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**“Loud thunder, little rain”
Participatory Democracy in
the European Union**

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Examining the European Citizens’ Initiative

1. Introduction

The European Citizen’s Initiative (ECI) was launched as a participatory democracy instrument in the European Union (EU). It is designed for channeling citizens’ participation into the Union’s policymaking process. An initiative signed by a significant number of Europeans, following with the response from the European Commission (the Commission) is its planned outcome.

This research aims at assessing the potentials and real-life implications of this instrument on the policymaking process of the Union through analysing relevant legal frameworks, data and case studies. It also purposes a typology consolidating identifiable trends that the uses of the ECI tend to influence the process in certain ways.

2. Literature Review

Participatory democracy is a concept emphasising mass participation in public governance. Citizens who actively participate in setting agenda, making and implementing decision are at the centre of this democracy theory. Ideally, there should be high and equal degree of participation from each member in a society. Equality is defined as there is no structural difference between different categories of

citizens. Scholars argue that with participatory democracy, economic and social outcomes would satisfy wider public interests. Lately, this bottom-up form of democracy has been complemented by the civil society, international and non-governmental organisations as well as governments and official agencies.

Forms of Participatory Democracy

Participatory democracy is different from the traditional form of citizen engagement, solely emphasising the use of elections with minimum resources for selecting elites¹. Participating in policymaking process involves higher costs, such as investing time and knowledge into selective fields. Concrete examples are referendum, public submission, citizen panels, deliberative forums and polling and citizen surveys. It should be pointed out that there is no definite form of participatory democracy.

Implications of Participatory Democracy

On the plus side, citizen engagement at a broader scale is one of the key advantages². This effect can be illustrated in three-fold. First, it encourages people to be involved in decisions which eventually affects their living conditions. Second, participatory democracy refines the fundamentals of leadership. The necessity and importance of professionalism and hierarchy are minimised. Third, it initiates direct actions from the public for responding to social issues.

- 1 Mark E. Warren, "Citizen Participation and Democratic Deficits: Considerations from the Perspective of Democratic Theory," in *Activating the Citizen: Dilemmas of Participation in Europe and Canada*, ed. Joan DeBardleben and Jon H. Pammett (Basingstoke: Palgrave Macmillan, 2009); Pateman, "Participatory democracy revisited"
- 2 Richard Corbett, "Democracy in the European Union," in *The European Union: How Does It Work?*, ed. Daniel Kenealy, John Peterson and Richard Corbett, Fourth edition, The new European Union series (Oxford, United Kingdom, New York, NY: Oxford University Press, 2015); Carol Mueller, "Ella Baker and the Origins of "Participatory Democracy"," in *The Black Studies Reader*, ed. Jacqueline Bobo, Cynthia Hudley and Claudine Michel (New York, London: Routledge, 2004).

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Scholars concluded that in terms of effectiveness, equity and participation, participatory democracy is beneficiary to the society, governance and democracy³. First, problem solving is more efficient because of the advanced connection between the governors and the people being governed. Both are able to share knowledge, have a deep consideration of possible solutions and agree on a decision. Second, equity is emphasised in the process as it typically concerns about disadvantaged societal groups as well as is based on justification which is not linked with status, power and money. Third, deeper participation is possible as the tool channels opinions on issues particularly concerned by citizens. It also attracts and stimulates people to participate as people’s input here may be directly adopted and implemented.

A critic of the theory is, even though tools with participatory democracy are open to all citizens in the society, there are number of empirical inequalities⁴. Citizens with less earnings and lower education attainment are tend to be marginalised in the process. Participation also varies with gender and age. Over-representation of certain groups can cause policy outcomes unfit with public interests.

