and Social Committee, as part of an official kick-off on 4–6 May 2018. The Panel brought together a group of about 100 citizens from the EU27, selected by a polling company to reflect the diversity of Europe, to discuss which issues they felt should be on the agenda for the consultations. Over the course of a weekend, the Panel drafted a questionnaire, hosted online by the European Commission, that would complement and potentially help shape the discussions at the ECCs. Thus, the inclusion of the Citizens' Panel in the ECCs process not only added a European dimension to the exercise, but also allowed citizens to set the agenda themselves.

Besides the Citizens' Panel, the European Commission provided a European level to the process by maintaining a central website[5] providing links to each national page. It also engaged in promotional activities using the Future of Europe brand, which was already in use for other Commission activities such as the Citizens' Dialogues and the White Paper on the Future of Europe. This meant

FIGURE 85 **France on top: numbers of events differ significantly across the EU**



EUROPEAN POLICY CENTRE Source: EPC Evaluation Report, 2018 pp. 64–71 BertelsmannStiftung

that although member states perceived the ECCs as a new process, the Commission promoted them with an emphasis on continuity with previous and ongoing activities. Most member states followed the timeline proposed by the French government, which sought to conclude the process before the end of 2018 in order to avoid running into the 2019 European Parliament election campaigns and thus risking politicising the events. The Commission, meanwhile, kept the questionnaire open until the Sibiu summit of 9 May 2019, when the Future of Europe campaign was formally concluded.[6]

In practice, national experiences with the ECCs varied enormously. Member states made full use of the flexibility afforded them in terms of format, numbers and timeframe. Events ranged from Q&A-based panel discussions to deliberative sessions in the style of citizens' assemblies, with no clear unifying factor in terms of format. France, as the leader of the exercise, implemented by far the largest-scale process, with over 1,000 events and an application scheme that allowed any CSO or private citizen to receive funding to hold their own consultation (in accordance with certain common principles, such as the need to devote at least 50 percent of the allocated time to audience questions/contributions).[7] Many other member states opted for a small-scale process with just one event in each region, as happened in Romania, the Netherlands and Ireland. Some countries, such as Sweden, Denmark and Finland, opted to step up existing EU-related initiatives rather than implementing a new process. In Italy, the political crisis resulting from the March 2018 general election caused the entire process to fall through, with no events taking place in the country at all.[8] What all member states shared, however, was the commitment to gather notes from each event and present a report to the December 2018 European Council.[9] Several countries continued holding events after the summit, following the European Commission's timeline and concluding at the Sibiu summit of 9 May 2019.

The Heads of State and Government only very briefly discussed the process at the European Council summit of 13–14 December 2018, with the following paragraph appearing in the Council conclusions:

> *"The European Council welcomes the holding of Citizens' Dialogues and Citizens' Consultations, which was an unprecedented opportunity to engage with European citizens and which could serve as an inspiration for further consultations and dialogues. The joint report prepared by the current and the incoming Presidency, together with the different national reports and input from the other European institutions, identify a number of concerns and expectations on the part of the participating citizens in terms of concrete results from the EU. At their informal meeting in Sibiu on 9 May 2019, Heads of State or Government will discuss priorities for the next institutional cycle, with a view to agreeing on the next Strategic Agenda in June 2019."*[10]

Following the conclusion of the process, the ECCs have largely passed into obscurity. However, certain developments since then indicate that the exercise may have contributed to an increased willingness to experiment with citizen participation methods at the European level and among member states. To coincide with the December 2018 European Council, the Presidents of the European Committee of the Regions and the European Economic and Social Committee issued a joint statement calling for a "permanent structured mechanism" of citizens' consultations that would formally integrate such a process into the European decision-making structure.[11] Following her approval as President of the European Commission, Ursula von der Leyen declared her intention to establish a "Conference on the Future of Europe" in which citizens would play a "leading and active part".[12] The structure and concept of the Conference, and especially the "Citizens' Panels" involving citizens directly, appear to owe much to the EU-wide experience of the ECCs. One expert interviewed for this study asserted that "you wouldn't have got Citizens' Panels without the ECCs," going on to characterise the ECCs as a "rough draft" and a "milestone" that changed EU institutional thinking about how citizens could be involved in discussions of EU policy and reform.[13]

II. Assessment of the ECCs against their stated objectives

In the following section, the European Citizens' Consultations are assessed in relation to their own stated objectives. The objectives are derived from the Joint Framework on Citizens' Consultations of the Council of the European Union, a speech by Emmanuel Macron and insights from the communication activities of several EU member states.

To involve "a very significant number" of European citizens

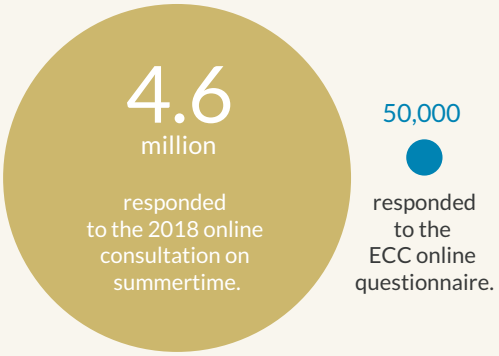
The precise ambition of the process was never fully clarified. In particular, no standards were set as to what would count as a "very significant number". Macron's vision was clearly of a process large enough to lend democratic legitimacy to his goals of EU reform, but he avoided mentioning any precise numbers. For the European Commission, the aim was simply to "attract a maximum number of people" given the (rather meagre) resources available, with the process being considered a success so long as it engaged larger numbers than previous exercises.[14]

> *"The aim of the citizens' consultations (or, for some member states, citizens' dialogues or citizens' participations) is to involve a very significant number of European citizens, be it through dialogues with citizens, debates or digital consultations or through representative bodies, in order to identify Europeans' main concerns, hopes and expectations."*
>
> General Secretariat of the Council of the European Union, Joint Framework on Citizens' Consultations

As a result of the disparate national processes, **the number of citizens engaged in events varied enormously between countries**, with France some distance ahead of the others. The French Ministry for European Affairs recorded 65,000 citizens taking part over the seven months that the process was active in France.[15] Poor record-keeping (especially regarding the number of events in some member states) makes it hard to evaluate the total number of citizens reached in other countries, but it is likely to be significantly fewer than in France. Overall, then, while it is impossible to say whether the exercise reached enough citizens to satisfy its organisers, the numbers involved do not seem especially impressive from an outside perspective.

The online questionnaire did not greatly increase outreach to citizens. One expert interviewed for this study referred to a target of between five hundred thousand and a million people filling in the online questionnaire, so that the European Commission could use a "big headline number" in its communication about the process.[16] In the end, only about 50,000 responses had been received by the time of the December 2018 European Council summit, indicating that performance had been well below expectations.[17] For comparison, the summertime consultation (on the system of clock change in Europe) had 4.6 million respondents.[18]

FIGURE 86 **ECC online questionnaire did not reach many citizens**

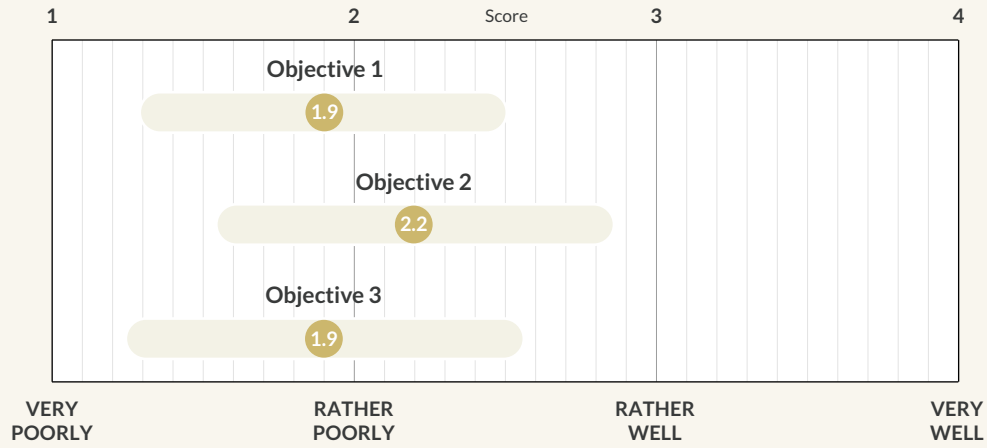


Source: EPC Evaluation Report, 2018, p. 30; European Commission, 2018

EUROPEAN POLICY CENTRE | BertelsmannStiftung

FIGURE 87 **Expert views on European Citizens' Consultations – stated objectives**

How well or how poorly did the European Citizens' Consultations perform in relation to their stated objectives?



Objective 1: To involve a very significant number of European citizens
Objective 2: To identify Europeans' main concerns, hopes and expectations
Objective 3: To help Heads of State and Government identify priorities for action over the next few years, starting at the December 2018 European Council

The above scores are the result of a survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey | BertelsmannStiftung

To identify Europeans' main concerns, hopes and expectations

As participants were mostly self-selecting, there is no way to tell how closely the discussions reflected the views of the population as a whole. In general, the ECCs provided a venue for all citizens to express themselves rather than only sub-groups or selected participants. However, this depended on the event format. Some events, for example, had a thematic limit that meant citizens were only expected to raise issues connected with that theme. Nevertheless, overall the process allowed citizens to volunteer their ideas and express their feelings about particular policies and the EU in general. Some countries went further than others in actively soliciting proposals as well as comments: in Spain, for example, an online platform was set up (though it was removed after the end of the process) where citizens could submit proposals, as well as voting or commenting on those submitted by others. The online questionnaire, too, solicited input from all citizens rather than targeting specific groups, and most events were also open to all, with a few exceptions (see below under "Representativeness").

> *"I hope that once we have defined simple terms of a roadmap shared by the main governments who will be ready to move in this direction, we can, for six months, next year, in all the countries that so wish, organise a wide-ranging debate around the same issues to identify the priorities, concerns and ideas that will feed our roadmap for the Europe of tomorrow."*
>
> Emmanuel Macron, speech to the Sorbonne

> *"It is an open, public, and transparent dialogue which will give voice to citizens, so that they can express their opinions and make concrete proposals about the future of the European Union."*[19]
>
> Spanish ECC webpage

There was a unified reporting process, but it was very vague, meaning that citizens' proposals were not always collected in a consistent manner. Nevertheless, each of the participating member states presented a report to the European Council, so there was at least some attempt to summarise the discussions and relate them to policy. However, as most participants at the events and those who filled in the questionnaire were self-selecting, it is difficult to say to what extent their views represent those of "Europeans" as a whole: the participants were likely to be disproportionately young, educated pro-Europeans.

To help Heads of State and Government identify priorities for action over the next few years, starting at the December 2018 European Council

As intended, **the outcomes of the exercise were discussed – albeit very briefly – at the 2018 European Council summit**. The reference in the Council conclusions does not go into any detail about policies or specific recommendations that made an impact on leaders, dwelling instead on their belief that the process is important and will inform their decision-making in the long term (including subsequent meetings such as the Sibiu summit). Nevertheless, the fact that the ECCs and the online questionnaire had a clear target, namely the European Council summit, meant that high-level decision makers were invested in the process. One interviewee identified this as a clear strength of the ECCs over previous efforts such as the Citizens' Dialogues, pointing out that this was the first time that there had been a commitment to examine citizens' input at the highest level in the European institutions.[20]

> *"The citizens' consultations will be used to inform deliberations by Heads of State and Government, and will help them to identify priorities for action over the next few years."*
>
> General Secretariat of the Council of the European Union, Joint Framework on Citizens' Consultations

> *"This cycle of events is aimed at raising the public's awareness about the EU and discussing the benefits of EU membership."*
>
> Lithuanian ECC webpage
>
> *"We want to bring citizens closer to the European project, and better involve them in decisions."*
>
> Belgian ECC webpage
>
> *"We want to bring Europe closer to its citizens, make it more transparent, and win new trust."*
>
> German ECC webpage

Following the summit, however, there has been little to no explicit reference to the discussions, even in the 2019 EP election campaign. This could mean that the process has been largely forgotten, but several interviewees pointed out that the new Commission's priorities do reflect some of the same issues raised by citizens in the ECCs. Climate change, migration, European values and the rule of law were among the topics most frequently raised by citizens, and all of these feature prominently in the Commission's priorities. On the other hand, there is little evidence that these priorities were directly influenced by the ECCs, as they are rather obvious thematic priorities that were always likely to appear among the top issues. In other words, while there is *correlation* between the ECCs and the Commission's priorities, it is difficult to ascribe *causation* to them.

Additional expectations

Much of the communication about the ECCs by member states and the European Commission refers to additional goals of **raising awareness** about the EU and especially **bringing citizens and policy**

makers closer together, involving citizens more in decision-making, and winning their trust.[21]

The lack of a clear feedback loop through which citizens were informed about *how* their input was taken on board and used to shape policy priorities could contribute to a situation where they felt frustrated or considered their input to have been useless.[22] Nevertheless, it was a common theme expressed in several of the national reports that citizens appreciated being asked for their input and would welcome further opportunities to express their opinion in similar exercises: the national reports of Finland, Lithuania, Luxembourg and Slovenia mention that people in these countries explicitly called for the ECCs to become a permanent mechanism in the EU.[23] This suggests that the instrument was at least partially successful in this goal, though its status as a one-off initiative stops short of citizens' expectations.

2. Assessment of the ECCs against six criteria of good participation

In the following section, the European Citizens' Consultations are assessed in relation to six criteria of good participation: visibility, accessibility, representativeness, deliberativeness, transnationality and impact.

Visibility – held back by flexibility

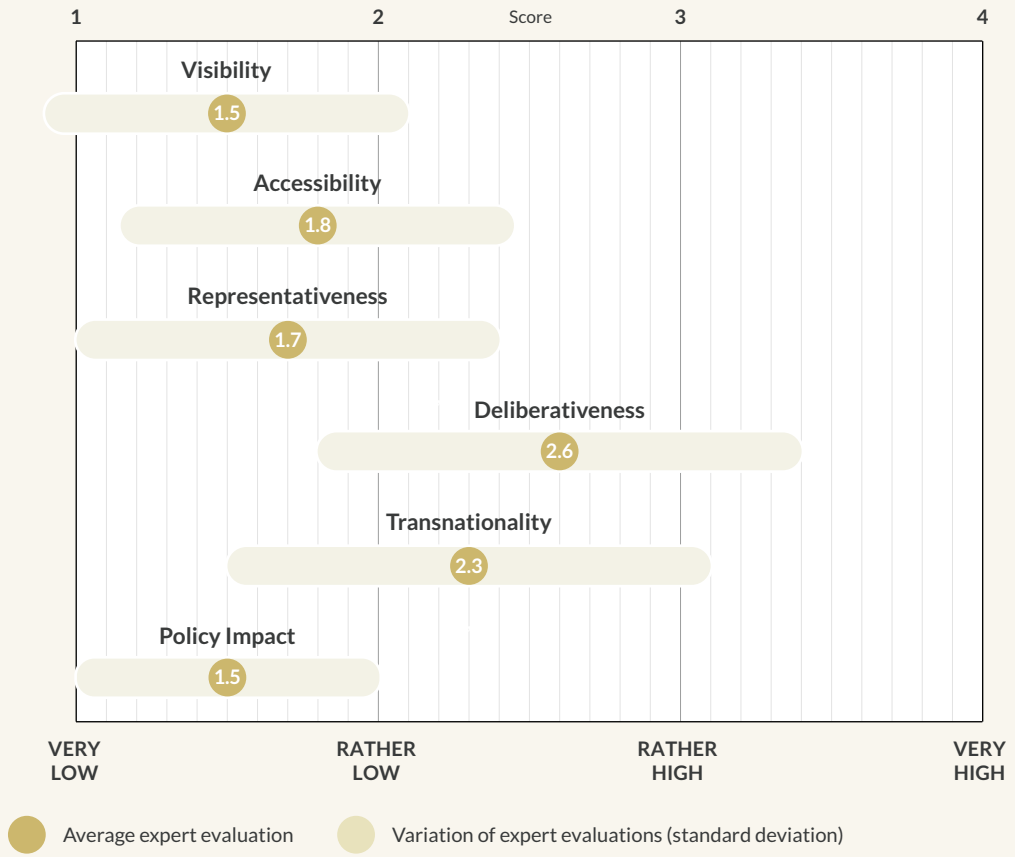
The visibility of the process was too low to deliver on many of its key goals, and it has largely failed to make a lasting impression.

The process is not well-known or recognised even among EU policy experts. Despite the relative novelty of an EU-wide citizen participation process with significant buy-in from member states, the ECCs did not enjoy a high profile in Brussels at the time of their implementation and remain virtually unknown even among many experts in citizen participation. Even in member states with considerable experience in citizen participation methods, such as Ireland and Germany, the process did not succeed in securing a high profile.[24]

The initiative's visibility was hampered by a lack of a common branding or even a consistent name. Macron's attempts to win backing for his idea required him to strike numerous compromises and give almost complete freedom to member states to implement the process according to their own wishes. This meant that, in practice, the ECCs took the form of 26 separate national processes, distinguished not only by their own formats and topics of discussion, but even their own national branding. Thus, each country used its own logo and name for the initiative. Although citizens were usually informed that their participation was part of an EU-wide effort, in practice it was difficult for them to understand or find out what other countries were doing. The lack of a common branding was exacerbated by the ambiguous relationship between this process and previous and concurrent initiatives like the Citizens' Dialogues, which created confusion and further harmed visibility. Some countries referred to their ECCs as "Citizens' Dialogues" (this was the case in Germany, Ireland and Lithuania), and the European Commission's events were partly merged with the ECCs in some other countries (including Portugal, Croatia and Belgium). The Council framework document acknowledges this variety of nomenclature when it refers to "the citizens' consultations (or, for some member states, citizens' dialogues or citizens' participations)".[25]

FIGURE 88 **Expert views on European Citizens' Consultations – criteria of good participation**

How high or low do the European Citizens' Consultations score in relation to six criteria of good participation?



The above scores are the result of a survey conducted among 59 EU democracy experts.

The standard deviation indicates how much the expert scores are spread out from the mean.
The smaller the standard deviation, the closer the scores are to the mean.

EUROPEAN POLICY CENTRE Source: Bertelsmann Stiftung/EPC expert survey BertelsmannStiftung

Visibility largely depended on how seriously the initiative was taken by the respective national governments and by the media. This is encapsulated by the fact that France outstrips all the other countries in terms of number of events, citizens engaged, and the high profile given to the process. The French process was appraised as quite successful, with one interviewee estimating that it tripled or quadrupled the Ministry of European Affairs' network of contacts.[26] This is unsurprising, since the exercise was a personal priority for the French President. Other countries' engagement largely depended on their own political priorities. Some, like Portugal and Spain, implemented quite substantial processes inspired by the French approach. Others made merely a token effort, or used it largely as an opportunity to promote the government's line on Europe, as happened in Poland.[27] The French government also made a larger financial commitment to the ECCs than other countries: while a large part of the annual budget for the French Ministry of Europeans Affairs was turned over to supporting the events, other countries struggled to find funding and thus inevitably approached the idea with less ambition.

In some countries, achieving a high degree of visibility may not even have been a priority. For example, the Netherlands was one of the most reluctant member states, as it was initially concerned about

FIGURE 89 **Logos weren't a problem: every process had its own branding**

EUROPEAN POLICY CENTRE Source: EPC Evaluation Report, 2018, pp. 64–71 BertelsmannStiftung

the potential for anti-EU or populist actors to hijack the events. In the end, the Dutch approach to the process was to initiate a small-scale series of closed-door discussions with participants chosen through an application process. In this way, the authorities traded a large, prominent initiative for something smaller but with a greater claim to reflect the views of a cross-section of Dutch society.

One other illustrative country was Italy, where the initiative simply failed to materialise at all, following a political crisis and change of government.[28]

The European Parliament was largely absent from the process, depriving the ECCs of its outreach and campaigning experience. While the ECCs broke new ground in getting the European Council/Council of the European Union involved in an EU-wide participation effort, and the European Commission, Committee of the Regions and Economic and Social Committee played a role in coordinating and contributing to the process, the European Parliament was conspicuously absent. Individual MEPs did participate in some events, but the Parliament as an institution did not have a formal role and appears to have been mostly concerned with its own preparations for the 2019 election campaign. This meant that the Parliament's campaigning experience and network of contacts were under-utilised in promoting the events and questionnaire.[29]

Accessibility – open and flexible, but largely invisible

Both online and in-person aspects of the initiative were generally accessible, but low visibility prevented people from participating in practice.

The European-level and online aspects of the process were easily accessible. Anybody could fill in the online questionnaire and use the Commission's website to find events in their country, and the Commission website provided a convenient central point bringing together the disparate national processes. Although the national websites varied significantly in format, ranging from dedicated platforms to a simple page on the Ministry of European Affairs website, all of them provided

sufficient information about what the process was, why people should get involved, and where and how they could find events near them.

Although from a technical standpoint the online questionnaire was accessible and easy to use, the formulation of the questions meant that it required a fairly significant investment of time and effort for a citizen to fill in.[30] Many of the national websites provided links to the questionnaire, but most member states did not use its questions as a basis of discussions, finding them too complicated. A few countries (notably Greece and Austria) even substituted their own, simpler questionnaires. However, given that the questionnaire was formulated by the Citizens' Panel, and so reflected the priorities and ideas of citizens themselves, it would have been difficult to justify significant changes or simplifications after it had been drafted.

Variation between national formats meant that not all European citizens had equal access to events. With a handful of exceptions, notably in Ireland, the Netherlands, and a few events in France, the ECCs were open to all. Anybody who wished to attend could simply show up and participate. In a few cases, registration was required ahead of time to ensure the venues were big enough – but even then, nobody was turned away.

However, once again there were differences between countries. The events in Ireland and the Netherlands used selected audiences to approximate some degree of representativeness. The accessibility of events naturally depended to a great extent on their visibility, as citizens needed to be aware they were taking place: as promotional outreach was generally low, in practice this often led to restricted accessibility. For example, events in Hungary appear to have been promoted primarily through the mailing lists of the ruling party, meaning others were not able to attend.

Civil Society Organisations (CSOs) and citizens acted as multipliers. The French approach to the initiative involved a process known as 'labelisation': any CSO, or even a private citizen, could apply for funding and support from the Ministry of European Affairs to organise their own consultation. When doing so, they had to commit to filling in a reporting form using the same template as all other events, and there were certain restrictions on the format, such as the requirement to dedicate at least 50 percent of the event time to questions and comments from citizens.[31] The Ministry of European Affairs dedicated its entire annual budget for event subsidies (about 600,000 euros) to this effort.[32] While certain other countries followed a similar approach (including Spain and Lithuania), this was very much an exception, with most countries implementing a top-down government-led process or partnering with a CSO to deliver a set number of events. Nevertheless, the experiment with the labelisation process proved that it was possible to grant considerable ownership to the citizens themselves. It also increased accessibility: if there was no event nearby that a citizen could attend, people could apply to organise and promote their own.

Representativeness – an ongoing experiment

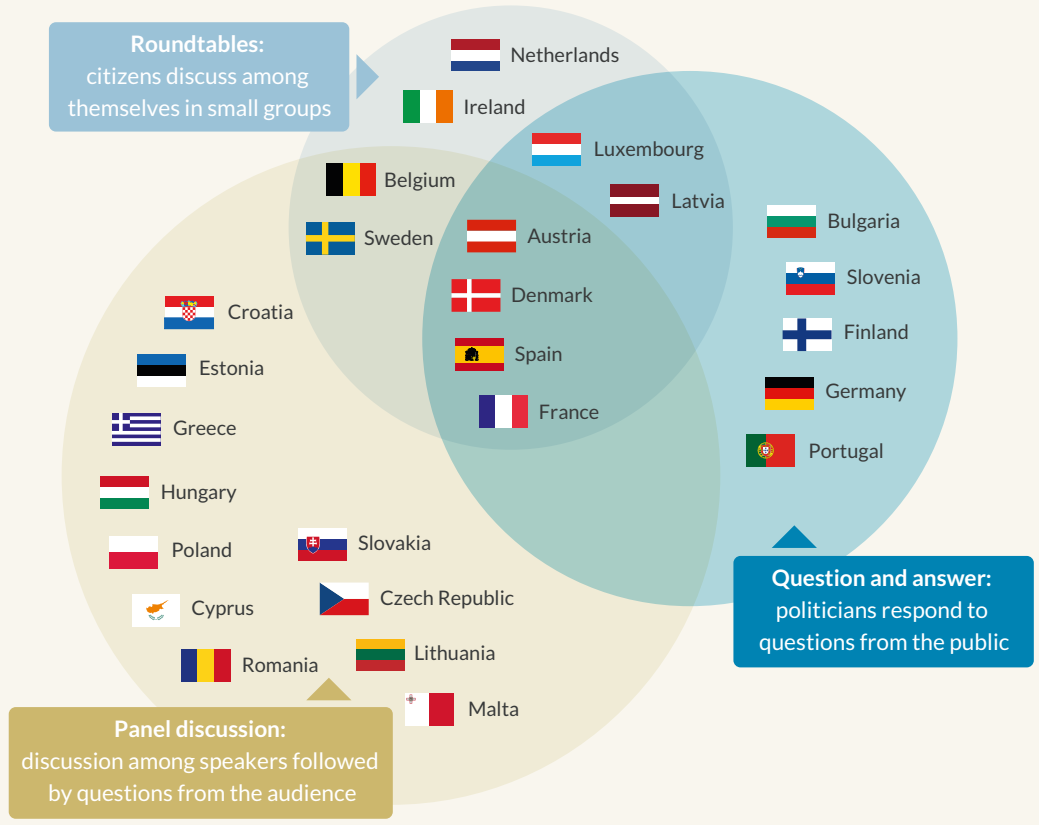
Apart from the Citizens' Panel and a small number of other events, it mainly remained an exercise for the usual pro-European crowd.

There was no attempt to select or limit attendance, meaning it was mostly the 'usual suspects' who participated. The open-access nature of most of the events, combined with their low visibility, almost inevitably meant that the majority of attendees were the same motivated, politically engaged, pro-European people who typically attend events about Europe.[33] The common framework encouraged member states to endeavour to reach beyond such groups and engage more diverse audiences, especially those who did not already hold pro-EU opinions. In practice, these efforts were generally limited to holding events in small towns and rural locations. While many organisers expressed satisfaction with the relative diversity of the audiences who attended, none of them gathered data about demographics, making it difficult to say how diverse the participants really were.

Some countries took the opportunity to trial new, more participatory or representative formats. The initiative was experimental, with each country participating with whichever format it felt

FIGURE 90 **Different member states, different approaches to citizen participation**

(Broad categorisations)



EUROPEAN POLICY CENTRE Source: EPC Evaluation Report, 2018, pp. 64–71 BertelsmannStiftung

comfortable with. For most, this meant a relatively unambitious question and answer debate not unlike the Citizens' Dialogues. But some countries used the opportunity to try new models, such as the labelisation experiment in France, or the closed-door roundtable discussions used in the Netherlands and Ireland. The Dutch example is particularly noteworthy here because it was accompanied by a country-wide opinion poll which sought to gather views from a representative sample – the Dutch government being particularly concerned about the generalisability of the input they received and eager to avoid amplifying fringe voices. (In this, their worries seem to have been unfounded, as populist or Eurosceptic views do not appear to have been prominent in any country.) Overall, the initiative's priority was to get all member states involved in a common process, with other methodological considerations being of secondary importance: this means many organisers saw it as an experiment which could be improved upon in the future, with the question of representativeness being one aspect to build upon.[34]

The Joint Framework's reference to a "very significant number" of citizens (see Objective 1) suggests that the process was intended to reach enough people that its results could not be merely written off as the views of a select pro-European elite. However, as detailed above, it failed to reach the large numbers expected, and in practice it is probably true that the outcome disproportionately reflects the views of the politically-engaged 'usual suspects'. That said, there were elements of the process that aimed to bolster its inclusiveness: besides the events in the Netherlands and Ireland, the Citizens' Panel was an important starting point, consisting of citizens selected by a

polling company to reflect the diversity of Europe as closely as was possible with a group of just 100 people. However, the Panel's task was to draft the questionnaire, rather than to express their own views about political priorities.

Deliberativeness – a core guiding principle

More dialogue and deliberation than in the usual EU discussions – but most formats remained largely traditional.

All events had to include a deliberative aspect, but this varied significantly between countries and event formats. It was already clear from Macron's vision that the purpose of the ECCs was for politicians to hear from citizens, not merely lecture them. Accordingly, the joint framework set out guidelines to encourage a deliberative aspect in all events. For other organisers, too, deliberation was key: the French labelisation process mandated that at least 50 percent of event time should be dedicated to questions from or discussions with citizens, while governments that partnered with CSOs to deliver the events often chose organisations with experience in citizen participation methods such as the Institute for Electronic Participation (INePA) in Slovenia, ManaBalss (My Voice) in Latvia, and Netwerk Democratie in the Netherlands.[35]

Nonetheless, in many countries (notably in Central and Eastern Europe, including Poland, Hungary, and Romania) the predominant event format was a simple panel discussion or lecture from a political figure without any more ambitious deliberative aspect. Only a small minority of events had a strongly deliberative approach, with citizens encouraged to discuss matters among themselves:

FIGURE 91 **Ownership of the European Citizens' Consultations**

EUROPEAN POLICY CENTRE Source: EPC Evaluation Report, 2018 pp. 64–71 BertelsmannStiftung

the closed-door roundtable format used in Ireland and the Netherlands, whereby citizens discussed topics among themselves before presenting their conclusions as a group to politicians, was very much the exception.

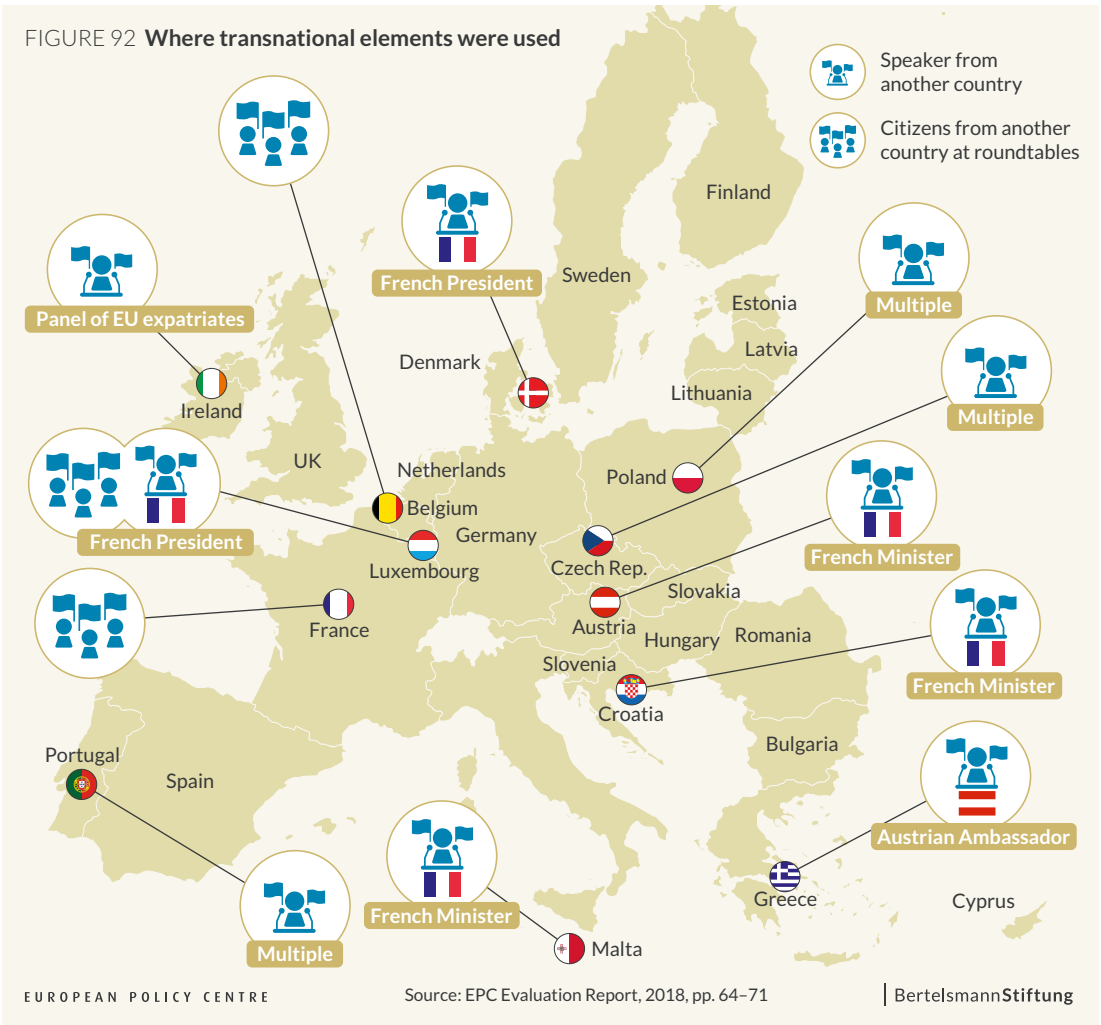
The Citizens' Panel enabled a significant degree of deliberation between citizens from all walks of life, ensuring the questionnaire took varied perspectives into account. The format of the Citizens' Panel involved a weekend of intense deliberation among citizens, with minimal input from politicians or experts, to ensure that the topics they chose reflected their own priorities, arrived at through a process of consensus. Thus, the process was kicked off by an exercise designed to encourage in-depth deliberation, but the majority of the follow-up events did little to build on this starting point.

Transnationality – national processes with a European layer

Each country effectively ran its own process, with little in common with the others; however, the European level provided by the European Commission kept the process from becoming entirely national.

Citizens were informed that the same debate was happening across Europe. Although each member state implemented its own process and did not necessarily seek to encourage a strongly transnational discussion, each national website referred to the fact that all EU member states were holding the same debate at the same time. Thus, even if their experience of that debate remained strictly national, citizens participated with an awareness that their discussions made up part of a larger European whole.

FIGURE 92 **Where transnational elements were used**



EUROPEAN POLICY CENTRE

Source: EPC Evaluation Report, 2018, pp. 64–71

BertelsmannStiftung

In practice, the initiative largely unfolded as 27 national processes, with little in the way of a transnational perspective. As a result of the considerable flexibility granted to member states in exchange for their agreement to participate, each country in effect had its own experience of the ECCs, under the leadership of the national government, without any transnational dimension. There were a handful of exceptions, predominantly in border regions, where events were organised with citizens from two different countries – for example, in Strasbourg (French-German) and Lille (French-Belgian). A few events also included guest speakers from other countries: notably, Emmanuel Macron appeared alongside Portuguese Prime Minister Antonio Costa in Lisbon, and Macron's European Affairs Minister Nathalie Loiseau participated in events in Croatia, Austria and Malta. However, this merely demonstrates the French leadership of the process, with the most significant cross-border appearances being by French politicians.

The online questionnaire did not create the wished-for single European conversation. The online questionnaire formulated by the Citizens' Panel and hosted by the European Commission provided an important overarching European level to the whole process. However, any hope that the questionnaire may have been used as the basis of discussions in the member states, or that all the events would treat its questions as a starting point for debate, was largely in vain: as with so many other aspects of the process, national flexibility meant that member states preferred to set their own topics of discussion. To an extent, this may have been motivated by the perception that the questionnaire was too detailed or complicated (see "Accessibility" section, above).

The Citizens' Panel was a ground-breaking experiment in transnational citizen participation. The Citizens' Panel represented one of the first times that the European Commission had experimented with a transnational citizen participation event involving people from all the EU27. Organised at short notice and on a tight budget, it was generally perceived as a success by the Commission and by civil society actors who participated in designing and facilitating it.[36] This positive experience may have laid the groundwork for further use of ambitious transnational citizen participation methods, as can be seen by the increasing number of cross-border Citizens' Dialogues (see Citizens' Dialogues chapter) and the European citizens' panels of the Conference on the Future of Europe.

Impact – more cultural than policy-oriented

Although they were briefly discussed at the December 2018 European Council, it is difficult to trace any real policy influence resulting from the ECCs. The real impact of the process is likely to be its effect on thinking about citizen participation in the EU institutions and member states.

Discussion of the initiative by heads of state and government was very limited. The Council conclusions acknowledge the process and express the view that it is important and will help shape the EU's agenda. However, there is no indication of how exactly it has done so, or what ideas the leaders were especially influenced by, if any. Overall, it seems that the exercise was discussed very briefly and did not make a significant impression on the Council. That could be interpreted as a letdown, given the significance placed on the summit as an endpoint for the whole process. But on the other hand, given the space available in the Council conclusions and the number of other important issues discussed (which on that occasion included the Multiannual Financial Framework, the escalation of tensions between Russia and Ukraine in the Black Sea, and the implementation of the EU Action Plan against Disinformation ahead of the European elections), it is arguably quite significant that the process earned an explicit mention in the conclusions. Its inclusion suggests that the European Council sought to indicate that the ECCs were not a futile exercise and that they were indeed noticed at the highest level of EU decision-making.

However, there is little indication that the events were remembered or the discussions revisited following the Council summit. Plans for a final European-level event to close the process, like the Citizens' Panel that formally began it, fell through.[37] The 2019 European Parliament election campaign theoretically offered a good opportunity

for candidates and campaigners to refer to the ECCs and the issues raised in them, using the discussions to inform their manifestos and campaign talking points; but in practice, there was virtually no reference made to them. Similarly, the political priorities of the von der Leyen Commission fail to refer explicitly to the ECCs and close the "feedback loop". This is the case even though there are close parallels between the topics discussed and the policy priorities formulated by the Commission, suggesting that the omission of the events is a missed opportunity.[38] Some policymakers and high-level

FIGURE 93 **The European Citizens' Consultations through the lens of six criteria of good participation**

Visibility

The visibility of the process was too low to deliver on many of its key goals, and it has largely failed to make a lasting impression.

Deliberativeness

More dialogue and deliberation than in the usual EU discussions – but most formats remained largely traditional.

Accessibility

Both online and in-person aspects of the initiative were generally accessible, but low visibility prevented people from participating in practice.

Transnationality

Each country effectively ran its own process, with little in common with the others; however, the European level provided by the European Commission kept the process from becoming entirely national.

Representativeness

Apart from the Citizens' Panel and a small number of other events, it mainly remained an exercise for the usual pro-European crowd.

Impact

Despite being briefly discussed at the December 2018 European Council, it is difficult to trace any real policy influence resulting from the ECCs. The real impact of the process is likely to be its effect on thinking about citizen participation in the EU institutions and member states.

EUROPEAN POLICY CENTRE Source: own illustration | BertelsmannStiftung

politicians have openly referred to the process as an example of bad practice in the sense that the follow-up was so limited and confined to "elite" discussions at the Council: for example, German Foreign Minister Michael Roth highlighted it as a case of unfulfilled expectations at a meeting of the Constitutional Affairs Committee at the European Parliament.

> *"For years now we've had experience with different types of dialogue. And my personal view is that the latest initiative failed. As you know, upon the initiative of the French President, the member states set up citizens' consultations. There was a final report then. The heads of state and government took note of it at the European Council – and that was it. So that last initiative fell short as well."*
>
> *"But now [in the context of the Conference on the Future of Europe] it's important for the three institutions to agree to a common basis, not so that we produce more paper and more documents, but so that we can have an honest dialogue and an honest invitation to our citizens to be part of the process."*[39]

The exercise did introduce reluctant member states to new ideas about citizen participation, possibly preparing the way for more ambitious future projects. In the absence of clear connections between policy proposals and the ECCs, the most enduring legacy of the process may be a cultural one. By introducing the member states, the Council and the European Commission to the idea of a pan-European citizen participation exercise, including transnational elements such as the Citizens' Panel, some interviewees argued that the ECCs have contributed to a cultural shift within the institutions and opened the door for other experiments in European citizen participation. This is most apparent in the idea and design of the Conference on the Future of Europe, which appears to owe much to the experience of the ECCs. In the words of one expert interviewed for this project, the ECCs may turn out to be a "dry run" for the Conference, having demonstrated to institutions that such a thing is possible.[40] At the same time, for some – such as Michael Roth – they are an example of how *not* to conduct a citizen participation exercise, given the lack of follow-up. The ECCs can therefore be seen as a source of lessons, both good and bad, for future initiatives.