Another criticism concerns the design flaws of these tools⁵. A core argument is, if there is a solid linkage between policy outcomes and participation, citizens are more willing to participate. However, in reality, many examples of participatory democracy remain

- 3 Archon Fung and Erik O. Wright, “Deepening Democracy: Innovations in Empowered Participatory Governance,” *Politics & Society* 29, no. 1 (2001).
- 4 Pateman, “Participatory democracy revisited”; Warren, “Citizen participation and democratic deficits: Considerations from the perspective of democratic theory”; Thomas Zittel and Dieter Fuchs, eds., *Participatory Democracy and Political Participation: Can Participatory Engineering Bring Citizens Back in?*, Routledge/ECPR studies in European political science 48 (London: Routledge, 2007); Enriqueta Aragonès and Santiago Sánchez-Pagés, “A Theory of Participatory Democracy Based on the Real Case of Porto Alegre,” *European Economic Review* 53, no.1 (2009); Ank Michels and Laurens de Graaf, “Examining Citizen Participation: Local Participatory Policy Making and Democracy,” *Local Government Studies* 36, no. 4 (2010).
- 5 Michels and Graaf, “Examining citizen participation: Local participatory policy making and democracy”

consultative, rather than recognising citizens' input as a primary parameter for making policy decisions. It is questionable that these are forms of participatory democracy, in a strict sense.

Major Participatory Democracy Instruments Available in the EU

Four major instruments of participatory democracy are available in the Union, namely citizens' consultations, deliberative polls, citizens' conferences, plus the ECI⁶. Characteristics of these tools are: 1) not fully utilised, 2) hardly attracted ordinary citizens, and 3) implementation procedures are considered as an obstacle for creating policy outcomes. In short, at the European level, participatory democracy encounters the lack of efficiency and effectiveness but nevertheless shows the EU's willingness to engage the public and addressing issues, such as democratic deficit.

Overview of the ECI

The ECI was found in the Lisbon Treaty and implemented in 2012⁷. It is formally recognised as the first transnational participatory democracy instrument in the EU. In Article 11(4) TEU, an initiative can be taken by at least one million Europeans from number of member countries to invite the Commission for submitting proposals if the proposed act is within its competencies and fulfil the purpose of Treaties' implementation. As shown in Flowchart 1, it involves six stages.

The rationales for introducing the ECI can be summarised into three dimensions. First, the gap between citizens and the Union is needed to be fixed as the public has been distanced from the supranational

6 Laurie Boussaguet, "Participatory Mechanisms as Symbolic Policy Instruments?," *Comparative European Politics* 14, no. 1 (2016).

7 Salvatore Aloisio et al., "The European Citizens' Initiative: Challenges and Perspectives," in *Democracy in the EU After the Lisbon Treaty*, ed. Raffaello Matarazzo, IAI research papers 2 (Roma: IAI, 2011); Luis B. García, "The significance of the European Citizens' Initiative for pan-European participatory democracy" (International Institute for Democracy and Electoral Assistance, Stockholm, Sweden, 2013).

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policymaking process⁸. The second reason is to reform the relationship between European institutions and the civil society⁹. The Commission had engaged accredited but a limited number of non-governmental associations while drafting policy proposals. The ECI partly formalises this input as these organisations lost the prime position in the consultations.

The last aspect concerns the democracy of the EU. A major argument is that by increasing the participation of Europeans in policymaking at the Union level, the issue of democratic deficit should be resolved¹⁰. The supranational process for formulating policy outcomes can be democratised under the transnational supports. This effect is also accompanied by the emergence of a pan-European public sphere in the long term. Supposedly, initiatives under the ECI attract attention from multiple levels. It facilitates the discussion of European affairs and

- 8 García, “The significance of the European Citizens' Initiative for pan-European participatory democracy”; Marcel Sangsari, “The European Citizens' Initiative: An early assessment of the European Union's new participatory democracy instrument,” Policy Paper (Canada-Europe Transatlantic Dialogue, 2013); Aloisio et al., “The European Citizens' Initiative: Challenges and perspectives”; Elizabeth Monaghan, “Assessing Participation and Democracy in the EU: The Case of the European Citizens' Initiative,” *Perspectives on European Politics and Society* 13, no. 3 (2012).
- 9 Oana-Măriuca Petrescu, “The European Citizens' Initiative: A Useful Instrument for Society and for Citizens?,” *Revista Chilena de Derecho* 41, no. 3 (2014); Justin Greenwood, “The European Citizens' Initiative and EU Civil Society Organisations,” *Perspectives on European Politics and Society* 13, no. 3 (2012); Aloisio et al., “The European Citizens' Initiative: Challenges and perspectives”; Monaghan, “Assessing participation and democracy in the EU: The case of the European Citizens' Initiative”; García, “The significance of the European Citizens' Initiative for pan-European participatory democracy”
- 10 Oana-Măriuca Petrescu, “Strengthening the Idea of "By Citizens, for Citizens" in the Context of the European Citizens' Initiative - Brief Analysis of Initiatives,” *Romanian Journal of European Affairs* 14, no. 2 (2014); Petrescu, “The European Citizens' Initiative: A useful instrument for society and for citizens?”; Aloisio et al., “The European Citizens' Initiative: Challenges and perspectives”; Monaghan, “Assessing participation and democracy in the EU: The case of the European Citizens' Initiative”; Sangsari, “The European Citizens' Initiative: An early assessment of the European Union's new participatory democracy instrument”; García, “The significance of the European Citizens' Initiative for pan-European participatory democracy”