4. Conclusion

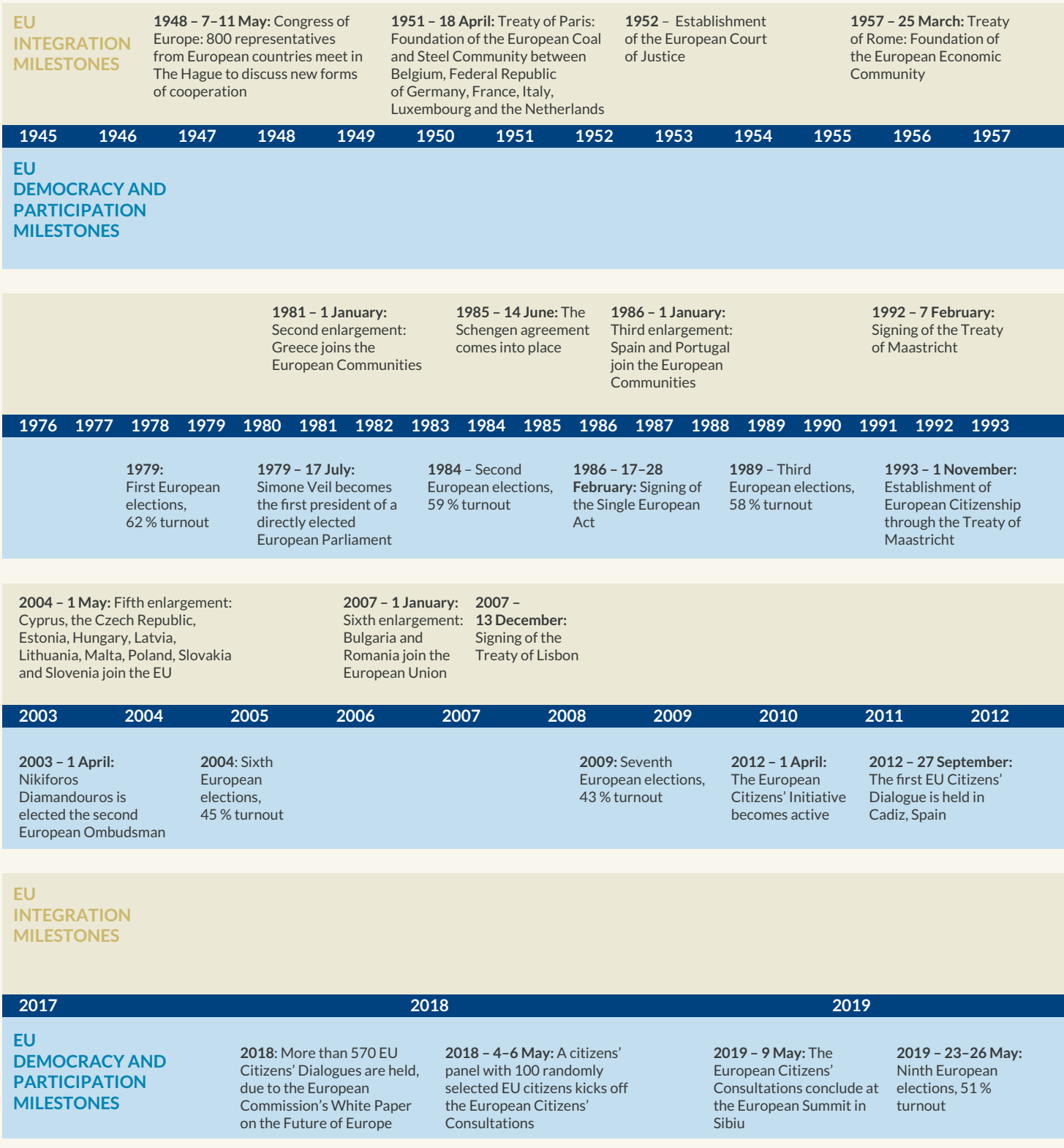
The European Citizens' Consultations were deficient in many respects, with the high degree of flexibility afforded to the member states creating significant barriers when it came to visibility, transnationality and comparability. The follow-up, too, was not merely less than expected but was almost completely lacking outside of a single paragraph in the December 2018 European Council conclusions. Macron's initial vision of a single Europe-wide debate, involving a large number of citizens and paving the way for a serious discussion on EU reform, failed to come to fruition. Even in his own country, it was largely overshadowed by the *Grand Débat*, which applied a similar format to discussions at a national level, with a considerably higher degree of media attention and public response.

Nonetheless, the ECCs were a significant experiment that likely influenced the idea and design of the Conference on the Future of Europe. Many of the aspects that hindered the ECCs – such as the perceived leadership of a controversial political figure (Macron), the absence of the European Parliament, and the lack of a common format – have been resolved in the design of the Conference, which seems set to implement a similar idea with greater resources, a higher profile, and a much greater degree of institutional buy-in.

That said, their possible influence on the Conference on the Future of Europe is not the only noteworthy outcome of the ECCs. While being superficially similar to the Citizens' Dialogues in many respects, the ECCs demonstrated that it was possible for member states and the European Council to take a role in organising consultation-oriented events to discuss European topics, and that they could do so with a certain degree of EU-wide coordination. While it appears that such a decentralised approach leads to a process that is too diverse to be coherent, this lesson indicates that the idea of the ECCs may have long-term promise even beyond the timeline of the Conference on the Future of Europe. Just as the European Commission implements Citizens' Dialogues on an ongoing basis, the member states in cooperation with civil society could contribute to engaging citizens on European issues as a kind of permanent process of consultation using an instrument based on the ECCs. The European Committee of the Regions and the European Economic and Social Committee made just such a proposal following the conclusion of the ECCs when they called for a "permanent mechanism for structured consultations" with citizens.[41] Thus, even beyond the immediate context of the Conference on the Future of Europe and its follow-up, the ECCs could provide lessons for how to involve these layers of government and civil society in debates and consultation exercises at a European level.

EU democracy and participation: a timeline

FIGURE 94 **EU democracy and participation: a timeline**



EUROPEAN POLICY CENTRE

Source: own illustration

1958 – 7 January: Walter Hallstein becomes first EU Commission president

1967 – 1 July: The Merger Treaty: creating a single Council of Ministers and a Commission for the European Communities

1973 – 1 January: First enlargement of the European Communities: Denmark, Ireland and the United Kingdom join

1974 – 9 December: Creation of the European Council

1974: First Eurobarometer survey

1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975

1958 – 19 March: First meeting of the European Parliamentary Assembly (predecessor to the European Parliament)

1958: First Petition submitted to the EU's Common Assembly

1962 – 30 March: The Common Assembly is renamed the European Parliament

1994 – 1 January: Fourth enlargement: Austria, Finland and Sweden join the EU

1997 – 2 October: Signing of the Treaty of Amsterdam

1998 – 1 June: Creation of the European Central Bank

2001 – 26 February: Signing of the Treaty of Nice

2002 – 1 January: The Euro becomes the common currency of 12 EU countries

1994 1995 1996 1997 1998 1999 2000 2001 2002

1994: Fourth European elections, 57 % turnout

1995 – 12 July: Jacob Söderman is appointed the EU's first Ombudsman

1999: Fifth European elections, 50 % turnout

2000 – 7 December: The European Charter of Fundamental Rights is signed

2001 – 6 September: The European Parliament approves the European Code of Good Administrative Behaviour

2001 – 12 October: The European Commission issues guidelines for public consultations through its White Paper on European Governance

2013 – 1 July: Seventh enlargement: Croatia joins the EU

2013 2014 2015 2016

2013 – 21 March: *Right2Water* becomes the first successful ECI

2013 – 3 July: Emily O'Reilly is elected as the third European Ombudsman

2014: Eighth European elections, 43 % turnout

2014 – 19 November: Establishment of the European Parliament's Petitions Webportal

2015 – 19 May: The European Commission's "Better Regulation" guidelines identify stakeholder consultations as an essential step in preparing legislative proposals

2021 – January 1: The UK fully exits the EU

2020 2021

Since 04/2021: In the Conference on the Future of Europe, EU citizens and policymakers explore possibilities for a more democratic EU integration process

2020 – 1 January: A new ECI regulation enters into force

2020 – 27–30 October: The European Commission holds its first entirely digital transnational Citizens' dialogue with randomly selected citizens from five countries in cooperation with the Bertelsmann Stiftung

BertelsmannStiftung

Annex

FIGURE 95A **Statistical Annex: eupinions survey**

QUESTION 1: **What, if anything, is it that holds you back from participating (more) in European politics?**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. I don't have (enough) time	**18**	17	14	26	16	14	16	18
B. I'm not interested (enough) in European politics	**19**	25	17	17	28	14	23	18
C. I don't know (enough) about European politics	**29**	28	34	23	27	34	29	28
D. I find it (too) complicated and burdensome	**18**	21	17	18	23	17	21	14
E. I don't believe that it will make (enough of) a difference	**32**	31	31	33	31	25	31	38
F. I don't believe it is necessary for me to participate (more)	**17**	15	14	17	14	20	16	23

QUESTION 2: **To what extent do you agree or disagree with the following statement: "My voice counts in the European Union."**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. Totally agree	**12**	13	11	15	11	7	13	10
B. Tend to agree	**34**	32	31	37	33	28	33	40
C. Tend to disagree	**35**	36	37	34	36	31	37	35
D. Totally disagree	**19**	20	21	14	20	34	17	15

QUESTION 3: **EU citizens can participate in European politics in several ways. Which of the following statements do you believe to be true? EU citizens can ...**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. ... vote in European Parliament elections.	**49**	45	51	54	36	42	48	63
B. ... submit a petition to the European Parliament.	**28**	26	23	33	22	28	24	37
C. ... participate in a European Citizens' Senate that approves and rejects EU legislation.	**8**	12	8	5	14	10	12	4
D. ... start a European Citizens' Initiative to propose new EU legislation.	**19**	22	23	22	17	17	23	11
E. ... vote in an EU-wide referendum on proposals for EU legislation.	**23**	21	21	13	31	20	26	25
F. ... vote in the election of the President of the European Commission.	**13**	13	14	11	14	14	12	15
G. ... give feedback on existing and upcoming EU policies.	**19**	18	22	24	21	17	16	9
H. ... vote in the election of the European Commissioner representing their country.	**20**	19	18	12	15	24	24	17

Fieldwork: between 5 March and 25 March 2020, total respondents: 11,467, data is weighted, all values are percentages.

Source: research conducted by Dalia Research

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	19	17	23	18	14	19	23	22	17	11	17	20
	18	20	16	19	21	25	26	20	17	15	20	17
	29	30	26	30	33	24	34	30	28	30	35	23
	18	18	20	18	17	22	20	19	18	16	18	19
	32	33	31	33	31	27	28	31	33	37	30	34
	18	16	18	17	16	16	14	16	17	23	15	19

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	11	12	11	11	12	16	16	12	10	10	11	12
	35	33	37	34	33	28	39	33	33	38	35	34
	35	35	36	35	32	35	32	37	36	31	37	33
	19	20	16	19	23	22	13	18	22	20	17	21

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	50	47	57	50	40	26	41	44	52	57	47	51
	28	27	33	29	21	24	24	28	29	29	28	28
	9	8	9	8	8	13	11	9	7	8	8	9
	20	18	23	19	17	17	20	20	19	20	19	19
	23	22	26	23	19	19	21	22	23	23	23	22
	13	13	11	13	16	17	17	14	12	12	13	13
	20	18	23	19	17	17	25	20	18	17	19	20
	21	19	19	21	21	17	25	20	19	22	21	19

FIGURE 95B **Statistical Annex: eupinions survey**

QUESTION 4: **Which of the following, if any, have you ever done?**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. Voted in European elections	**53**	52	56	54	48	51	44	55
B. Signed a European Citizens' Initiative	**10**	9	12	12	7	5	9	10
C. Signed a petition to the European Parliament	**11**	8	9	16	6	11	8	8
D. Filled out an online public consultation of the European Commission	**6**	8	5	7	6	3	5	4
E. Joined a Citizens' Dialogue or a European Citizens' Consultation	**5**	5	3	5	5	6	4	4
F. Contacted the European Ombudsman with a complaint	**2**	3	3	2	1	1	4	2
G. Contacted an EU institution or EU politician	**4**	5	2	4	2	3	4	3
H. None of the above	**35**	33	34	30	40	37	42	35

QUESTION 5: **Imagine you witness two people discussing European politics on the street. Whom would you rather agree with:**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. Person A: "The EU is complex. That is why EU decision-making should be left to experts and politicians."	**22**	28	22	22	22	24	34	17
B. Person B: "The EU affects my daily life. That is why citizens should have a bigger say in EU decision-making."	**78**	72	78	78	78	76	66	83

QUESTION 6: **How easy or difficult is it for you to participate in local politics?**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. Very easy	**9**	10	8	10	7	6	10	11
B. Rather easy	**37**	35	32	44	40	32	40	45
C. Rather difficult	**31**	29	36	29	29	35	23	22
D. Very difficult	**9**	10	10	7	9	13	7	8
E. I don't know	**14**	16	14	11	15	14	19	14

Fieldwork: between 5 March and 25 March 2020, total respondents: 11,467, data is weighted, all values are percentages.

Source: research conducted by Dalia Research

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	53	51	64	53	41	29	35	50	57	63	51	55
	10	9	13	9	6	9	8	10	10	9	10	10
	11	10	12	11	8	6	11	12	10	10	11	10
	6	5	8	5	5	7	10	7	4	5	6	6
	5	4	5	5	4	4	6	6	3	3	4	6
	2	2	3	2	2	6	3	3	2	1	2	3
	4	3	5	3	3	4	4	4	3	4	3	4
	34	37	24	35	44	48	45	34	33	30	37	31

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	23	20	25	21	22	31	30	26	19	17	21	24
	77	80	75	79	78	69	70	74	81	83	79	76

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	8	10	10	8	8	10	10	9	8	8	7	10
	37	39	43	38	30	24	39	38	35	40	34	40
	31	29	29	31	32	28	30	32	32	26	33	29
	10	9	8	9	12	12	7	9	11	10	10	9
	14	14	9	13	19	25	14	12	14	15	16	12

FIGURE 95C **Statistical Annex: eupinions survey**

QUESTION 7: **How easy or difficult is it for you to participate in national politics?**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. Very easy	**5**	5	5	5	3	3	4	6
B. Rather easy	**23**	19	19	30	18	18	23	38
C. Rather difficult	**38**	39	42	40	41	40	37	30
D. Very difficult	**22**	22	23	14	25	26	18	13
E. I don't know	**12**	15	11	10	13	12	17	12

QUESTION 8: **How easy or difficult is it for you to participate in European politics?**

	EU27	Belgium	Spain	Germany	France	Italy	Netherlands	Poland
A. Very easy	**3**	4	3	4	2	2	3	3
B. Rather easy	**12**	12	10	17	9	8	10	25
C. Rather difficult	**36**	30	36	42	33	36	27	33
D. Very difficult	**35**	40	37	26	43	41	40	22
E. I don't know	**14**	14	13	11	13	13	20	17

Fieldwork: between 5 March and 25 March 2020, total respondents: 11,467, data is weighted, all values are percentages.

Source: research conducted by Dalia Research

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	5	4	4	5	4	7	5	5	4	4	3	6
	24	23	27	24	19	16	26	23	22	25	21	26
	38	38	41	38	38	33	40	40	37	37	40	37
	21	22	20	22	23	19	17	21	24	22	22	21
	12	12	8	12	17	25	13	11	12	12	14	10

	Urban	Rural	High education	Medium education	Low education	No education	14–24	25–40	41–60	60+	Female	Male
	3	2	3	2	3	5	4	4	2	2	2	4
	12	12	14	13	10	12	14	12	12	13	11	13
	36	35	38	36	34	24	35	38	35	35	37	35
	34	36	36	35	35	30	32	33	37	37	35	35
	14	15	9	14	18	29	15	13	14	13	16	12

FIGURE 96A **Statistical Annex: expert survey**

INTRODUCTORY QUESTIONS

QUESTION: **Do you tend to agree or tend to disagree with the following statements?**

	Number of experts who responded with a given answer						
	1 (totally disagree)	**2** (tend to disagree)	**3** (tend to agree)	**4** (totally agree)	**Mean score**	Standard deviation	Total respondents
1. The appropriate instruments for citizen participation at EU level are in place	7	20	29	3	**2.5**	0.8	59
2. The existing EU participation instruments function as they should	4	40	14	1	**2.2**	0.6	59
3. The existing EU participation instruments are sufficiently known and used	31	25	3	0	**1.5**	0.6	59

STATED OBJECTIVES

QUESTION: **How well or how poorly do European elections perform in relation to the given objectives?**

	Number of experts who responded with a given answer						
	1 (very poorly)	**2** (rather poorly)	**3** (rather well)	**4** (very well)	**Mean score**	Standard deviation	Total respondents
Objective 1: To provide representation for EU citizens at Union level	1	22	32	4	2.7	0.6	59

QUESTION: **How well or how poorly does the European Citizens' Initiative perform in relation to the given objectives?**

	Number of experts who responded with a given answer						
	1 (very poorly)	**2** (rather poorly)	**3** (rather well)	**4** (very well)	**Mean score**	Standard deviation	Total respondents
Objective 1: To allow EU citizens to invite the European Commission to submit a legislative proposal	11	31	16	1	2.1	0.7	59
Objective 2: To encourage citizen participation	11	37	10	1	2.0	0.7	59
Objective 3: To make the Union more accessible	13	37	8	1	1.9	0.6	59

QUESTION: **How well or how poorly do European Ombudsman complaints perform in relation to the given objectives?**

	Number of experts who responded with a given answer						
	1 (very poorly)	**2** (rather poorly)	**3** (rather well)	**4** (very well)	**Mean score**	Standard deviation	Total respondents
Objective 1: To give EU citizens the right to complain about maladministration in the activities of the Union institutions, bodies, offices or agencies and to obtain a reply	0	6	32	19	3.2	0.6	57
Objective 2: To improve the protection of citizens in connection with cases of maladministration by European Union institutions, bodies, offices or agencies	0	7	43	7	3.0	0.5	57
Objective 3: To enhance openness and democratic accountability in the decision-making and administration of the EU's institutions	4	20	27	6	2.6	0.8	57

Fieldwork: between March 2020 and July 2020, 59 experts in total.

Source: research conducted by Bertelsmann Stiftung

BertelsmannStiftung

FIGURE 96B **Statistical Annex: expert survey**

STATED OBJECTIVES

QUESTION: **How well or how poorly do online public consultations perform in relation to the given objectives?**

	Number of experts who responded with a given answer						
	1 (very poorly)	**2** (rather poorly)	**3** (rather well)	**4** (very well)	**Mean score**	Standard deviation	Total respondents
Objective1: To ensure coherence and transparency in the Union's actions	5	36	17	0	2.2	0.6	58
Objective 2: To enable the European Commission to consider the input and views provided by citizens, enhancing its capacity to identify and promote the general public interest of the Union in its policy initiatives	10	29	17	1	2.2	0.7	57
Objective 3: To improve the evidence base underpinning policy initiatives	9	21	26	1	2.3	0.8	57

QUESTION: **How well or how poorly do the Citizens' Dialogues perform in relation to the given objectives?**

	Number of experts who responded with a given answer						
	1 (very poorly)	**2** (rather poorly)	**3** (rather well)	**4** (very well)	**Mean score**	Standard deviation	Total respondents
Objective 1: To enable the European Commission to present and communicate its agenda	7	24	22	3	2.4	0.8	56
Objective 2: To enable the European Commission to listen to citizens' ideas	13	35	8	0	1.9	0.6	56
Objective 3: To enable the European Commission to engage with stakeholders	6	22	27	1	2.4	0.7	56

QUESTION: **How well or how poorly did the European Citizens' Consultations perform in relation to the given objectives?**

	Number of experts who responded with a given answer						
	1 (very poorly)	**2** (rather poorly)	**3** (rather well)	**4** (very well)	**Mean score**	Standard deviation	Total respondents
Objective 1: To involve a very significant number of European citizens	12	36	7	0	1.9	0.6	55
Objective 2: To identify Europeans' main concerns, hopes and expectations	8	28	17	2	2.2	0.7	55
Objective 3: To help Heads of State and Government to identify priorities for action over the next few years, starting at the December 2018 European Council	18	27	9	1	1.9	0.7	55

CONCLUDING QUESTION

QUESTION: **All things considered, how successful or how unsuccessful do you believe the EU institutions are in facilitating citizen participation?**

Number of experts who responded with a given answer						
1 (very unsuccess-ful)	**2** (rather unsuccess-ful)	**3** (rather successful)	**4** (very successful)	**Mean score**	Standard deviation	Total respondents
7	41	10	0	2.1	0.5	58

Fieldwork: between March 2020 and July 2020, 59 experts in total.