promotion of the European identity in the EU. As a whole, it should be an adequate occasion to refine the Union as a more democratic institution trusted by the public.

Previous Researches

Previous researches can be categorised into two groups –utilisation and implications.

It is a fair comment that the ECI has yet to be fully used by the public¹¹. By analysing registered initiatives, these campaigns include a wide range of origins. Initiatives are not only proposed by well-organised and professional associations, but also interest groups without proper organisational supports. Indeed, the former is identified as a leading factor contributing to the success of an initiative. The latter introduces topics which are rarely discussed at the EU level. Geographically, France and Germany are the key sources of campaign, together with other Western and Southern European countries. A rising trend is the involvement from member states in Central and Eastern Europe.

Beyond the descriptive analysis, it is also important to identify the elements driving the citizens' participation in the ECI¹². Scholars pointed out that personal gains from the Union are a prevailing determinant. Public perceptions on European institutions also play a certain role. If a citizen has a negative attitude on the EU in general,

- 11 Luis Bouza Garcia and Justin Greenwood, "The European Citizens' Initiative: A New Sphere of EU Politics?," *Interest Groups & Advocacy* 3, no. 3 (2014); Justin Greenwood and Katja Tuokko, "The European Citizens' Initiative: The Territorial Extension of a European Political Public Sphere?," *European Politics and Society* 18, no. 2 (2017); Andrei Moraru, "European Union Democratic Governance: A Case Study of the European Citizens' Initiative," *Europolity – Continuity and Change in European Governance - New Series* 10, no. 2 (2016).
- 12 Cigdem Kentmen-Cin, "Explaining Willingness to Use the European Citizens' Initiative: Political Cynicism, Anti-EU Attitudes and Voting Weight of Member States," *Comparative European Politics* 12, no. 3 (2014); Anna Kandyla and Sergiu Gherghina, "What Triggers the Intention to Use the European Citizens' Initiative? The Role of Benefits, Values and Efficacy," *Journal of Common Market Studies* 56, no. 6 (2018).

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he or she is more unlikely to use the ECI. Relatively, considerations related to democratic values are less significant.

In addition, academic research tries to figure out the causes of unsatisfactory usage of the ECI¹³. First, average citizens face difficulty in setting up a legal entity for registering an initiative. Professional advice for drafting initiatives is essential as well. Logistical issues include the lack of a well-coordinated committee and funding for organising an initiative. Daily contacts with supporters in member states are obstructed by language barriers and weak pan-European awareness of the instrument. The image of the ECI is further undermined because of the disconnection between participation and real-life impacts on EU policymaking process¹⁴. To a very limited extent, the Commission has taken these successful initiatives into account and purposed legislations. All discourage citizens and the civil society to participate in the ECI.

Regarding the implications of the ECI, the primary focus is democracy¹⁵. On the one hand, the instrument functions as an additional channel for citizens’ engagement in the EU. It democratises the Union’s policymaking process. Citizens also generally feel closer to the political authorities, empowered to make concrete changes, and concerned about social problems. In the long run, it can lead to the establishment of an EU-wide public sphere. On the other hand, initiatives are non-binding on European institutions. The tool has considerably restricted power to affect formal decisions. Failing to achieve tangible policy outcomes hinders participation, diminishes

- 13 Moraru, “European Union democratic governance: A case study Of The European Citizens’ Initiative”
- 14 Mieczysława Zdanowicz, “The European Citizens’ Initiative. Over One Million Support, and What Next?,” *Przegląd europejski* 4 (2020).
- 15 Justin Greenwood, “The European Citizens’ Initiative: Bringing the EU Closer to Its Citizens?,” *Comparative European Politics* 17, no. 6 (2019); Monaghan, “Assessing participation and democracy in the EU: The case of the European Citizens’ Initiative”; Moraru, “European Union democratic governance: A case study Of The European Citizens’ Initiative”; Erik Longo, “The European Citizens’ Initiative: Too Much Democracy for EU Polity?,” *German Law Journal* 20, no. 2 (2019).

public trust on the Union and eventually obstructs the progress of democratising the EU's policymaking.

3. Empirical Analysis

This section is divided into three sub-sections of analysis, including: 1) potential influence of the ECI on the EU's policymaking process, 2) real-life implication of the instrument on a comprehensive and case-by-case basis, and 3) a typology of the ECI.

3.1 Potential Influence of the ECI

The following assessment is organised in three parts. First, referencing to the first Regulation adopted in 2011, it presents the old estimation. Second, a comparison between the first and latest Regulation is constructed. Third, after consolidating these major reforms in the second Regulation, new estimations of the de jure influence of the ECI will be found.

1st ECI Regulation and Its Potentials

The analysis of the founding legal framework is structured with five perspectives.

Transnational and Bottom-up Participation

Multiple articles in Regulation (EU) No 211/2011 provided legal guarantees on EU-wide participation from ordinary citizens in the ECI. In the stage of preparation and registration, a citizens' committee was required to be formed, which composed with residents from not less than seven different European countries in the Union, in Article 3(2). In Article 5 and 7 – the collection stage, one million signatories were only one of the requirements. Another qualification was to satisfy the minimum number of supporters in not less than one-fourth of the EU members¹⁶. For encouraging bottom-up participation from lay Europeans, Article 3 specified the qualifications of organisers and supporters. Besides the nationality and age requirements, Members of

16 The calculation of the number was proportional to the number of Members of the European Parliaments from each member state.

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the EP (European Parliament) were not counted as organisers. On paper, each initiative could be successful only if pan-European supports existed.

Available Policy Fields

Registration was the most relevant and critical stage determining which policy fields were considered as admissible and appropriate in the ECI. The Commission was the sole and prime actor here.

Details were in Article 4(2). A proposed initiative shall address an appropriate policy field with proper objective(s). Criteria were:

- The subject matter of an initiative shall be within the competences of the Commission and allow the Commission to propose a legislative act for the aim of the implementation of the EU Treaties.
- An initiative shall not involve any clearly frivolous, vexatious or abusive element.
- An initiative shall not contradict Article 2 TEU, the Union’s values¹⁷.

The Commission shall reject the registration of an initiative based on one of these conditions.

In other words, a wide range of issues could be addressed through the ECI. Corresponding to Article 3, 4 and 6 TFEU, the Commission consolidated 18 policy areas¹⁸ which were possible to be registered. Even if the topic might be politically sensitive or with certain political

17 In Article 2 TEU, it states “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

18 Policy areas available are Agriculture, Aid and development cooperation, Business and economy, Consumers and health, Culture and media, Digital economic and society, Education, youth and sport, Employment and social affairs, Energy, Environment and climate, External trade and relations, Justice and fundamental rights, Maritime affairs and fisheries, Migration and asylum, Regional development, Research, Security and Transport. Source: European Commission, “Home: European Citizens' Initiative - Portal,” European Union, https://europa.eu/citizens-initiative/home_en.

orientations, such as populism, radicalism and Euroscepticism, the proposed initiative still had a chance to be registered¹⁹. Nonetheless, some areas were out of the reach of the ECI, including expanding the competences and amending Treaties of the Union²⁰.