Source: research conducted by Bertelsmann Stiftung

BertelsmannStiftung

FIGURE 96C **Statistical Annex: expert survey**

EVALUATION CRITERIA

QUESTION: **How high or how low is the visibility of each of the following instruments (i.e. to what extent does the public at large know about these instruments)?**

Number of experts who responded with a given answer

	1 (very low)	**2** (rather low)	**3** (rather high)	**4** (very high)	**Mean score**	Standard deviation	Total respondents
European elections	0	1	25	32	3.5	0.5	58
European Citizens' Initiative	19	31	7	1	1.8	0.7	58
Petitions to the European Parliament	23	31	4	0	1.7	0.6	58
Complaints to the European Ombudsman	22	26	9	0	1.8	0.7	57
Online public consultations	34	22	2	0	1.4	0.6	58
Citizens' Dialogues	35	22	1	0	1.4	0.5	58
European Citizens' Consultations	33	21	4	0	1.5	0.6	58

QUESTION: **How high or how low is the accessibility of each of the following instruments (i.e. how easy is it for individual citizens to use these instruments)?**

Number of experts who responded with a given answer

	1 (very low)	**2** (rather low)	**3** (rather high)	**4** (very high)	**Mean score**	Standard deviation	Total respondents
European elections	0	0	12	46	3.8	0.4	58
European Citizens' Initiative	5	28	25	0	2.3	0.6	58
Petitions to the European Parliament	6	20	23	9	2.6	0.9	58
Complaints to the European Ombudsman	7	13	30	8	2.7	0.9	58
Online public consultations	9	24	20	5	2.4	0.8	58
Citizens' Dialogues	14	35	6	1	1.9	0.6	56
European Citizens' Consultations	20	31	4	1	1.8	0.7	56

QUESTION: **How high or how low is the representativeness of each of the following instruments (i.e. to what extent do the citizens using these instruments reflect the public at large)?**

Number of experts who responded with a given answer

	1 (very low)	**2** (rather low)	**3** (rather high)	**4** (very high)	**Mean score**	Standard deviation	Total respondents
European elections	1	5	33	19	3.2	0.7	58
European Citizens' Initiative	18	33	7	0	1.8	0.6	58
Petitions to the European Parliament	26	25	7	0	1.7	0.7	58
Complaints to the European Ombudsman	23	28	6	0	1.7	0.6	57
Online public consultations	27	26	5	0	1.6	0.6	58
Citizens' Dialogues	30	20	8	0	1.6	0.7	58
European Citizens' Consultations	28	21	8	1	1.7	0.8	58

Fieldwork: between March 2020 and July 2020, 59 experts in total.

Source: research conducted by Bertelsmann Stiftung

BertelsmannStiftung

FIGURE 96D **Statistical Annex: expert survey**

EVALUATION CRITERIA

QUESTION: **How high or how low is the deliberativeness of each of the following instruments (i.e. to what extent do these instruments involve interaction and reflection)?**

Number of experts who responded with a given answer

	1 (very low)	2 (rather low)	3 (rather high)	4 (very high)	Mean score	Standard deviation	Total respondents
European elections	10	22	21	3	2.3	0.8	56
European Citizens' Initiative	10	21	24	1	2.3	0.8	56
Petitions to the European Parliament	18	23	11	1	1.9	0.8	53
Complaints to the European Ombudsman	22	18	12	1	1.8	0.8	53
Online public consultations	10	32	13	1	2.1	0.7	56
Citizens' Dialogues	5	19	26	5	2.6	0.8	55
European Citizens' Consultations	4	20	25	6	2.6	0.8	55

QUESTION: **How high or how low is the transnationality of each of the following instruments (i.e. to what extent do these instruments increase cross-border interaction, debate and awareness)?**

Number of experts who responded with a given answer

	1 (very low)	2 (rather low)	3 (rather high)	4 (very high)	Mean score	Standard deviation	Total respondents
European elections	5	23	23	6	2.5	0.8	57
European Citizens' Initiative	1	8	38	10	3.0	0.6	57
Petitions to the European Parliament	14	22	16	0	2.0	0.8	52
Complaints to the European Ombudsman	21	24	8	0	1.8	0.7	53
Online public consultations	9	20	26	1	2.3	0.8	56
Citizens' Dialogues	11	20	22	1	2.2	0.8	54
European Citizens' Consultations	9	23	21	1	2.3	0.7	54

QUESTION: **How high or how low is the policy impact of each of the following instruments (i.e. to what extent do these instruments increase citizens' influence in EU decision-making processes)?**

Number of experts who responded with a given answer

	1 (very low)	2 (rather low)	3 (rather high)	4 (very high)	Mean score	Standard deviation	Total respondents
European elections	0	9	24	25	3.3	0.7	58
European Citizens' Initiative	22	28	6	2	1.8	0.8	58
Petitions to the European Parliament	27	24	5	0	1.6	0.6	56
Complaints to the European Ombudsman	16	20	19	0	2.1	0.8	55
Online public consultations	14	28	13	0	2.0	0.7	55
Citizens' Dialogues	31	22	1	0	1.4	0.5	54
European Citizens' Consultations	28	25	1	0	1.5	0.5	54

Fieldwork: between March 2020 and July 2020, 59 experts in total.

Source: research conducted by Bertelsmann Stiftung

BertelsmannStiftung

Endnotes

At a glance: from a participation patchwork to a participation infrastructure (p. 7–14)

1 European Commission, *European Democracy Action Plan: making EU democracies stronger*, 3 December 2020, https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2250.

2 The call for a "Europe of the citizens" has been used repeatedly in the past by EU institutions, policymakers, European political parties, and other. See the following examples: Joschka Fischer, "From Confederacy to Federation: Thoughts on the Finality of European Integration", 12 May 2000, https://ec.europa.eu/dorie/fileDownload.do?docId=192161&cardId=192161; European Commission, *European Democracy Action Plan*; EPP Congress, *For a Europe of the Citizens: Priorities for a Better Future ("Rome Manifesto")*, 31 March 2006, https://www.epp.eu/files/uploads/2015/11/Rome_Manifesto.pdf.

3 For more information, see "End the Cage Age", End the Cage Age website, https://www.endthecageage.eu/.

4 "Home", Conference on the Future of Europe, https://futureu.europa.eu/.

Introduction (p. 15–21)

1 Sherry A. Arnstein, "A Ladder of Citizen Participation", *Journal of the American Planning Association* 25, no. 4 (1966): 216.

2 For example: Emma Anderson, "Orbán slams Brussels 'elite' who've 'lost touch with reality'", *Politico.eu*, 24 March 2019, https://www.politico.eu/article/hungary-viktor-orban-slams-brussels-elite-whove-lost-touch-with-reality/ or Caroline de Gruyter, "The Brussels 'kicking post': Polarised debate on the EU", European Council on Foreign Relations, 19 October 2018, https://ecfr.eu/article/commentary_the_brussels_kicking_post_polarised_debate_on_the_eu/.

3 Brigitte Geissel, "Introduction: On the evaluation of participatory innovations – a preliminary framework," in *Participatory Democratic Innovations in Europe: Improving the Quality of Democracy?*, ed. Brigitte Geissel and Marko Jonas, Leverkusen: Verlag Barbara Budrich, 2013, 8.

4 OECD, *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, Paris: OECD Publishing, 2020, https://doi.org/10.1787/339306da-en.

5 Compare: Donatella Della Porta, "Can Democracy Be Saved? Participation, Deliberation and Social Movements". *Polity* (April 2013): 12–35, and OECD, *Innovative Citizen Participation*.

6 Decidim is a digital platform for citizen participation that helps citizens, organisations and public institutions to self-organise democratically. In the city of Barcelona, the platform has helped to co-produce a strategic city plan together with citizens which in 2016 led to a Municipal Action Plan including thousands of citizen proposals. See also Julia Macher, "Wenn Bürger Politik gestalten: Barcelonas Erfolg mit der Plattform Decidim", *Deutschlandfunk*, 4 March 2020, https://www.deutschlandfunk.de/wenn-buerger-politik-gestalten-barcelonas-erfolg-mit-der-100.html.

7 "About the Citizens' Assembly", The Citizens' Assembly, https://www.citizensassembly.ie/en/about-the-citizens-assembly/.

8 Anna Gora and Pieter de Wilde, "The essence of democratic backsliding in the European Union: deliberation and rule of law", *Journal of European Public Policy* 28 (2020): 5.

9 Della Porta, *Can Democracy Be Saved?*, 35–39.

10 Della Porta, *Can Democracy Be Saved?*, 39.

11 Carole Pateman, "Participatory Democracy Revisited", *Perspectives on Politics* 10, no.1 (2012): 10.

12 For example: *SWR*, "Black Box EU? – Fakten statt Mythen!", *SWR*, 12 December 2021, https://www1.wdr.de/mediathek/video-black-box-eu--fakten-statt-mythen-100.html.

13 Andrea Fischer-Hotzel, "Democratic Participation? The Involvement of Citizens in Policymaking at the European Commission", *Journal of Contemporary European Research* 6, no. 3 (January 2010): 336.

14 European Commission, *On the European Democracy Action Plan*, COM (2020) 790 final, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX-:52020DC0790&from=EN.

15 This is closely related to the approach taken by other analysts of democratic structures and innovations, in particular: Warren [Mark E. Warren, "A Problem-Based Approach to Democratic Theory", *American Political Science Review* no.111 (2017): 39–53], who differentiates between legitimacy based on inclusion, collective agenda and will formation, and performance; Schmidt [Vivien A. Schmidt, "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", *Political Studies* no. 61 (2013): 222], who differentiates between input, output and throughput legitimacy; Ackermann [Kathrin Ackermann, "Evaluation Framework for Participation Instruments at the EU Level", Report commissioned by Bertelsmann Stiftung (2019)], who differentiates between legitimacy based on process, output, and perception; and Organ [James D. Organ, "Report on an Evaluation Framework for Participation Instruments at the EU Level", Report commissioned by Bertelsmann Stiftung (2019)], who differentiates between legitimacy based on inclusion, process, impact and popular control.

16 Warren, "A Problem-Based Approach", 40.

What EU citizens and democracy experts think: Survey results (p. 24–32)

1 For example: Frank Schmiechen, "Kompliziertes Europa: Einfach und langweilig können andere besser", *Stern*, 20 July 2020, https://www.stern.de/politik/ausland/eu-gipfel--europa-zu-kompliziert--einfach-und-langweilig-koennen-andere-besser-9344378.html.

2 European Commission, *Eurobarometer: Trust in the European Union has increased since last summer*, 23 April 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1867.

3 OECD, Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave, OECD Publishing, Paris, 2020, https://doi.org/10.1787/339306da-en.

The EU participation patchwork: six findings and three gaps (p. 33–43)

1 Dominik Hierlemann and Christian Huesmann, "The Reform of the European Citizens' Initiative: Not for the Youth?", *Policy Brief* 5 (2018), https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/181012_D_BST-Einwurf-5-2018-ENGLISCH.pdf.

2 European Parliament, "2019 European election results: Turnout by year", https://www.europarl.europa.eu/election-results-2019/en/turnout/.

3 For example, the region of East Belgium established a permanent citizens' council in 2019, France held a "Great National Debate" in 2019, and Ireland has been holing regular citizens' assemblies since 2016.

4 European Commission, *A new push for European democracy: Nurturing, protecting and strengthening our democracy*, 2019, https://ec.europa.eu/info/strategy/priori- ties-2019-2024/new-push-european-democracy_en.

5 European Commission, *2021 State of the Union Address by President von der Leyen*, 2021, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_4701.

6 Alberto Alemanno, "The Conference on the Future of Europe is the first exercise that the European institutions do not fully control", Missions Publiques, 7 July 2021, https://missionspubliques.org/the-conference-on-the-future-of-europe-is-the-first-exercise-that-the-european-institutions-do-not-fully-control/?lang=en.

7 Predecessor of the European Parliament.

Building a participation infrastructure (p. 44–49)

1 Campaign material in all European languages, https://www.europarl.europa.eu/news/de/headlines/eu-affairs/20210420STO02415/konferenz-zur-zukunft-euro-pas-kampagnenmaterial.

2 See, for example, Austria [Bundeskanzleramt, *Unsere Zukunft neu denken*, https://www.bundeskanzleramt.gv.at/themen/unsere-Zukunft-eu-neu-denken.html], Germany [Die Bundesregierung, *Konferenz zur Zukunft Europas*, https://www.bundesregierung.de/breg-de/themen/europa/konferenz-zur-zukunft-europas], or Ireland [Government of Ireland, *Your Future, Your Europe: Get involved*, https://www. dfa.ie/our-role-policies/ireland-in-the-eu/future-of-europe].

3 Ministry of Justice Finland, *DEMOKRATIA.FI Platform for electronic participation services in Finland*, 2019, https://europa.eu/citizens-initiative/sites/default/files/2019-12/Presentation%20-%20Finnish%20example.pdf.

4 This is despite considerable knowledge on the practicalities of citizen participation having been compiled by various actors. OECD, *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, Paris: OECD Publishing, 2020, https://doi.org/10.1787/339306da-en.

5 The three main EU institutions have declared that they "will examine swiftly how to follow up effectively to this report, each within their own sphere of competences and in accordance with the Treaties". See: European Parliament, Council, and European Commission, *Joint Declaration on the Conference on the Future of Europe*, 2021, https://futureu.europa. eu/uploads/decidim/attachment/file/6/EN_-_JOINT_DECLARATION_ON_THE_CONFERENCE_ON_THE_FUTURE_OF_EUROPE.pdf.

I. Elections to the European Parliament: the cornerstone of EU citizen participation (p. 52–73)

1 See, for example, Karlheinz Reif and Hermann Schmitt, "Nine second order national elections – A conceptual framework for the analysis of European election results", *European Journal of Political Research* 8, no. 1 (1980): 3–44; Karlheinz Reif, "National electoral cycles and European elections 1979 and 1984", *Electoral Studies* 3, no. 3 (1984): 245–255. See also, Cees van der Eijk and Marsh N. Franklin, *Choosing Europe? The European electorate and national politics in the face of Union*, Ann Arbor: University of Michigan Press, 1996; Andreas Føllesdal and Simon Hix, "Why there is a democratic deficit in the EU: a response to Majone and Moravcsik", *Journal of Common Market Studies* 44, no. 3 (2006): 533–562; Simon Hix and Michael Marsh, "Punishment or protest? Understanding European Parliament elections", *The Journal of Politics* 69, no. 2 (2007): 495–510.

2 Interview 9.

3 John Lambert and Catherine Hoskyns, "How democratic is the European Parliament?" in *Democratizing the European Union: Issues for the Twenty-First Century*, ed. Catherine Hoskyns and Michael Newman, New York: Routledge, 2000, 101.

4 European Union, *Final communiqué of the Paris Summit (9 and 10 December 1974)*, *Bulletin of the European Communities* no. 12, Luxembourg: Office for Official Publications of the European Communities, December 1974, https://www.cvce.eu/content/publication/1999/1/1/2acd8532-b271-49ed-bf63-bd8131180d6b/publishable_en.pdf;"The European Parliament: historical background", European Parliament, https://www.europarl.europa.eu/ftu/pdf/en/FTU_1.3.1.pdf.

5 Walter Hallstein, *Europe in the making*, London: Allen and Unwin, 1972, 74, cited in Simon Hix and Sara Hagemann, "Could changing the electoral rules fix European Parliament elections?", *Politique Européenne* 28, no. 2 (2008): 27–41.

6 Interview 14.

7 Interview 9.

8 *Time Magazine*, "Europe: Electing a New Parliament", 11 June 1979, https://web.archive.org/web/20101015204710/http://www.time.com/time/magazine/article/0,9171,946309,00.html.

9 *Time Magazine*, "Europe: Electing a New Parliament".

10 Reif and Schmitt, "Nine second order national elections".

11 European Union, Consolidated Version of the Treaty on European Union (2008), Article 17(7), https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=O-J:C:2008:115:0013:0045:en:PDF.

12 Resolution 2012/2829(RSP) of the European Parliament of 22 November 2012, on "The elections to the European Parliament in 2014".

13 Report 2013/2102(INI) of the European Parliament of 12 June 2013, on "Improving the practical arrangements for the holding of the European elections in 2014".

14 Interview 28.

15 Interview 28.

16 See Guy Verhofstadt, Jo Leinen, Pascal Durand, Jerome Lavrilleux, Mercedes Bresso, Sophie in t'Veld and Philippe Lamberts, "Why transnational lists are good for European democracy", *EUObserver* 5 February 2018, https://euobserver.com/opinion/140843; Stergios Fotopoulos and Luciano Morganti, "Does personalisation further Europeanise national public spheres? The Spitzenkandidat process in the 2014 and 2019 European parliamentary elections", *European Politics and Society* (2021): 1–22. https://doi.org/10.1080/23745118.2020.1868848.

17 Interview 15.

18 The allocation of seats is determined by the Conference of Presidents. See European Parliament, *European Parliament Rules of Procedure: 8th Parliamentary Term*, January 2017, 29, https://www.europarl.europa.eu/doceo/document/RULES-8-2017-01-16_EN.pdf?redirect.

19 In practice this principle is open to abuse, as it is difficult to prevent someone from voting in two different countries, although this is illegal. See Toby Vogel and Cynthia Kroet, "Vote twice and go to jail", *Politico*, 5 June 2014, https://www.politico.eu/article/n-eu-dual-voting-cktv/.

20 Interview 15.

21 Thomas Christiansen and Michael Schackleton, "Spitzenkandidaten 2.0: From Experiment to routine in European elections?" in *The European Parliament Elections of 2019*, ed. Lorenzo De Sio, Mark N. Franklin and Luana Russo, Rome: Luiss University Press, 2019, 43.

22 Interview 15.

23 European Parliament, *2019 European election results: Turnout by year*, Bertelsmann Stiftung eupinions Survey, 2020, https://www.europarl.europa.eu/election-results-2019/en/turnout/.

24 Reif and Schmitt, "Nine second order national elections – A conceptual framework for the analysis of European election results"; Hermann Schmitt, "The European Parliament Elections of June 2004: Still Second-Order?", *West European Politics* 28, no. 3 (2005): 650–679.

25 Interview 8.

26 Interview 7.

27 Interview 15; Interview 7.

28 Interview 5.

29 Interview 9; Interview 28.

30 EU Fact Check, "Mostly false: 'turnout at national elections in Europe is between 70 and 80 percent'", 28 February 2019, https://eufactcheck.eu/factcheck/mostly-false-turnout-at-national-elections-in-europe-is-between-70-and-80-percent/; "Voter turnout database", International Idea, https://www.idea.int/data-tools/data/voter-turnout.

31 Mark N. Franklin, "Why vote at an election with no apparent purpose? Voter turnout at elections to the European Parliament", *Swedish Institute for European Policy Studies* no. 2014:4epa (April 2014), https://www3.trincoll.edu/employees/mfrankli/Sieps_2014_4epa_Franklin.pdf.

32 European Parliament, "2019 European election results: Turnout by year", https://www.europarl.europa.eu/election-results-2019/en/turnout/.