Role of the Commission

It is unquestionable that the Commission had nearly monopolistic role in the ECI. Beyond its control discussed in “Available Policy Fields”, the Commission enjoyed close to full discretion for answering a successful initiative. In Article 10(1), after a meeting with the organisers and a public hearing in the EP, the Commission would publish a communication. This document included its reasoned political and legal responses. If appropriate, it would also list out the actions the Commission intended to pursue. Neither the initiatives’ organisers nor any other European and national institutions had decisive influence in this regard, except certain legal remedies.

Role of Other European Actors

In Article 11, the EP had a primary role in holding a public hearing for each successful initiative before the formal response from the Commission. Organisers had the chance to present and explain the initiative to EU officials and the public.

The EP and the Council had a mere supervisory function with respect to the application of the ECI. Article 10 mentioned that the Commission shall inform, among other actors, these two European institutions the publication of a Communication for answering a successful initiative. Both institutions were also responsible for supervising the Commission’s delegated acts, which were relevant to the procedural arrangements of the ECI in Article 16 to 19 and 22.

19 Pawel Glogowski and Andreas Maurer, “The European Citizens' Initiative - Chances, constraints and limits” (Institute for Advanced Studies, Vienna, Austria, 2013).

20 Longo, “The European Citizens’ initiative: too much democracy for EU polity?”

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Role of National Actors

Member states had a lesser influential role – only limited to verification and certification in Article 8. All support statements were required to be verified and certified by the competent authority in each member state.

2nd ECI Regulation, the Reforms and Its Potentials

The latest legal framework of the ECI is Regulation (EU) No 2019/788, adopted in 2019 and entered into force in 2020.

Transnational and Bottom-up Participation

For broadening participation, three new measures are in place. In Article 4, an official guide to the ECI in each official language of the Union is published. A free online collaboration platform is available for sharing legal and practical advice, and functioning as a forum for interested parties. The Commission will translate each registered initiative into all EU official languages. It should be pointed that, in the last Regulation, organisers borne the sole responsibility of translation.

Some more reforms attempt to encourage participation. Article 2 allows member states to amend the minimum age for being a supporter of the initiatives to 16 years old. The latest rules also explicitly state that disable people shall have equal rights and accesses to participate in Article 2, 4 and 10.

Equally important, organisers enjoy higher flexibility in term of collection under the new rules. Based on Article 8(1), despite the fact that the collection period for an initiative remains unchanged, organisers now can select the start date for collection. Another procedural change is in Article 9 – a central collection system funded by the Commission is available for organisers. In the past legislation, if organisers decided to collect the statements of support electronically, it was their obligation to set up the system.

Available Policy Fields

Registration remains a critical stage determining whether an initiative can proceed to later stages. In Article 6(3), rights expressed in the Charter of Fundamental Rights of the European Union are added as a criterion of the registration in the new Regulation.

Two significant modifications are found in Article 6(4). Under the reformed legal framework, if an initiative is failed to register, it will be returned with explanations from the Commission. Organisers will have up to two months for amending their proposal, and submit once again for assessment. A second attempt is now available for all organisers. Maintaining or withdrawing the proposal is also possible.

There is now also the option of partial registration. In the last Regulation, after being assessed by the Commission, the purposed initiative was either registered or rejected. With the present rules, if a part of the initiative is within the Commission's competence, its registration can be limited to that part. For this partially registered initiative, qualified contents will be published and proceeded to the following stages.

Role of the Commission

Similar to the supports mentioned in "Transnational and Bottom-up Participation", Article 4 formalises the Commission's responsibility. Extra resources from the institution have been contributed on facilitating participation in the ECI.

On the ground of transparency, the Commission is now responsible for supervising organisers regarding the sources of funding and support, in Article 17. If appropriate, the Commission shall require organisers to submit additional information. A contact form under the watch of the Commission is also available to the public for reporting any incorrectness and incompleteness of the information.

Moreover, it is the first time that raising public awareness of the ECI is a legal obligation of the Commission, in Article 18. Through

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information and communication campaigns, the presence, aims and functionalities of the ECI shall be promoted to the public.

Role of Other European Actors

More prominent roles of the EP are identifiable in the stage of examination. The EP remains as an organiser of the public hearing whilst it now also has a legal obligation to conduct an assessment on the political support of each successful initiative, in Article 14(2). In Article 16, the Communication published by the Commission for answering a successful initiative is now subject to the scrutiny from the EP. In the past Regulation, only judicial remedies were available. These two reforms strengthen and empower the EP to maintain the check and balance between institutions at the EU level.