33 Julien Zalc, Nicolas Becuwe and Alexandrina Buruian, "The 2019 post-electoral survey: Have European elections entered a new dimension?", *European Parliament and Kantar Public*, 2019, 8, https://op.europa.eu/en/publication-detail/-/publication/42b98847-db51-11e9-9c4e-01aa75ed71a1/language-en.

34 Interview 15; Paul Lewis, "Steve Bannon: I want to drive a stake through the Brussels vampire", *The Guardian*, 21 November 2018, https://www.theguardian.com/world/2018/nov/21/steve-bannon-i-want-to-drive-a-stake-through-the-brussels-vampire-populist-europe.

35 Interview 7.

36 Decision 2017/2233(ACI) of the European Parliament on the revision of the Framework Agreement on relations between the EP and the EC of 7 February 2018, https://eur-lex.europa.eu/ legal-content/EN/TXT/?uri=CELEX%3A52018DP0030; Stefan Lehne and Heather Grabbe, "2019 European Parliament Elections will Change the EU's Political Dynamics", *Carnegie Europe*, 11 December 2018, https://carnegieeurope.eu/2018/12/11/2019-european-parliament-elections-will-change-eu-s-political-dynamics-pub-77922.

37 Interview 5.

38 Arjan Schakel, "Netherlands: A Timmermans (Spitzenkandidaten) effect?", Centro Italiano Studi Elettorali, 30 May 2019, https://cise.luiss.it/cise/2019/05/30/netherlands-a-timmermans-spitzenkandidaten-effect/.

39 Hermann Schmitt, Sara Hobolt and Sebastian Adrian Popa, "Does personalization increase turnout? Spitzenkandidaten in the 2014 European Parliament elections", *European Union Politics* 16, no.3 (1 September 2015): 347–368.

40 Interview 14.

41 Interview 7.

42 Interview 27; Interview 7.

43 Judit Mischke, "Austria's Strache wins EU Parliament seat despite scandal: reports", *Politico*, 27 May 2019, https://www.politico.eu/article/austria-heinz-christian-strache-wins-mep-seat-despite-scandal/.

44 Interview 8.

45 "Voting results in detail", Valimised, last modified 25 May 2019, https://ep2019.valimised.ee/en/voting-result/index.html.

46 "European elections 2019: How to vote in Bulgaria", European Parliament, https://www.european-elections.eu/how-to-vote/bulgaria%20; Interview 14.

47 Johannes Pleschberger, "What does voting at 16 change? The case of Austria", *Euronews*, 11 September 2018, https://www.euronews.com/2018/09/11/what-does- voting-at-16-change-the-case-of-austria.

48 Interview 15.

49 European Commission, *Commission Staff Working Document SWD(2020)113 accompanying the document Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Report on the 2019 elections to the European Parliament*, 10, https://ec.europa.eu/transparency/documents-register/detail?ref=COM(2020)252&lang=en.

50 European Commission, *SWD(2020)113*, p.13; Anca Gurzu, "Romanians abroad vent anger at EU election delays", *Politico*, 27 May 2019, https://www.politico.eu/article/romanian-eu-election-problems-expats-vent-anger-delays/.

51 Interview 7.

52 European Commission, *Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Report on the 2019 elections to the European Parliament*, COM(2020)252, 3, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0252.

53 European Commission, *SWD(2020)113*, 14.

54 Interview 15.

55 Interview 7.

56 Paul Lewis, Sean Clarke, Caelainn Barr, Josh Holder and Niko Kommenda, "Revealed: one in four Europeans vote populist", *The Guardian*, 20 November 2018.

57 Interview 7.

58 European Parliament, *2019 European elections: Record turnout driven by young people*, 24 September 2019, https://www.europarl.europa.eu/news/en/pressroom/20190923IPR61602/2019-european-elections-record-turnout-driven-by-young-people.

59 European Commission, *SWD(2020)113*, 15.

60 Interview 7.

61 Interview 15.

62 Beatriz Rios, "First clashes liven up last EU Spitzenkandidat debate ahead of election", *Euractiv*, 16 May 2019, https://www.euractiv.com/section/eu-elections-2019/news/first-clashes-liven-up-last-eu-spitzenkandidat-debate-ahead-of-election/.

63 European Broadcasting Union, "Candidates for Presidency of the European Commission take to the stage", 15 May 2019, https://www.ebu.ch/news/2019/05/candi- dates-for-presidency-of-the-european-commission-take-to-the-stage.

64 Interview 5.

65 "At a glance: 2019 European elections: National rules", European Parliament, https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/623556/EPRS_ATA(2018)623556_EN.pdf.

66 Interview 14.

67 Interview 15.

68 Interview 28.

69 Interview 7.

70 Maria Diaz Crego, "Transnational electoral lists: Ways to Europeanise elections to the European Parliament", *European Parliamentary Research Service* (February 2021), https://www.europarl.europa.eu/RegData/etudes/STUD/2021/679084/EPRS_STU(2021)679084_EN.pdf.

71 Katrin Auel and Guido Tiemann, "Europeanising European Public Spheres", European Parliament, June 2020, 11, https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654628/IPOL_STU(2020)654628_EN.pdf

72 Interview 7.

73 Interview 9; Interview 7.

74 Interview 7; Interview 15.

75 Interview 14.

76 Interview 15.

77 Interview 5.

78 Corina Stratulat and Janis A. Emmanouilidis, "The European Parliament elections 2014: Watershed or, again, washed out?", European Policy Centre, September 2013, https://www.epc.eu/content/PDF/2013/EP_elections_2014.pdf.

II. The European Citizens' Initiative: an unfulfilled promise (p. 74–91)

1 The ECI numbers mentioned in this chapter were up to date in March 2021.

2 "Planning and Proposing Law," European Commission, https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law_en.

3 Dominik Hierlemann and Anna Wohlfahrt, *A Revolution in Disguise: The European Citizens' Initiative*, *Spotlight Europe*, Gütersloh: Bertelsmann Stiftung, 2010, https://www.bertelsmann-stiftung.de/en/publications/publication/did/spotlight-europe-072010-a-revolution-in-disguise-the-european-citizens-initiative.

4 The Minority Safepack ECI "[calls] upon the EU to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union". "Minority SafePack – One Million Signatures for Diversity in Europe", European Union, https://europa.eu/ citizens-initiative/initiatives/details/2017/000004_en.

5 The Stop TTIP ECI "[invites] the European Commission to recommend to the Council to repeal the negotiating mandate for the Transatlantic Trade and Investment Partnership (TTIP) and not to conclude the Comprehensive Economic and Trade Agreement (CETA)". "STOP TTIP", European Union, https:// europa.eu/citizens-initiative/initiatives/details/2017/000008_en.

6 General Court, judgement of 3 February 2017, case T-646/13, Bürgerausschuss für die Bürgerinitiative Minority SafePack – one million signatures for diversity in Europe v. European Commission.

7 General Court, judgement of 10 May 2017, Michael Efler v European Commission.

8 Interview 32.

9 See European Commission, *Report on the Application of Regulation (EU) No 211/2011 on the Citizens' Initiative*, 31 March 2015, 9, https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-145-EN-F1-1.PDF.

10 The Right2Water ECI "[invites] the European Commission to propose legislation implementing the human right to water and sanitation as recognised by the United Nations, and promoting the provision of water and sanitation as essential public services for all". "Water and Sanitation Are a Human Right! Water Is a Public Good, Not a Commodity!". "European Citizens' Initiative", European Union, https://europa.eu/citizens-initiative/water-and-sanitation-are-hu- man-right-water-public-good-not-commodity_en.

11 The Stop Vivisection ECI "[proposes] a European legislative framework aimed at phasing out animal experiments". "Stop Vivisection", European Union, https://europa.eu/citizens-initiative/initiatives/details/2012/000007_en.

12 The One of Us ECI calls for "juridical protection of the dignity, the right to life and of the integrity of every human being from conception in the areas of EU competence in which such protection is of particular importance". "One of Us", European Union, https://europa.eu/citizens-initiative/initiatives/ details/2012/000005_en.

13 Christian Salm, *The Added Value of the European Citizens' Initiative (ECI) and Its Revision*, Brussels: European Parliamentary Research Service, April 2018, 8, http://iep-berlin.de/wp-content/uploads/2018/05/EBI-STUDIE_EN.pdf.

14 European Ombudsman, *Decision of the European Ombudsman Closing Her Own-Initiative Inquiry OI/9/2013/TN Concerning the European Commission*, 4 March 2015, https://www.ombudsman.europa.eu/de/decision/de/59205.

15 European Parliament, *European Citizens' Initiative: European Parliament Resolution of 28 October 2015 on the European Citizens' Initiative*, (2014/2257(INI)), 2015, https://www.europarl.europa.eu/doceo/document/TA-8-2015-0382_EN.pdf?redirect.

16 As of 2012, the European Economic and Social Committee organises a conference on the ECI every year – the ECI DAY – in partnership with the Committee of the Regions and a number of civil society actors. "European Citizens' Initiative", European Economic and Social Committee, https://www.eesc. europa.eu/en/initiatives/european-citizens-initiative.

17 The Stop Glyphosate ECI "[calls] on the European Commission to propose to member states a ban on glyphosate, to reform the pesticide approval procedure, and to set EU-wide mandatory reduction targets for pesticide use". "Ban Glyphosate and Protect People and the Environment from Toxic Pesticides," European Union, https://europa.eu/citizens-initiative/initiatives/details/2017/000002_en.

18 European Parliament Committee on Constitutional Affairs, *DRAFT AGENDA Meeting*, 28 November 2017, https://www.europarl.europa.eu/doceo/document/AF- CO-OJ-2017-11-28-1_EN.html.

19 Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (Text with EEA relevance.).

20 European Parliament, *Rules of Procedure: 9th Parliamentary Term*, January 2021, https://www.europarl.europa.eu/doceo/document/RULES-9-2021-01-18_EN.pdf.

21 Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak.

22 "Regulatory Framework," European Union, https://europa.eu/citizens-initiative/how-it-works/regulatory-framework_en#COVID-19.

23 Treaty on European Union, Art. 11 (4).

24 Regulation 2019/788.

25 Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative.

26 European Parliament, *Rules of Procedure: 9th Parliamentary Term*.

27 Regulation 2019/788, Art. 6.

28 "Thresholds," European Union, https://europa.eu/citizens-initiative/thresholds_en.

29 Up until the end of 2022, organisers can also still decide to use a so-called individual online collection system. See Regulation 2019/788, Art. 11.

30 See Regulation 2019/788, Art. 15 (2).

31 Michael Efler v European Commission, cit., para. 47.

32 "European Union", International Institute for Democracy and Electoral Assistance (IDEA), https://www.idea.int/data-tools/regional-enti- ty-view/EU/40.

33 "About the Campaign", Right2Water, https://www.right2water.eu/about.

34 "Supporters", Stop Vivisection, http://www.stopvivisection.eu/en/content/supporters.

35 European Commission, *Report on the Application of Regulation (EU) No 211/2011 on the Citizens' Initiative*, 28 March 2018, 4, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0157.

36 "European Citizens' Initiative Forum", European Union, https://europa.eu/citizens-initiative-forum/_en.

37 "Communication Material", European Union, https://europa.eu/citizens-initiative/communication-material_en.

38 Previously, citizens could only submit a petition to the European Parliament, asking it to use its agenda-setting right under Article 225 of the Treaty on European Union. However, it is only since the introduction of the ECI that citizens can address the Commission directly with legislative proposals.

39 Interview 4.

40 Interview 30; see also Dominik Hierlemann and Christian Huesmann, *More Initiative for Europe's Citizens*, *Policy Brief 2/2018*, Gütersloh: Bertelsmann Stiftung, 2018, https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/ZD_EINWURF_2_2018_EN_final2.pdf.

41 Interview 6.

42 Interview 6; Interview 4; Interview 32; Interview 30.

43 Interview 26.

44 Hierlemann and Huesmann, *More Initiative*.

45 The query was executed on 8 June 2021, via the following URL: https://scholar.google.de/scholar?q=%22european+citizens+initiative%22&hl=de&as_sdt=1%2C5&as_vis=1&as_ylo=2011&as_yhi=2017.

46 European Commission, *Commission Staff Working Document: Accompanying the Document Proposal for a Regulation of the European Parliament and of the Council on the European Citizens' Initiative*, 13 September 2017, 4, https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2017:0294:FIN:EN:PDF.

47 Hierlemann and Huesmann, *More Initiative*.

48 Interview 32; Interview 24.

49 European Commission, *ECI Report 2015*.

50 Gemeingut in BürgerInnenhand, "Wasserprivatisierung ist Thema bei 'Neues aus der Anstalt'", 29 January 2013, https://www.gemeingut.org/europaische-burgerinitiative-wasser-ist-ein-menschenrecht-kann-online-unterzeichnet-werden/.

51 Interview 23.

52 Interview 4.

53 Interview 6.

54 Interview 32.

55 Interview 32.

56 European Ombudsman, *Decision Own-Initiative Inquiry OI/9/2013/TN*.

57 Interview 23.

58 Interview 24.

59 "Questions and Answers: Commission's response to the European Citizens' Initiative on 'End the Cage Age'", European Commission, 30 June 2021, https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3298.

60 For example: Sara Finger, "Bientôt, la fin de l'élevage en cages en Europe", *Libération*, 30 June 2021, https://www.liberation.fr/environnement/alimentation/la-fin-delelevage-en-cages-en-europe-20210630_JELV7P25BVEUNABSZPUC6TO2HY/, or "EU-Kommission will Käfighaltung von Nutztieren ab 2027 beenden", *Zeit Online*, 30 June 2021, https://www.zeit.de/politik/ausland/2021-06/eu-kommission-kaefighaltung-verbot-2027-europaeische-buergerinitiative-tierschutz.

61 Interiew 25; Interview 24.

62 Interview 32; Interview 30.

63 Interview 24.

64 Interview 24. This barrier is in part addressed with the new regulation: the organisers now have the opportunity to establish a legal entity for the purpose of the ECI and the use of the Commission-run central online collection system also limits the liability of organisers.

65 Interview 4.

66 Interview 32.

67 European Commission, *ECI Report 2018*, 2.

68 Interview 32. In response to the problems and limitations of the Commission software, a number of activists from The ECI Campaign and Campact developed an alternative software called OpenECI. This software made it possible for organisers to collect signatories' email addresses and other data on a voluntary basis and to integrate the signing form into ECI partners' websites. However, the opportunity to use such an alternative software – a so-called 'individual online collection system' – will be phased out by the end of 2022.

69 Own calculations based on data collected by the ECI campaign.

70 Interview 30. Some of the registered initiatives are of course still in the process of signature collection or verification, so there may be a few more successful initiatives emerging from the 53 that were started since the Juncker Commission.

71 Interview 6.

72 Sophia Russack, "Pathways for Citizens to Engage in EU Policy Making", in *Direct Democracy in the EU: The Myth of a Citizens Union*, ed. Steven Blockmans and Sophia Russack, Brussels and London: CEPS and Rowman & Littlefield International, 2018, 21.

73 "Data Requirements," European Union, https://europa.eu/citizens-initiative/data-requirements_en.

74 Dominik Hierlemann and Christian Huesmann, *The Reform of the European Citizens' Initiative: Not for the Youth?, Policy Brief 05/2018*, Gütersloh: Bertelsmann Stiftung, 2018, https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/181012_D_BST-Einwurf-5-2018-ENGLISCH.pdf.

75 The only change that was made, is giving EU countries the freedom and encouragement to lower the signing age: "Member States are encouraged to consider setting the minimum age at 16 years in accordance with their national laws." Regulation 2019/788, pmbl.

76 Interview 4.

77 Interview 24.

78 Interview 26.

79 Interview 24.

80 Interview 32.

81 Cited from Lucy Hatton, *Democratic Legitimacy and the European Citizens' Initiative: A Recipe for Disappointment and Disaffection?* PhD thesis, University of Warwick, 2016, http://wrap.warwick.ac.uk/86232/.

82 Interview 4.

83 Interview 23.

84 Aurelia Stiftung, "Save Bees and Farmers – Bienen und Bauern retten: Bündnis startet EU-Bürgerinitiative für eine bessere Landwirtschaft", *Presseportal*, 31 July 2019, https://www.presseportal.de/pm/134345/4336833.

85 Interview 4.

86 Interview 26.

87 Interview 24.

88 Interview 23.

89 Regulation 211/2011.

90 Interview 6.

91 "Press Releases," Stop Vivisection, http://www.stopvivisection.eu/de/content/press-releases.

92 Interview 30.

93 Interview 4. The EESC also frequently invites ECI organisers to their committee meetings.

94 Prisca Merz, "End Ecocide Petition Discussed by European Parliament – Endorsed by MEP's from across Europe", *End Ecocide*, 23 March 2015, https://www.endecocide. org/en/2015/03/23/end-ecocide-petition-discussed-by-european-parliament-endorsed-by-meps-from-across-europe/.

95 European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the Citizens' Initiative*, 31 March 2010, https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0119:FIN:EN:PDF.

96 European Parliament Committee on Constitutional Affairs, *Report on the Proposal for a Regulation of the European Parliament and of the Council on the Citizens' Initiative*, 3 December 2010, https://www.europarl.europa.eu/sides/getDoc.do?reference=A7-2010-0350&type=REPORT&language=EN&redirect.

97 See European Parliament, *Amendments to Parliament's Rules of Procedure: European Parliament Decision of 31 January 2019 on Amendments to Parliament's Rules of Procedure Affecting Chapters 1 and 4 of Title I; Chapter 3 of Title V; Chapters4 and 5 of Title VII; Chapter 1 of Title VIII; Title XII; Title XIV and Annex II (2018/2170(REG))*, 31 January 2019, Amendment 63, https://www.europarl.europa.eu/doceo/document/TA-8-2019-01-31_EN.html.

98 Interview 32; Interview 6.

99 Interview 24.

100 Interview 4.

101 Quoted in Hierlemann and Huesmann, *More Initiative*. See also "About Us", One of us, https://oneofus.eu/about-us/.

102 "Nous Voulons Des Coquelicots", Nous Voulons Des Coquelicots, https://nousvoulonsdescoquelicots.org/.

103 "Volksbegehren Artenvielfalt," Volksbegehren Artenvielfalt, https://volksbegehren-artenvielfalt.de/.

104 Interview 4.

105 Interview 23.

106 European Commission, *Press release: European Citizens' Initiative: Commission to propose phasing out of cages for farm animals*, 30 June 2021, https://ec.europa. eu/commission/presscorner/detail/en/ip_21_3297.

107 "Glyphosate: Commission Responds to European Citizens' Initiative and Announces More Transparency in Scientific Assessments", Press Corner, European Commission, 12 December 2017, https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5191; Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No. 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC (Text with EEA relevance.)

108 Interview 32. See also European Parliament, *European Parliament Resolution of 8 September 2015 on the Follow-up to the European Citizens' Initiative Right2Water (2014/2239(INI))*, https://www.europarl.europa.eu/doceo/document/TA-8-2015-0294_EN.html.

109 European Citizens' Initiative, European Union, "Water and Sanitation".

110 European Citizens' Initiative, European Union, "Water and Sanitation".

111 Interview 4, Interview 6.

112 Interview 23.

113 Interview 24.

114 Interview 32.

115 Interview 26.

116 Interview 4.

117 Court of Justice, judgement of 19 December 2019, Grégor Puppinck and Others v. European Commission, para. 57

118 Interview 30.

119 European Parliament, *Rules of Procedure: 9th Parliamentary Term*, Rule 222 (8).

120 European Parliament, *Rules of Procedure*, Rule 222 (9). It is relevant to note that the European Parliament's Committee on Petitions has adopted an Opinion on the Commission's follow-up on the Right2Water ECI: Committee on Petitions, *OPINION of the Committee on Petitions for the Committee on the Environment, Public Health and Food Safety on the Follow-up to the European Citizens' Initiative Right2Water (2014/2239(INI))*, 13 May 2015, https://www.europarl.europa.eu/doceo/document/PE-TI-AD-551864_EN.pdf?redirect.

III. Petitions to the European Parliament: a low-profile instrument kept low (p. 92–109)

1 Tiago Tibúrcio, *The Right to Petition*, Brussels: European Parliament, Directorate-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, 2015, 8, https://op.europa.eu/de/publication-detail/-/publication/1daa3359-de89-4d8b-b7c5-fafe75656dab.

2 Tibúrcio, *The Right to Petition*, 12–13.

3 Franco Piodi, *The Citizen's Appeal to the European Parliament: Petitions 1958–1979*, Luxembourg: Directorate-General for the Presidency of the European Parliament, 19 October 2009, https://op.europa.eu/en/publication-detail/-/publication/f606d3dc-813a-4f8b-88dd-cc7611e13075.

4 European Parliament, *The Work of the European Parliament: July 1988–June 1989*, Luxembourg: Directorate-General for Research Office for Official Publications of the European Communities, 1989, 189, http://aei.pitt.edu/86623/1/1988-1989.work_of_ep.pdf.

5 European Parliament Committee on Petitions, *Report of the Committee on Petitions on the Deliberations of the Committee on Petitions during the Parliamentary Year of 1990–1991*, 3 May 1991, 6, http://aei.pitt.edu/49555/1/A10713.pdf.

6 European Parliament Committee on Petitions, *Report on the Deliberations of the Committee on Petitions for the Parliamentary Year 1996–1997*, 28 May 1997, https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A4-1997-0190+0+DOC+PDF+V0//EN.

7 Charter of Fundamental Rights of the European Union, Art. 44.

8 Interview 37.

9 European Parliament Committee on Petitions, *Report on the Deliberations of the Committee on Petitions during the Parliamentary Year March 2004–December 2005*, 2005/2135(INI), 10 May 2006, https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0178+0+DOC+PDF+V0//EN.

10 European Parliament Committee on Petitions, *Report on the Activities of the Committee on Petitions 2014*, 2014/2218(INI), 21 January 2016, 8, https://www. europarl.europa.eu/doceo/document/A-8-2015-0361_EN.pdf.

11 Interview 37.

12 European Parliament Committee on Petitions, *Report on the Activities of the Committee on Petitions 2015*, 2016/2146(INI), 2 December 2016, 71, https://www. europarl.europa.eu/doceo/document/A-8-2016-0366_EN.pdf.

13 "Why Do We Need the Charter? The Charter of Fundamental Rights, What It Covers and How It Relates to the European Convention on Human Rights", European Commission, https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights/ why-do-we-need-charter_en.

14 Treaty on the Functioning of the European Union, Art. 227.

15 European Parliament, *Rules of Procedure: 9th Parliamentary Term, February 2020*, https://www.europarl.europa.eu/doceo/document/RULES-9-2020-02-03-RULE-222_EN.html.

16 European Parliament Committee on Petitions, *Guidelines*, January 2018, https://www.europarl.europa.eu/cmsdata/138889/1145997EN.pdf.

17 "Petitions", European Parliament, https://www.europarl.europa.eu/at-your-service/en/be-heard/petitions.

18 European Parliament, *Rules of Procedure: 9th Parliamentary Term*, Rule 226. Before 2017, only one quarter of Committee members were needed in order for a petition to be declared admissible. See European Parliament, *European Parliament Decision of 13 December 2016 on the General Revision of Parliament's Rules of Procedure*, 2016/2114(REG), 13 December 2016, 243, https://www.europarl.europa.eu/doceo/document/TA-8-2016-0484_EN.pdf.

19 For example, a workshop on LGBTI+ rights in the EU took place on 22 March 2021. "Workshop on LGBTI+ Rights in the EU", European Parliament, https://www.europarl.europa.eu/committees/en/workshop-on-lgbti+-rights-in-the-eu/product-details/20210303WKS03281.

20 Tibúrcio, *The Right to Petition*, 21.

21 General Court, judgement of 14 September 2011, Tegebauer v. European Parliament.

22 European Parliament Committee on Petitions, *Report on the Activities of the Committee on Petitions 2013*, 2014/2008(INI), 19 February 2014, 15–16, https://www.europarl.europa.eu/doceo/document/A-7-2014-0131_EN.pdf. The 2015 report on the activities of the Committee stated that the backlog that had been created had been completely eliminated in 2015, ensuring a swifter reply to petitioners. European Parliament Committee on Petitions, Report 2015, 17.

23 European Parliament Committee on Petitions, *Guidelines*, 8.

24 European Parliament Committee on Petitions, *Report on the Outcome of the Committee on Petitions' Deliberations during 2019*, 2020/2044(INI), 2020, 8, https://www.europarl.europa.eu/doceo/document/A-9-2020-0230_EN.pdf.

25 Discussions on petitions on the Committee meeting agendas are typically announced with the following words: "Petitions for discussion in committee on the basis of the Commission's written reply or other documents received".

26 Jos Heezen et al., *Achievements of the Committee on Petitions during the 2014–2019 Parliamentary Term and Challenges for the Future*, (Brussels: European Parliament, 2019, 10, https://op.europa.eu/en/publication-detail/-/publication/e5010066-a2bc-11e9-9d01-01aa75ed71a1/language-en/format-PDF.

27 Interview 29.

28 It is published under 'Latest documents' of PETI: "Latest Documents", European Parliament, https://www.europarl.europa.eu/committees/en/peti/documents/latest-documents.

29 Interview 37.

30 See Figure 11: Citizens have a vague idea about the participation rights in the EU.

31 Interview 30.

32 European Parliament, *Rules of Procedure: 9th Parliamentary Term*, Rule 228.

33 Interview 12; Interview 6; Interview 37.

34 "PETI Committee Press", Twitter, https://twitter.com/EP_Petitions.

35 European Parliament Committee on Petitions, *Report on Deliberations 2019*, 15.

36 Interview 34.

37 "Petition No 1056/2016 Mark Wheatley (British), on Behalf of European Union of the Deaf, Requesting the European Parliament Allow for the Tabling of Petitions in National Sign Languages Used in the EU", European Parliament, n.d., https://www.europarl.europa.eu/petitions/en/petition/content/1056%252F2016/html/Petition-No-1056%252F2016-Mark-Wheatley-%2528British%2529%252C-on-behalf-of-European-Union-of-the-Deaf%252C-requesting-the-European-Parliament-allow-for-the-tabling-of-petitions-in-national-sign-languages-used-in-the-EU.

38 European Parliament Committee on Petitions, *Report on the Activities of the Committee on Petitions 2013–2014/2008(INI)*, 15–16.

39 "Petition No 0553/2020 by M.S. (Belgian) on Petitioning the European Parliament", European Parliament, https://www.europarl.europa.eu/petitions/en/petition/content/0553%252F2020/html/Petition-No-0553%252F2020-by-M.S.-%2528Belgian%2529-on-petitioning-the-European-Parliament.

40 Tibúrcio, *The Right to Petition*, 26.

41 Tibúrcio, *The Right to Petition*, 23.

42 Interview 11.

43 Interview 37.

44 Please note that the petitions concerning the EU as a whole have been excluded from consideration here.

45 Interview 37.

46 "Minutes", PETI Committee, European Parliament, https://www.europarl.europa.eu/committees/en/peti/meetings/minutes.

47 Heezen et al., *Achievements of the Committee*, 49–50.

48 Interview 29.

49 Interview 11.

50 Heezen et al., *Achievements of the Committee*, 25.

51 European Parliament Committee on Petitions, *Report on the Deliberations of the Committee on Petitions during the Year 2017*, 2018/2104(INI), 27 November 2018, 16, https://www.europarl.europa.eu/doceo/document/A-8-2018-0404_EN.pdf.

52 European Parliament Committee on Petitions, *Report on Deliberations 2019*, 19.

53 Interview 12.

54 This percentage is an own calculation based on the available data from 2013–2019 found in the annual Committee reports. In this period the total number of petitioners that have been invited to a meeting is 1338, the total number of petitions that have been kept open after the first assessment is 4219, the number of admissible petitions is 7995 and the total number of petitions is 12454. Russack also mentions the percentage of 10–15 percent of petitions that are discussed during Committee meetings. See Russack, "Pathways for Citizens to Engage in EU Policy Making", 25.

55 As follows from the graph, the Committee's annual reports do not consistently report on the number of petitioners who have taken the floor.

56 European Parliament Committee on Petitions, *Guidelines*, 5.

57 Interview 11.

58 Interview 34.

59 Interview 6.

60 See last paragraph of the 'visibility' section.

61 Tibúrcio, *The Right to Petition*, 28.

62 European Parliament Committee on Petitions, *Report on Deliberations 2019*, 15.

63 European Parliament, *Notice to Members*, 9 November 2020, https://www.europarl.europa.eu/doceo/document/PETI-CM-648546_EN.pdf.

64 European Parliament Committee on Petitions, *Guidelines*, 5: "Similar topics are grouped together. Where possible, a theme discussed in Committee should contain petitions from more than one Member State."

65 Maïa de La Baume, "10 Tricks to Understanding the European Parliament", *Politico*, 8 July 2019, https://www.politico.eu/article/10-tricks-to-understanding-the-european-parliament/.

66 Interview 11.

67 Interview 11.

68 European Parliament Committee on Petitions, *Report on the Institution of the Petition at the Dawn of the 21st Century*, 2000/2026(INI), 19 March 2001, 15, https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A5-2001-0088+0+DOC+PDF+V0//EN&language=EN.

69 Heezen et al., *Achievements of the Committee*, 14.

70 "Empowering Parliaments in the Implementation of Union Law, 27 November 2018 (JURI, PETI)", European Parliament, https://www.europarl.europa.eu/relnatparl/en/empowering-parliaments-in-the-implementa/products-details/20210426CPU35625.

71 Marta Ballesteros, *Monitoring the Implementation of EU Law: Tools and Challenges*, Brussels: European Parliament, Directorate-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, 2017, 7, https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596799/IPOL_STU(2017)596799_EN.pdf.

72 European Parliament Committee on Petitions, *Report on the Institution*, *10*

73 This concerns the following MEPs: Auken, Evi, Jahr, Toom, Waitz.

74 "Members of European Parliament", European Parliament, https://www.tttp.eu/?

75 See, e.g., input from David Lowe during the public hearing on the right to petition on 23 June 2015. "Committee on Petitions: 23 June 2015, 09:10–12:38", European Parliament, https://multimedia.europarl.europa.eu/en/committee-on-petitions_20150623-0900-COMMITTEE-PETI_vd.

76 Heezen et al., *Achievements of the Committee*, 34–36.

77 European Parliament Committee on Petitions, Guidelines, 14.

78 See, e.g., Ballesteros, *Monitoring the Implementation*, 26.

79 "Applying EU Law", European Commission, https://ec.europa.eu/info/law/law-making-process/applying-eu-law_en.

80 European Parliament Committee on Petitions, *Report on Deliberations 2019*, 26.

81 Russack, "Pathways for Citizens to Engage in EU Policy Making", 28.

82 For the period 2014–2019, the average number of requests for opinions from the Commission was 564. This is calculated on the basis of the numbers provided in the annual reports of the Petitions Committee.

83 Ballesteros, *Monitoring the Implementation*, 26.

84 See annual reports 2017–2019. Due to changes in reporting styles and lack of information, it is difficult to establish the exact number of cases whereby the Commission acted on petitions.

85 European Commission, *Monitoring the Application of European Union Law: 2019 Annual Report*, 31 July 2020, 16, https://ec.europa.eu/info/sites/info/files/file_import/report-2019-annual-report-monitoring-application-eu-law_en.pdf.

86 European Commission, *Annual report on monitoring the application of EU law*, 2019, https://ec.europa.eu/info/sites/default/files/file_import/report-2019-annual-report-monitoring-application-eu-law_en.pdf, 16.

87 Interview 11.

88 Ballesteros, *Monitoring the Implementation*, 27. The European Parliament has also expressed its dissatisfaction with the lack of information: "[The European Parliament] regrets the fact that no precise statistics concerning the number of petitions that led to the initiation of an EU Pilot or infringement procedure are provided; calls on the Commission, therefore, to send regular reports on cases relating to proceedings and/or procedures under way, in order to facilitate structured dialogue and reduce the time frame for settling disputes; calls on the Commission to discuss those reports with the Committee on Petitions, proactively involving the Vice-President responsible for the application of law and simplification; asks the Commission to involve petitioners in EU Pilot procedures initiated in relation to their petitions, with a view, inter alia, to facilitating dialogue between the petitioners and the national authorities concerned". European Parliament, *European Parliament Resolution of 26 October 2017 on Monitoring the Application of EU Law 2015*, 2017/2011(INI), 26 October 2017, https://www.europarl.europa.eu/doceo/document/TA-8-2017-0421_EN.pdf.

89 Ballesteros, *Monitoring the Implementation*, 7.

90 European Parliament Committee on Petitions, *Report on the Institution*, 14.

91 Heezen et al., *Achievements of the Committee*, 10.

92 Melanie Smith, *Challenges in the Implementation of EU Law at National Level* (Brussels: European Parliament, Directorate-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, November 2018), 6, https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/608841/IPOL_BRI(2018)608841_EN.pdf.

93 Heezen et al., *Achievements of the Committee*, 49–50.

94 European Parliament Committee on Petitions, *Report on the Institution*, 10.

95 See also: "The right to petition is and remains the most accessible, permanent and general-purpose participatory mechanism within the current EU opportunity infrastructure." Alberto Alemanno, *Strengthening the role and impact of petitions as an instrument of participatory democracy: Lessons learnt from a citizens' perspective 10 years after the entry into force of the Lisbon Treaty, Study requested by the PETI committee of the European Parliament*, October 2021, 63, https://www.europarl. europa.eu/RegData/etudes/STUD/2021/694837/IPOL_STU(2021)694837_EN.pdf.

96 Russack, "Pathways for Citizens to Engage in EU Policy Making", 28.

97 Interview 37.

IV. The European Ombudsman: more than maladministration (p. 110–129)

1 Compare definitions: "European Ombudsman", European Union, https://europa.eu/european-union/about-eu/institutions-bodies/europe-an-ombudsman_en; Ottavio Marzocchi, "The European Ombudsman", European Parliament, December 2020, https://www.europarl.europa.eu/ftu/pdf/en/FTU_1.3.16.pdf; Nikos Vogiatzis, "Communicating the European Ombudsman's Mandate: An Overview of the Annual Reports", *Journal of Contemporary European Research* 10, no. 1 (2014): 106–123.

2 European Ombudsman, *Annual Report 2019/2020*, Vienna: International Ombudsman Institute, 2021, https://www.theioi.org/downloads/9l6ib/IOI_Annual_Report_2019_2020_%28FINAL_f%C3%BCr_Web%29.pdf.

3 Linda C. Reif, *The International Ombudsman Anthology: Selected Writings from the International Ombudsman Institute*, The Hague: Kluwer Law International, 1999.

4 Najmul Abedin, "Conceptual and Functional Diversity of the Ombudsman Institution: A Classification," *Administration & Society* 43, no. 8 (2011): p. 900, https://doi.org/10.1177/0095399711417700.

5 Abedin, "Conceptual and Functional", 906.

6 Abedin, "Conceptual and Functional", 897.

7 Paul Magnette, "Between Parliamentary Control and the Rule of Law: The Political Role of the Ombudsman in the European Union", *Journal of European Public Policy* 10, no. 5 (2003): 677–694, https://doi.org/10.1080/1350176032000124032.

8 Gabriele Kucsko-Stadlmayer, *The Spread of the Ombudsman Idea in Europe*, Vienna: International Ombudsman Institute, 2009, http://www.theioi.org/downloads/34chi/Stockholm%20Conference_25.%20Back%20to%20the%20Roots_Gabriele%20Kucsko%20Stadlmayer.pdf.

9 "Promoting Our European Way of Life: Protecting Our Citizens and Our Values", European Commission, https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life_en.

10 "25 Years of the European Ombudsman", European Ombudsman, https://www.ombudsman.europa.eu/webpub/25years/en/index.html.
11 European Parliament, Resolution on the Appointment of a Community Ombudsman by the European Parliament, 11 May 1979, https://www.ombudsman.europa.eu/en/historical/en/4667.
12 "A People's Europe", CVCE.EU by UNI.LU, https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/95a065c6-38e9-45da-8bbe-66f958a8b005.
13 Ad Hoc Committee on a People's Europe, *Report to the European Council ("Adonnino Report")*, Milan, 28 June 1985, 6, https://www.ombudsman.europa.eu/en/historical/en/4659.
14 Magnette, "Between Parliamentary Control".
15 Magnette, "Between Parliamentary Control".
16 Magnette, "Between Parliamentary Control".
17 "The European Union after Lisbon: Where next for European Citizens?", European Ombudsman, https://www.ombudsman.europa.eu/en/speech/en/5470.
18 Silvia Kotanidis, *The European Ombudsman: Reflection on the Role and Its Potential*, Brussels: European Parliamentary Research Service, November 2018, https://www.europarl.europa.eu/RegData/etudes/IDAN/2018/630282/EPRS_IDA(2018)630282_EN.pdf.
19 European Ombudsman, *Annual Report 1995*, 22 April 1996, https://www.ombudsman.europa.eu/de/publication/en/3468.
20 European Ombudsman, *Annual Report for 1997*, 20 April 1998, 188, https://www.ombudsman.europa.eu/de/publication/en/3447.
21 Kotanidis, *The European Ombudsman*.
22 European Ombudsman, *Annual Report 1995*, 22.
23 Compare Magnette, "Between Parliamentary Control".
24 European Ombudsman, *Annual Report 1995*, 10.
25 "'The Ombudsman Institution and the Quality of Democracy', Lecture by the European Ombudsman, Professor P. Nikiforos Diamandouros, at the Centre for the Study of Political Change, University of Siena, Siena, Italy, 17 October 2006", European Ombudsman, https://www.ombudsman.europa.eu/en/speech/en/348.
26 "Address at the European Ombudsman's 20th Anniversary Colloquium", European Ombudsman, https://www.ombudsman.europa.eu/et/speech/en/60312.
27 "Address at the European Ombudsman's 20th Anniversary Colloquium", Speech.
28 Cristina Gonzalez, "The Political Proxy War Driving the Race for EU Citizens' Champion", *Politico*, 2 December 2019, https://www.politico.eu/article/the-political-proxy-war-driving-the-race-for-eu-citizens-champion-emily-o-reilly/.
29 Treaty Establishing the European vCommunity, Art. 138 e.
30 A search at the Ombudsman website as of 09/2020, lists more than 330 decisions of the Ombudsman in relation to the European Parliament.
31 European Ombudsman, *Annual Report 2020*.
32 Interview 35.
33 Interview 10.
34 Note: until 2018, the Ombudsman referred to "compliance rate", in its 2019 "Putting it Right?" report, it changed its terminology to "acceptance rate".
35 European Ombudsman, *Putting It Right? – How the EU Institutions Responded to the Ombudsman in 2019*, 8 December 2020, https://www.ombudsman.europa.eu/pdf/en/135909.
36 European Ombudsman, *Putting It Right? How the EU Institutions Responded to the Ombudsman in 2018*, 18 December 2019, https://www.ombudsman.europa.eu/de/annual/en/123473.
37 European Parliament Committee on Petitions, *Report on the Outcome of the Committee on Petitions' Deliberations during 2019*, 2020/2044(INI), 2020, https://www.europarl.europa.eu/doceo/document/A-9-2020-0230_EN.pdf.
38 Interview 36.
39 Interview 35.
40 Interview 36.
41 Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.
42 Interview 10.
43 Interview 36.
44 European Ombudsman, *Decision of the European Ombudsman Closing the Inquiry into Complaint 119/2015/PHP on the European Commission's Handling of a Request for Public Access to Documents Related to TTIP*, 4 November 2015, https://www.ombudsman.europa.eu/hr/decision/en/61261.
45 "Ombudsman Opens Inquiry into Transparency of Council Legislative Work", European Ombudsman, 14 March 2017, https://www.ombudsman.europa.eu/en/press-release/en/76964.
46 Torsten Stein, "'A Supervisory Agency of Its Own Making'? The Questionable Political Agenda of the Current European Ombudsman", *Verfassungsblog*, 1 September 2019, https://verfassungsblog.de/a-supervisory-agency-of-its-own-making/.
47 European Commission, *Standard Eurobarometer 92 Autumn 2019*, December 2019, 112, https://op.europa.eu/en/publication-detail/-/publication/a2080679-f3e0-11ea-991b-01aa75ed71a1/language-en.
48 Also: Interview 35.
49 Interview 17.
50 Jennifer Rankin, "José Manuel Barroso Cleared of Ethics Breach over Goldman Sachs Job", *The Guardian*, 31 October 2016, https://www.theguardian.com/business/2016/oct/31/jose-manuel-barroso-cleared-ethics-breach-goldman-sachs-job-european-commission.
51 Jim Brunsden and Sam Fleming, "EU Banking Agency Criticised over Director's Move to Lobby Group", *Financial Times Online*, 11 May 2020, https://www.ft.com/content/835bba98-8af3-444b-87fd-4b14ba822783.
52 Magdaline Duncan, "EU Watchdog Criticizes Commission's Handling of Barroso Case", *Politico*, 24 July 2018, https://www.politico.eu/article/eu-watchdog-criticizes-commissions-handling-of-jose-manuel-barroso-case-european-ombudsman-emily-oreilly/.
53 Interview 35.
54 In May 2021, it had around 30200 followers on Twitter, more than 7.5 times the EP Petitions Committee's around 4000 followers.
55 Interview 36.
56 Compare: Interview 6.
57 "How to Make a Complaint", European Ombudsman, https://www.ombudsman.europa.eu/en/make-a-complaint.
58 European Ombudsman, *Annual Report 2010*, Luxembourg: European Union Publications Office, 2011, https://www.ombudsman.europa.eu/en/publication/en/10381; European Ombudsman, *Annual Report 2019*, Luxembourg: European Union Publications Office, 4 May 2020, https://www.ombudsman.europa.eu/en/annual/en/127393; European Ombudsman, *Annual Report 2020*, Luxembourg: European Union Publications Office, 18 May 2021, https://www.ombudsman.europa.eu/doc/annual-report/141317.