Concerning European institutions other than the EP, in the first Regulation, only the Council was engaged. Under the latest Regulation, the European Economic and Social Committee and the Committee of the Regions are the new recipients of the formal response from the Commission to a successful initiative in Article 15. The same arrangement can also be found in the stage of registration in Article 6 of the present legal framework.

It is noted that the civil society has its first appearance in Article 14 as a potential participant in the public hearing at the stage of examination under the new legal framework.

Role of National Actors

Small modifications are found. Each member state shall establish at least one contact point for the free provision of assistance and information to initiatives’ organisers, in Article 4(6). More importantly, there is a completely new role of the national parliaments in Article 14. Parliaments in each member state will receive every successful initiative and be invited to attend the following public hearing at the EP.

New Estimate of the Potential Influence of the ECI

Building on the analysis of the first Regulation, the latest legal framework adopted in 2019 slightly expands the estimated influence of the ECI. However, this Regulation fails to deliver fundamental reforms, and only improves the key aspects of the tool to a limited extent.

First, in term of transnational and bottom-up participation, basic requirements remain unchanged, such as the one-million-supporters and minimum national threshold of each initiative. Additional efforts are made for facilitation, such as providing online platform and system, and translation service. Among the amendments, organisers-chosen start date for collection is a good sign for broader participation. The ECI remains essentially the same.

Second, adding the Charter of Fundamental Rights of the European Union as a criterion for registration does have minor but not significant impact on the available policy fields covered by the ECI. More importantly, the stage of registration is greatly reformed by adding the second-chance mechanism and partial registration as the options for those initiatives fail the registration during their first attempt. It is reasonable to believe that there will be more initiatives to be registered and partly registered under the new procedure.

Third, the Commission has been emerged to a combination of an executive, facilitator and supervisor of the ECI, due to its new legal responsibility to provide supports on the ground and monitor the organisers' sources of funding. It is noticeable that the Commission is now obliged to promote the instrument. However, similar to the first aspect, these reforms neither change the nature nor enhance the agenda-setting power of the ECI. The Commission still has the nearly complete discretion on registering and examining each initiative.

Fourth, only the EP enjoys a relatively more influential role under the new Regulation. It is now responsible for assessing each successful initiative and the respective answer from the Commission. To a limited extent, the Commission may take this new scrutiny into

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account while drafting and deciding the response. The added involvement of other European and national actors shows the willingness of the Union to include more players into the mechanism. Nonetheless, the Commission is not legally bound by the political pressures potentially generated by these actors.

It is appropriate to conclude that both Regulations show that the policymaking of the EU is enriched with transnational and bottom-up participation from the ECI. Numerous policy fields are subject to the use of this instrument. Whilst the role of other European and national actors is minimal, the Commission has a dominant position in the process. Without fundamentally reforming the mechanism, the potentials of the ECI as an agenda-setting tool for the policymaking process is slightly enhanced in the Second Regulation, taking all amendments for facilitating the EU-wide participation into account.

3.2 The Use of the ECI from a Macro Perspective

Before conducting the case studies, it is necessary to consolidate an up-to-date overview on the utilisation of the ECI. The reason is that the relevant trends of its use certainly link with its de facto implications on the policymaking process of the EU.

Status and Theme of Registered Initiatives

To date (25 August 2020), 98 initiatives have been submitted to the Commission for registration since 2012. 75 initiatives have been registered. On average²¹, there are 8.75 initiatives registered yearly. The instrument's usage experiences an overall decline. As the first ECI Regulation entered into force in 2012, the Commission registered 16 initiatives, which is the highest number and repeated once in 2019. The lowest number was three in 2016.

Within these registered initiatives, the major status is unsuccessful, accounting for 44% of samples. These initiatives failed to collect the required number of signatures after registration. A quarter of

21 The calculation only includes data from 2012 to 2019 as at the time of completing this research, the yearly data of 2020 has yet to be published.

initiatives is withdrawn by organisers. Successful initiatives satisfied the threshold remain the minority. Four out of five successful initiatives are answered by the Commission.