59 Interview 10.
60 European Parliament Committee on Petitions, *Report on Deliberations* 2019.
61 European Ombudsman, *Annual Report* 2019.
62 Interview 6.
63 Interview 10.
64 "Defender of Rights", EQUINET European Network of Equality Bodies, https://equineteurope.org/author/france-dr/.
65 Compare: Interview 10.
66 Interview 10.
67 Nikos Vogiatzis, *The European Ombudsman and Good Administration in the European Union*, *European Administrative Governance*, London: Palgrave Macmillan, 2018.
68 European Ombudsman, *Annual Report 2019*.
69 European Parliament Committee on Petitions, *Report on Deliberations 2019*.
70 European Ombudsman, *Annual Report 2019*.
71 Interview 36; European Parliament, *Decision of the European Parliament of 9 March 1994 on the Regulations and General Conditions Governing the Performance of the Ombudsman's Duties*, 9 March 1994, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31994D0262&from=en.
72 Interview 10.
73 Interview 10.
74 Herwig C. H. Hofmann, "The Developing Role of the European Ombudsman," in *Accountability in the EU: The Role of the European Ombudsman*, ed. Herwig C. H. Hofmann and Jacques Ziller, Cheltenham: Elgar Publishing, 2017, 2.
75 "Letter to the European Commission Concerning Statements by Its President and Its Vice-President for Democracy and Demography in the Run up to the Croatian Elections (1141/2020/MIG and 1143/2020/MIG)", European Ombudsman, 14 July 2020, https://www.ombudsman.europa.eu/en/correspondence/en/130254.
76 Interview 10; Interview 17.
77 Tom Binder, Marco Inglese and Frans van Waarden, *The European Ombudsman: Democratic Empowerment or Democratic Deficit?, Barriers Towards EU Citizenship, Experiences with the European Ombudsman Report D 8*, 2017, https://www.uu.nl/sites/default/files/european-ombudsman-democratic-empowerment-or-democratic-deficit.pdf.
78 European Ombudsman, *Annual Report 2019*.
79 "Queries", European Ombudsman, https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/queries/en.
80 "Parallel Inquiries and Initiatives", European Ombudsman, https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/parallel-inquiries.
81 European Ombudsman, *Annual Report 2019*.
82 European Ombudsman, *Decision on Strategic Initiative SI/3/2018/JN: Effective Complaint Mechanisms for Matters Concerning European Structural and Investment Funds – Follow-up to OI/8/2014/AN*, 18 July 2019, https://www.ombudsman.europa.eu/en/correspondence/en/117396.
83 Interview 36.
84 Interview 17.
85 European Ombudsman, *Putting It Right? 2018*.
86 Interview 36.
87 Nikiforos Diamandouros, "From Maladministration to Good Administration: Retrospective Reflections on a Ten-Year Journey", in *Accountability in the EU: The Role of the European Ombudsman*, ed. Herwig C. H. Hofmann and Jacques Ziller, Cheltenham: Elgar Publishing, 2017, 217–258.
88 "25 Years of the European Ombudsman. Strengthening the Role of the European Ombudsman in Challenging Times for Citizens", European Ombudsman, 18 March 2021, https://www.ombudsman.europa.eu/en/speech/en/134202.
89 European Ombudsman, *Decision in the Joint Inquiry in Cases 488/2018/KR and 514/2018/KR on the European Commission's Appointment of a New Secretary-General*, 11 February 2019, https://www.ombudsman.europa.eu/de/decision/en/109855.
90 European Ombudsman, Rec*ommendations of the European Ombudsman in the Joint Inquiry into Complaints 194/2017/EA, 334/2017/EA, and 543/2017/EA on the European Commission's Handling of Post-Mandate Employment of Former Commissioners, a Former Commission President and the Role of Its 'Ethics Committee'*, 20 July 2018, https://www.ombudsman.europa.eu/de/recommendation/en/90956.
91 "EU Ombudsman: Barroso and Selmayr Cases Gave Ammunition to Populists", *Euractiv*, 9 May 2019, https://www.euractiv.com/section/eu-elections-2019/news/eu-ombudsman-barroso-and-selmayr-cases-gave-ammunition-to-populists/.
92 "EU Commission Shifts Top Civil Servant Martin Selmayr to Vienna", *Deutsche Welle*, 24 July 2019, https://www.dw.com/en/eu-commission-shifts-top-civil-servant-martin-selmayr-to-vienna/a-49732350.
93 European Ombudsman, *Recommendation of the European Ombudsman in Case 1069/2019/MIG on Sponsorship of the Presidency of the Council of the European Union*, 15 July 2019, https://www.ombudsman.europa.eu/en/recommendation/en/123134.
94 Emma Beswick, "Coca-Cola, BMW, and Microsoft – Is There an Issue with Corporate Sponsorship of the EU Presidency", *Euronews*, 24 July 2019, https://www.euronews.com/2019/07/24/coca-cola-bmw-and-microsoft-is-there-an-issue-with-corporate-sponsorship-of-the-eu-preside.
95 European Ombudsman, *Annual Report 2019*.
96 European Ombudsman, "Ombudsman Welcomes Commission's Commitment to Take Greater Account of Environment and Human Rights in Reviewing Export Credit Agencies", 3 December 2018, https://www.ombudsman.europa.eu/en/case/en/47553; European Ombudsman, *Decision in Case 212/2016/JN on the European Commission's Annual Reviewing of Member States' Export Credit Agencies*, 3 December 2018, https://www.ombudsman.europa.eu/en/decision/en/107200.

V. Public Consultations: systematic input with inconsistent output (p. 130–147)

1 Treaty on European Union, Article 11.
2 European Commission, *Commission Staff Working Document: Better Regulation Guidelines. SWD (2017) 350*, Brussels: European Commission, 7 July 2017, 69. Emphasis in original. https://ec.europa.eu/info/sites/default/files/better-regulation-guidelines.pdf.
3 European Commission, *Better Regulation Guidelines*, 69.
4 See, for example, "End-of-life vehicles – revision of EU rules", European Commission, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12633-End-of-life-vehicles-revision-of-EU-rules_en.
5 Christine Quittkat and Barbara Finke, "The EU Commission consultation regime", in *Opening EU-governance to civil society: gains and challenges (CONNEX Report Series 05)*, ed. Beate Kohler-Koch, Dirk de Bièvre and William Maloney, Mannheim: Universität Mannheim, Mannheimer Zentrum für Europäische Sozialforschung, 2008, 183–222. https://nbn-resolving.org/urn:nbn:de:0168-ssoar-195380.
6 European Commission, *European Governance: a White Paper*, COM(2001) 428, Brussels: European Commission, 12 October 2001, 7, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52001DC0428&from=EN.

7 European Commission, *Better Regulation Guidelines; European Commission, Better Regulation Toolbox*, Brussels: European Commission, 2017, https://ec.europa.eu/info/sites/default/files/better-regulation-toolbox_2.pdf.
8 Interview 2.
9 "Consultations", European Commission, https://ec.europa.eu/info/consultations.
10 "Have Your Say", European Commission, https://ec.europa.eu/info/law/better-regulation/have-your-say_en.
11 European Commission, *Better Regulation Guidelines*, 70.
12 Sophia Russack, "Pathways for citizens to engage in EU policymaking", *CEPS Policy Insights 2018/14*, Brussels: Centre for European Policy Studies, 29 November 2018
13 Interview 25.
14 European Commission, *Public Consultation on EU Summertime Arrangements: Report of Results*, *SWD/2018/406 final*, Brussels: European Commission, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018SC0406.
15 Interview 2.
16 European Court of Auditors, '*Have your say!': Commission's public consultations engage citizens, but fall short of outreach activities (Special Report no 14/2019*), 25, Luxembourg: European Court of Auditors, https://www.eca.europa.eu/Lists/ECADocuments/SR19_14/SR_Public_participation_EN.pd
17 Interview 25.
18 European Commission, *Better Regulation Guidelines*, 56.
19 European Commission, *Better Regulation Guidelines*, 62.
20 Interview 31.
21 Treaty on European Union, Article 9.
22 Alberto Alemanno, "Leveling the EU Participatory Playing Field: A Legal and Policy Analysis of the Commission's Public Consultations in Light of the Principle of Political Equality", *European Law Journal*, Forthcoming (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3693991.
23 Interview 25.
24 European Commission, *Better Regulation Guidelines*, 74.
25 Interview 31.
26 European Commission, *Better Regulation Guidelines*, 81.
27 Interview 16.
28 "Public Consultation on summertime arrangements", European Commission, https://ec.europa.eu/info/consultations/2018-summertime-arrangements_en.
29 Interview 31.
30 European Court of Auditors, *Special Report no 14/2019*, 57.
31 "Summertime Consultation: 84% want Europe to stop changing the clock", European Commission, 31 August 2018, https://ec.europa.eu/commission/presscorner/detail/en/IP_18_5302.
32 "Modifying and simplifying the Common Agricultural Policy", European Commission, https://ec.europa.eu/info/consultations/modernising-and-simplifying-common-agricultural-policy.
33 "Prevention of and fight against crime (ISEC), 2007-2013", European Commission, https://op.europa.eu/en/publication-detail/-/publication/ba63ddc9-63b4-11e8-ab9c-01aa75ed71a1/language-en; European Court of Auditors, *Special Report no 14/2019*, 27.
34 Interview 2.
35 Interview 25.
36 Interview 16.
37 Interview 31.
38 European Court of Auditors, *Special Report no 14/2019*, 38.
39 European Commission, *Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Investment Partnership Agreement (TTIP), SWD(2015) 3 final*, Brussels: European Commission, 13 January 2015, http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153044.pdf.
40 Elisa Lironi and Daniela Peta, *EU public consultations in the digital age: Enhancing the role of the EESC and civil society organisations*, CES/CSS/11/2016 23418, Brussels: European Economic and Social Committee, 21.
41 European Commission, *Better Regulation Toolbox*, 402.
42 European Court of Auditors, *Special Report no 14/2019*, 33.
43 European Court of Auditors, *Special Report no 14/2019*, 33.
44 Interview 16
45 European Commission, *Better Regulation Guidelines*, 69.
46 European Court of Auditors, *Special Report no 14/2019*, 31.
47 European Commission, *Better Regulation Toolbox*, 397.
48 European Court of Auditors, *Special Report no 14/2019*, 32.
49 "The use of official EU languages when communicating with the public – Practical recommendations for the EU administration", European Ombudsman, 2 July 2020, https://www.ombudsman.europa.eu/en/correspondence/en/129519.
50 European Court of Auditors, *Special Report no 14/2019*, 32.
51 Alemanno, "Levelling the EU participatory playing field".
52 European Commission, *Better Regulation Toolbox*, 424.
53 European Commission, *Better Regulation Toolbox*, 424.
54 Interview 16.
55 European Commission, "Summertime Consultation: 84% want Europe to stop changing the clock".
56 European Commission, "Summertime Consultation: 84% want Europe to stop changing the clock".
57 European Court of Auditors, *Special Report no 14/2019*, 39.
58 European Commission, *Better Regulation Toolbox*, 412, 424.
59 "Home", Conference on the Future of Europe, https://futureu.europa.eu/.
60 "Where do we go as a society?" vTaiwan, https://info.vtaiwan.tw/.
61 European Commission, *Better Regulation Toolbox*, 400.
62 European Court of Auditors, *Special Report no 14/2019*, 37.

63 European Commission, *Towards a reinforced culture of consultation and dialogue*, 18.
64 European Commission, *Towards a reinforced culture of consultation and dialogue*, 18.
65 European Court of Auditors, *Special Report no 14/2019*, 45
66 European Commission, *Better Regulation Guidelines*, 83–84.
67 European Commission, *Better Regulation Guidelines*, 87.
68 European Court of Auditors, *Special Report no 14/2019*, 42.
69 Interview 16.
70 Interview 31.
71 Quittkat and Finke, "The EU Commission consultation regime".
72 European Commission, *Towards a reinforced culture of consultation and dialogue*, 18.
73 European Commission, *Better Regulation Toolbox*, 436.
74 European Court of Auditors, *Special Report no 14/2019*, 44.
75 European Court of Auditors, *Special Report no 14/2019*, 35.
76 Interview 31.
77 Juncker's statement that "there is no applause when EU law dictates that Europeans have to change the clocks twice a year" could be interpreted as a reference to the consultation, in the sense that its result supposedly 'proved' that Europeans did not approve of this law. Jean-Claude Juncker, "State of the Union 2018: The hour of European sovereignty", European Commission, 2018, 6. https://ec.europa.eu/info/sites/default/files/soteu2018-speech_en_0.pdf.
78 Interview 31.

VI. The Citizens' Dialogues: discussion with little formal impact (p. 148–171)

1 "European Years", European Commission, https://europa.eu/european-union/about-eu/european-years_en.
2 "Citizens' Dialogues across the EU", Calendar of citizens' dialogues, European Commission, https://ec.europa.eu/archives/debate-future-europe/citizens-dialogues/index_en.htm.
3 "Citizens' Dialogue in Cadiz", European Commission, https://ec.europa.eu/archives/debate-future-europe/citizens-dialogues/spain/cadiz/index_en.htm.
4 "José Manuel Durão Barroso President of the European Commission State of the Union 2012 Address Plenary Session of the European Parliament/Strasbourg 12 September 2012", European Commission, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_12_596.
5 "Citizens' Dialogue in Cadiz."
6 Jean-Claude Juncker, *Mission Letter: Johannes Hahn*, Brussels: European Commission, 1 November 2014, https://ec.europa.eu/commission/commissioners/sites/cwt/files/commissioner_mission_letters/hahn_en.pdf.
7 "Citizens' Dialogues: It's about the Future of Europe. Let's Talk", European Commission, https://ec.europa.eu/info/events/citizens-dialogues-2014-2019#bootstrap-fieldgroup-nav-item--past-events--2.
8 "White Paper on the Future of Europe and the Way Forward", European Commission, https://ec.europa.eu/commission/future-europe/white-paper-future-europe-and-way-forward_en.
9 Interview 13.
10 Interview 3.
11 Own calculations of dialogues held by the European Commission up until November 29, 2019.
12 "Events: Citizens' Dialogues before 9 March 2020," European Commission, https://ec.europa.eu/info/events_en?facet select field_ core_event_collection=122922&field_event_date_value_1%5Bdate%5D=09-03-2020&facetcheckboxes field_event_external_event=off&facetselect field_core_ location:country=0&facetselectfield_core_pages=0.
13 Ursula von der Leyen, *Mission Letter: Dubravka* Šuica, Brussels: European Commission, 1 December 2019, https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner_mission_letters/mission-letter-dubravka-suica_en.pdf.
14 For example, as of 31 May 2021, the previous European Year of the Citizens homepage – https://europa.eu/citizens-2013/en/home – redirects to https://ec.europa.eu/info/events/citizens-dialogues_en.
15 "Citizens' Dialogues", European Commission, https://ec.europa.eu/info/events/citizens-dialogues.
16 Interview 3; Interview 22; Interview 13.
17 Jean-Claude Juncker, *Mission Letter: Frans Timmermans*, Brussels: European Commission, 1 November 2014, https://ec.europa.eu/commission/commissioners/sites/cwt/files/commissioner_mission_letters/timmermans_en.pdf.
18 European Commission, *Citizens' Dialogues as a Contribution to Developing a European Public Space*, Brussels: European Union, 2014, 4, https://ec.europa.eu/archives/debate-future-europe/citizens-dialogues/belgium/brussels3/dialogue_en.pdf.
19 Interview 3.
20 Interview 3.
21 Interview 3; Interview 13.
22 Interview 3.
23 Interview 18.
24 Interview 3.
25 European Commission, *Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Citizens' Dialogues as a Contribution to Developing a European Public Space*, Brussels, 24 March 2014, https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52014DC0173.
26 Interview 18.
27 Interview 22; Interview 18.
28 Interview 21.
29 Interview 21.
30 Interview 21.
31 European Commission, "José Manuel Durão Barroso".
32 European Commission, *Citizens' Dialogues as a*.
33 "'It's about Europe. It's about You. Join the Debate' – 2013 is the 'European Year of Citizens'", European Commission, https://ec.europa.eu/commission/presscorner/detail/en/IP_12_1253 .

34 Interview 21.
35 Interview 3.
36 Interview 3.
37 Interview 18.
38 Interview 21.
39 Interview 22.
40 Interview 3.
41 Interview 20.
42 "Citizens' Dialogues", European Commission, https://ec.europa.eu/info/events/citizens-dialogues_en
43 Interview 18.
44 Ursula von der Leyen, *Mission Letter: Dubravka* Šuica, 5.
45 "Events: Citizen's Dialogues before 16 April 2020", European Commission, https://ec.europa.eu/info/events_en?facet select field_core_event_collection=2065&field_event_date_value_1%5Bdate%5D=16-04-2020&facetcheckboxes field_event_external_event=off&page=6.
46 Interview 3.
47 Interview 22.
48 Interview 18.
49 Interview 19.
50 Interview 18.
51 Interview 3.
52 Interview 3.
53 Interview 18.
54 Interview 20.
55 European Movement Ireland, *Launch of the European Year of Citizens 2013 & Citizens' Dialogues: Report to the Department of the Taoiseach*, Dublin, January 2013, 5, http://www.eu2013.ie/media/eupresidency/content/documents/Citizens-Dialogue-10-Jan-final-report.PDF.
56 Interview 22.
57 Anna Renkamp, *Evaluation of the Cross-Border EU Citizens' Dialogue on May 17, 2019 in The Hague*, Gütersloh: Bertelsmann Stiftung, 2019, https://www.bertelsmann-stiftung.de/fileadmin/files/Projekte/Demokratie_und_Partizipation_in_Europa_/Evaluation_EU-Citizens_Dialogue_TheHague.pdf; Interview 3.
58 Interview 18.
59 Interview 21.
60 Interview 3.
61 Interview 21.
62 Interview 18.
63 Interview 22; Interview 3.
64 Interview 3.
65 Interview 3.
66 Interview 20.
67 Interview 18.
68 Interview 3.
69 Interview 18.
70 Interview 18.
71 "Citizens' Dialogues: Past Events", European Commission, https://ec.europa.eu/info/events/citizens-dialogues_en#bootstrap-fieldgroup-nav-item--past-events--2.
72 "Transnational Citizens' Dialogue on a Ferry between Poland and Sweden", European Commission, 24 April 2019, https://ec.europa.eu/info/events/citizens-dialogues/transnational-citizens-dialogue-ferry-between-poland-and-sweden-2019-apr-24_en.
73 Interview 22.
74 Interview 19.
75 Interview 3.
76 Interview 22.
77 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee the Committee of the Regions and the European Investment Bank: State of the Energy Union*, Brussels, 18 November 2015, 15, https://eur-lex.europa.eu/resource.html?uri=cellar:ebdf266c-8eab-11e5-983e-01aa75ed71a1.0008.02/DOC_1&format=PDF.
78 Interview 3.
79 Interview 18.
80 Interview 20.
81 Interview 20.
82 See, e.g., European Movement Ireland, *Launch of the*, 2.
83 Renkamp, *Evaluation of the,* 15.
84 Interview 20.
85 Interview 20.
86 Interview 21.
87 European Commission, *Citizens' Dialogues as a*.

VII. European Citizens' Consultations: a learning experiment (p. 172–189)

1 European Commission, *Citizens' dialogues and citizens' consultations Key conclusions*, 20 May 2019, https://ec.europa.eu/info/sites/default/files/euco-sibiu-citizensdialogues_en.pdf.

2 Corina Stratulat and Paul Butcher, *The European Citizens' Consultations – Evaluation Report*, Brussels: European Policy Centre, November 2018, https://www.epc.eu/en/Publications/The-European-Citizens-Consult~267d84. The name "European Citizens' Consultations" has on occasion also been applied to previous smaller-scale initiatives run by civil society organisations. See for example Monique Leyenaar and Kees Niemöller, *European Citizens' Consultations 2009: Evaluation Report*, Brussels: King Baudouin Foundation, 2010, https://www.kbs-frb.be/en/Virtual-Library/2010/295097.

3 "Initiative Pour l'Europe – Discours d'Emmanuel Macron Pour Une Europe Souveraine, Unie, Démocratique", Élysée, 26 September 2017, https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique.

4 See for example, the statement of the V4 countries on the future of Europe debate: Ministry of Foreign Affairs and Trade of Hungary, "V4 Statement on the Future of Europe", Visegrad Group, https://www.visegradgroup.eu/calendar/2018/v4-statement-on-the.

5 European Commission, "12 Questions for the Future of Europe: Commission Launches Online Citizens' Consultation", last modified 9 May 2018, https://ec.europa.eu/commission/presscorner/detail/en/IP_18_3706. The link to the questionnaire itself now redirects to the landing page for the Conference on the Future of Europe.

6 Interview 33. For a detailed timeline of the process, see Stratulat and Butcher, Evaluation Report, 34.

7 Lena Morozova-Friha, "France", in *The European Citizens' Consultations – Evaluation Report*, ed. Corina Stratulat and Paul Butcher, Brussels: European Policy Centre, 2018, 54.

8 Flavio Grazian and Elisa Lironi, "Italy", in *The European Citizens' Consultations – Evaluation Report*, ed. Corina Stratulat and Paul Butcher, Brussels: European Policy Centre, 2018, 61.

9 Presidency of the Council of the European Union, *Citizens' Consultations – Executive Summaries*, Brussels, 4 December 2018, https://data.consilium.europa.eu/doc/document/ST-14791-2018-INIT/en/pdf.

10 General Secretariat of the Council, *European Council Meeting (13 and 14 December 2018) – Conclusions*, Brussels, 14 December 2018, https://www.consilium.europa.eu/media/37535/14-euco-final-conclusions-en.pdf.

11 Karl-Heinz Lambertz and Luca Jahier, *Bringing the EU Closer to Its Citizens: The Call for an EU Permanent Mechanism for Structured Consultations and Dialogues with Citizens*, European Committee of the Regions and the European Economic and Social Committee, 14 December 2018, https://www.cor.europa.eu/en/our-work/Documents/SOTREG/3878-factsheet%20B%20BaT.pdf

12 "Opening Statement in the European Parliament Plenary Session by Ursula von der Leyen, Candidate for President of the European Commission", European Commission, 16 July 2019, https://ec.europa.eu/commission/presscorner/detail/en/speech_19_4230.

13 Interview 38.

14 Interview 22.

15 Morozova-Friha, "France".

16 Interview 38.

17 Stratulat and Butcher, *Evaluation Report*, 30.

18 "Summertime Consultation: 84% Want Europe to Stop Changing the Clock", European Commission, 31 August 2018, https://ec.europa.eu/transport/themes/summertime/news/2018-08-31-consultation-outcome_en.

19 http://www.hablamosdeeuropa.es/consulta-ciudadana/consultaciudadana.

20 Interview 33.

21 "Lietuva Europos Sajungoje", Lietuvos Respublikos, http://www.urm.lt/default/lt/uzsienio-politika/uzsienio-politikos-prioritetai/lietuva-europos-sajungoje/pilieciu dialogai-mano-europa; "Europa im Dialog", Die Bundesregierung, https://www.bundesregierung.de/breg-de/themen/eu-buergerdialog.

22 Corina Stratulat and Paul Butcher, *Citizens Expect: Lessons from the European Citizens' Consultations*, Brussels: European Policy Centre, 21 May 2019, https://www.epc.eu/content/PDF/2019/190521_LessonsECCs_CSPB.pdf.

23 Corina Stratulat and Paul Butcher, "The European Citizens' Consultations Deserve Pride of Place at von der Leyen's Conference", European Policy Centre, 5 September 2019, https://www.epc.eu/en/Publications/The-European-Citizens-Consultations-deserve-pride-of-place-at-von-der~21c488.

24 Interview 38.

25 General Secretariat of the Council, *Joint Framework on Citizens' Consultations*, Brussels, 23 April 2018, https://data.consilium.europa.eu/doc/document/ST-8227-2018-INIT/en/pdf.

26 Interview 33.

27 Hannah Starman, "Poland", in *The European Citizens' Consultations – Evaluation Report*, ed. Corina Stratulat and Paul Butcher, Brussels: European Policy Centre, 2018, 60.

28 Grazian and Lironi, "Italy", 61.

29 Interview 38.

30 Interview 38.

31 Morozova-Friha, "France"; Interview 33.

32 Morozova-Friha, "France".

33 According to organisers interviewed for the EPC-Democratic Society Evaluation Report; on file with the authors.

34 Interview 33; Interview 22.

35 "Institute for Electronic Participation (INePA)", http://www.inepa.si/english; "Manabalss.Lv", https://manabalss.lv/site_posts; "Netwerk Democratie", https://netdem.nl/en/.

36 See for example, Dominik Hierlemann and Christian Huesmann, *European Citizens' Panel on the Future of Europe: Evaluation Report*, Gütersloh: Bertelsmann Stiftung, October 2018, https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/224-2018_BST_Evaluationsberich_Citizens_Panel_final.pdf; Anthony Zacharzewski, "The Citizens' Panel on the Future of Europe", in *The European Citizens' Consultations – Evaluation Report*, ed. Corina Stratulat and Paul Butcher, Brussels: European Policy Centre, 2018, 19–22.

37 Interview 33.

38 Stratulat and Butcher, "Pride of Place".

39 "01 September 2020, 09:00–11:00: Committee on Constitutional Affairs", European Parliament, https://multimedia.europarl.europa.eu/en/committee-on-constitutional-affairs_20200901-0900-COMMITTEE-AFCO_vd.

40 Interview 38.

41 Lambertz and Jahier, *Bringing the EU Closer to Its Citizens*.

All weblinks last accessed December 2021.

List of figures

Interviewees*

NAME	FUNCTION
Berg, Carsten	Director, The ECI Campaign – European Citizens' Initiative e.V., Germany
Boogert, Rudiger	Head of Unit Policy Priorities and Work Programme, Secretariat-General, European Commission
Bouygues, Sixtine	Deputy Director-General for Communication, European Commission
Bouza Garcia, Luis	Assistant Professor, Universidad Autonóma de Madrid (UAM), Spain
Brombo, Pierluigi	Head of Unit Foresight, Studies and Policy Assessment, Secretariat-General, European Economic and Social Committee
Bunea, Adriana	Associate Professor, The University of Bergen (UiB), Norway
Clark, Stephen	Director for the European Parliament Liaison Offices, European Parliament
Colombani, Antoine	Member of Cabinet of Frans Timmermans, European Commission
Damay, Ludivine	Researcher, Université Libre de Bruxelles, Belgium
Delmotte, Florence	Associate Professor, Université Saint-Louis – Bruxelles, Belgium
Diamandouros, Nikiforos	Former European Ombudsman
Duff, Andrew	Former MEP, European Parliament
Geuens, Maaike	Lecturer and course coordinator at the University of Tilburg, the Netherlands
Giegold, Sven	State Secretary, Federal Ministry for Economic Affairs and Climate Action, Germany
Greenwood, Justin	Emeritus Professor, Robert Gordon University, United Kingdom
Hafen, Frederik	Environmental Democracy Policy Officer at the European Environmental Bureau, Belgium
Harden, Ian	Former Secretary General, European Ombudsman
Hix, Simon	Professor, European University Institute, Italy
Jahr, Peter	MEP, European Parliament
Kozdoj, Anna	Former administrator, European Economic and Social Committee (EESC)
Lironi, Elisa	Senior Manager European Democracy, European Citizen Action Service (ECAS), Belgium
Lowe, David	Former Head of Petitions Committee Secretariat, European Parliament
Nastase, Andreea	Assistant Professor, Maastricht University, the Netherlands
Olesen, Anton Svane	Assistant to MEP Margrete Auken, European Parliament
Ott, Joachim	Head of Unit Citizens' Dialogues, European Commission
Petzold, Wolfgang	Deputy Director Communications Department, Committee of the Regions
Ricard-Nihoul, Gaëtane	Member of the Common Secretariat for the Conference on the Future of Europe
Roovers, Koen	Inquiries Officer, Directorate of Inquiries, European Ombudsman
Russack, Sophia	Researcher, Centre for European Policy Studies (CEPS), Belgium

* A total of 41 interviewees have participated in 38 interviews. Three of these interviewees preferred to remain anonymous.

NAME	FUNCTION
Salm, Christian	Former Policy Analyst, European Parliamentary Research Service (EPRS), European Parliament
Schwartz, David	Senior Campaigner, WeMove.EU, Germany
Stubb, Alexander	Director and Professor of the School of Transnational Governance, European University Institute, Italy
Tibúrcio, Tiago	Advisor at the President's Cabinet, Assembly of the Republic, Portugal
Timonen, Antti	Member of Cabinet of Vice-President Jyrki Katainen, European Commission
Turtelboom, Annemie	Member, European Court of Auditors
Venables, Tony	Founder, European Citizens' Rights, Involvement and Trust (ECIT Foundation), Belgium
Yordanova, Nikoleta	Associate Professor, Leiden University, the Netherlands
Zacharzewski, Anthony	President and Director-General, the Democratic Society, Belgium

Experts*

NAME	INSTITUTION
Abels, Gabriele	University of Tübingen, Germany
Alemanno, Alberto	HEC Paris, France College of Europe, Belgium
Auel, Katrin	Institute for Advanced Studies, Austria
Bauer, Matthias	European Centre for International Political Economy (ECIPE), Belgium
Bekemans, Léonce	University of Padua, Italy
Bellamy, Richard	University College London (UCL), United Kingdom
Belot, Celine	Centre national de la recherche scientifique (CNRS), France Sciences Po Grenoble, France
Blasi Casagran, Cristina	Universitat Autònoma de Barcelona (UAB), Spain
Böttger, Katrin	Institut für Europäische Politik (IEP), Germany
Bunea, Adriana	University of Bergen (UiB), Norway
Bursens, Peter	University of Antwerp, Belgium
Chatzopoulou, Sevasti	Roskilde University (RUC), Denmark
Cheneval, Francis	University of Zurich (UZH), Switzerland
Christiansen, Thomas	Luiss Università Guido Carli (Luiss), Italy
Conrad, Maximilian	University of Iceland, Iceland
Crespy, Amandine	Université Libre de Bruxelles (ULB), Belgium
Crum, Ben	Vrije Universiteit Amsterdam (VU), The Netherlands
Cuesta-López, Víctor	Universidad de Las Palmas de Gran Canaria (ULPGC), Spain
de Wilde, Pieter	Norwegian University of Science and Technology (NTNU), Norway
Delmotte, Florence	Université Saint-Louis – Bruxelles, Belgium
Friedrich, Dawid	Leuphana University Lüneburg, Germany
Geuens, Maaike	Tilburg University, Belgium
Gherghina, Sergiu	University of Glasgow, United Kingdom
Greenwood, Justin	Robert Gordon University (RGU), United Kingdom
Hagemann, Sara	London School of Economics, United Kingdom
Heidbreder, Eva	University of Magdeburg, Germany
Hix, Simon	European University Institute, Italy
Hönnige, Christoph	Leibniz University Hannover, Germany
Hooghe, Marc	Katholieke Universiteit (KU) Leuven, Belgium
Kandyla, Anna	European University Institute (EUI), Italy
Karatzia, Anastasia	University of Essex, United Kingdom

* Of the 59 experts participating in the survey, two preferred to remain anonymous.

NAME	INSTITUTION
Karlsson, Martin	Örebro University, Sweden
Kies, Raphaël	University of Luxembourg, Luxembourg
Knaut, Annette	University of Augsburg, Germany
Kröger, Sandra	University of Exeter, United Kingdom
Markovic, Petar	Mission of Montenegro to the European Union
Maurer, Andreas	University of Innsbruck, Austria
Monaghan, Elizabeth	University of Hull, United Kingdom
Müller, Manuel	Institut für Europäische Politik (IEP), Germany
Nicolaïdis, Kalypso	University of Oxford, United Kingdom, European University Institute, Italy
Organ, James	University of Liverpool, United Kingdom
Plottka, Julian	University of Passau, Germany University of Bonn, Germany
Pollak, Johannes	Webster Vienna Private University, Austria Institute for Advanced Studies, Vienna, Austria
Rozenberg, Olivier	Sciences Po (Paris), France
Russack, Sophia	Centre for European Policy Studies (CEPS), Belgium
Schmidt, Vivien	Boston University (BU), USA
Smismans, Stijn	Cardiff University, United Kingdom
Smith, Graham	University of Westminster, United Kingdom
Thiel, Markus	Florida International University (FIU), United States
Weisskircher, Manès	University of Oslo, Norway
Wiesner, Claudia	Fulda University of Applied Sciences, Germany
Wimmel, Andreas	University of Kiel, Germany
Wolkenstein, Fabio	University of Vienna, Austria
Wratil, Christopher	University of Vienna, Austria
Yordanova, Nikoleta	Leiden University, The Netherlands
Youngs, Richard	Carnegie Europe, Belgium
Zenovic, Predrag	The New School, United States

Acknowledgements

This study is the result of a collaboration between the Bertelsmann Stiftung and the European Policy Centre. It would not have been possible without the input of colleagues and friends during various stages of the process.

Initial ideas for the study were discussed in a workshop in Brussels in January 2018. We are very thankful for the participation and input provided then by Antoine Colombani, Rita Jonusaite, Elisa Lironi, Charles De Marcilly, James Organ, Gaëtane Ricard-Nihoul, and Paweł Świeboda. Furthermore, we would like to thank all those who took part in our expert survey and all policymakers, academics, think tankers, and civil society activists who participated in our interviews. All of them invested considerable time in providing very insightful answers to the various questions we posed. Their contribution was indispensable.

We would also like to thank Kathrin Ackermann, Sven Jochem and James Organ for the in-depth expertise which they provided on the assessment of citizen participation at the EU level. Their thoughtful ideas helped to shape the conceptualisation and analytical framework of this study.

We are equally grateful for the content support provided by Alix Brodersen, Nicole Kleeb, Anna Rachel Heckhausen and Theodora Famprikezi. Their tireless input and creativity made a significant difference in improving the study.

We are indebted to Gaëlle Beckmann and Sandra Stratos for their editorial support. It is thanks to their attention to detail that all the numbers and figures in the study ended up in the right place.

We would also like to thank Lucy Duggan for her precision in copy editing the study at various stages, as well as Markus Diekmann for his vision in designing and implementing the layout of this study.

The authors

Dr Dominik Hierlemann is a Senior Expert on citizen participation and European democracy at the Bertelsmann Stiftung, Germany. He has been responsible for several pioneering civic- and citizen participation projects both in Germany and at the European level in cooperation with the Federal government of Germany, the European Commission and others. Dominik holds a Master in Public Policy (MSc) and a doctoral degree (PhD) in Social Sciences. He is a frequent author and commentator on European democracy and new forms of political participation and facilitates large-scale political events. He has taught at the University of Konstanz, the University of Sydney and the International College of Management, Sydney.

Stefan Roch, PhD is a Project Manager on citizen participation and European democracy at the Bertelsmann Stiftung, Germany. He has been involved in the implementation of several democratic innovations such as transnational Citizens' Dialogues with the European Commission or the Keleti Connected project. He has published widely on issues such as EU participatory democracy, Open Society, Academic Freedom and the European Neighbourhood Policy. Stefan holds a PhD from Central European University and an LL.M. from TU Dresden. Previously to the Bertelsmann Stiftung he worked for Central European University and the International Labour Organisation, among others.

Paul Butcher is a former Policy Analyst in the European Politics and Institutions Programme at the European Policy Centre (EPC). He holds a Master in Southeast European Studies from the Karl-Franzens University of Graz and a Bachelor in Modern and Mediaeval Languages from the University of Cambridge. He has been involved in the topics of European party politics, nationalism, and the impact of digital technology on democratic systems, with a particular focus on the Balkans. Prior to EPC he worked as a Research Assistant at the Karl-Franzens University of Graz and completed traineeships at the European Parliament among others.

Janis A. Emmanouilidis is Director of Studies and Deputy Chief Executive at the European Policy Centre (EPC). He has been an advisor of various governments, EU institutions, European and national parties, as well as NGOs and foundations. Janis has published widely on the EU's overall political and institutional development, the Union's 'poly-crisis', the perspectives of differentiated integration, the EU's foreign, security and defence policy, and on EU enlargement. He studied international relations in the UK and economics in Germany. Previously to EPC he held various positions at think tanks throughout Europe.

Corina Stratulat, PhD is Senior Policy Analyst and the Head of the European Politics and Institutions Programme at the European Policy Centre (EPC). Her work focuses on EU institutional developments and enlargement towards the Balkans. She has been involved in the topics EU enlargement, Western Balkans, democracy, citizen participation, populism and political parties. Corina holds a PhD in Political and Social Sciences from the European University Institute and an MPhil in Contemporary European Studies from the University of Cambridge.

Maarten de Groot is an expert on EU-level citizen and civil society engagement. He worked as Project Manager on citizen participation and European democracy at the Bertelsmann Stiftung, as European Programme Officer at Democracy International e.V. and as Campaign Coordinator at The European Citizens' Initiative Campaign. Maarten holds a Master in Philosophy (research) from the University of Amsterdam and a Bachelor in Liberal Arts and Sciences from Utrecht University. Maarten is an active member of the Citizens Take Over Europe coalition and a Board member of European Civic Forum. His current research and advocacy interests centre around diversity, equity and inclusion in EU political participation and reform processes.

Four out of five European citizens want to have a bigger say in EU policymaking. Already now, they can participate in the European Union through elections, citizens' initiatives, consultations, petitions, dialogues, and the Ombudsman. But how well do these participation instruments work? Do citizens know about them? What is their impact on EU policymaking? This study examines seven EU participation instruments in depth. It finds that the EU offers a patchwork of participation instruments that work well in some respects but remain largely unknown and create little impact. To strengthen the voice of European citizens, the EU should move from its participation patchwork to a coherent participation infrastructure. Voting every five years is not enough. A democratically accountable and legitimate EU depends on the ongoing and effective participation of citizens.

www.bertelsmann-stiftung.org/publications

EPC EUROPEAN POLICY CENTRE

BertelsmannStiftung

Verlag BertelsmannStiftung