Thematically, two-third of the registered initiatives focus on five policy fields²². For successful initiatives, three out of five initiatives are under the category of justice and fundamental rights. Environment and climate, and research each have one successful example. Energy and security are the only two categories have yet to be registered.

Assessment on Transnational Participation

In total, at least 6.7 million Europeans participated in five successful initiatives. “One of us” is with the highest number of signatories, recorded at 1.72 million. The lowest number is 1.07 million in “Ban glyphosate and protect people and the environment from toxic pesticides”.

The data shows significant over- and under-representation among ECI’s supporters. For the former, prevailing examples are Germany and Italy. While accounting for 16% and 12% of the EU population, both were the origin of 33% and 23% of supporters. Another case is, while only 2% Europeans are nationals of Hungary, it accounts for 9% of the total number of supporters. In the contrary, nationals from the United Kingdom and France are considerably less active in this regard. Both member states each include 13% of the population of the Union while only 1% and 3% supporters are British and French correspondingly.

In details, the largest nationality of supporters is German, accounting for close to a third of the total number, following with less than a quarter from Italy. Both contributed to more than half of the total signatures. Another observation is that 90% of the supporters are from

22 These five policy fields are Justice and fundamental rights, environment and climate, consumers and health, employment and social affairs, and education, youth and sport.

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11 member states, including seven from the West²³ and four from Central and Eastern Europe²⁴. It forms a clear divergence between the former and latter in term of participation in the ECI.

On top of the overall distribution, as a primary guarantee for transnational participation, the minimum number of supporters from each member state acts as a benchmark for the assessment.

two key patterns are discovered. First, none of the successful initiatives matches the minimal number of signatories in all member states. The best performed initiative satisfied 18 out of 28 national thresholds whereas only nine thresholds are matched in the worst case. On average, each initiative reached the minimum in nearly 14 member states, which is double of the legal requirement but only half of the number of countries in the Union. Second, regarding those national thresholds not being fulfilled²⁵, averagely, the number of signatures is equal to 32% of the minimum. In other words, the absence of sufficient supporters in certain member states is compensated by other countries. Both indicates that the legal requirement of minimum number of national supporters in the ECI does not necessarily guarantee transnational participation, echoing the finding that the EU-wide participation is not equally distributed.

In this macro analysis, the findings reveal: 1) the ECI has yet to be fully utilised by Europeans, 2) majority of registered initiatives is unsuccessful, and 3) transnational participation is unequally distributed among member states.

23 These countries are Germany, Italy, Spain, France, Austria, Belgium, and the Netherlands.

24 These countries are Hungary, Romania, Poland, and Slovakia.

25 Regarding those national thresholds being fulfilled by successful initiatives, it would be misleading if the data is included here. The reason is satisfying thresholds in all member states does not guarantee an initiative to gain enough signatures in total. By adding up all the minimum number of signatures in member states, it does not reach the requirement of one-million supporters. In other words, collecting signatures more than the minimum should be considered as a normal condition in theory.

3.2.1 Case Studies on Answered Initiatives of the ECI

For assessing the response from the European institutions in the ECI, answered initiatives are analysed. In each case, two initial indicators are used – the title of the press release announcing the Commission’s reception of and response to a successful initiative, and its level of representation in the meeting with the group of organisers and the public hearing at the EP. More important, the response from the Commission in the form of Communication are analysed and codified – whether it is same as, similar to or different from the objectives stated in the initiative. If data is available, reasons for providing such responses are consolidated. The analysis also highlights any follow-up action as the result of a successful initiative.

1st Answered Initiative – “Water and sanitation are a human right! Water is a public good, not a commodity!”

The subject-matter of this initiative is to call on the Commission for legislating the right to sanitation and water, and its provision for all as an essential part of public services²⁶. Three key objectives are illustrated with 10 proposals which attached to the initiative.

Follow-up from the EP

A public hearing was conducted at the EP for the initiative. The EP also adopted a resolution for supporting the ECI and this initiative, a year later²⁷. The resolution stresses that the Commission should ensure administrative burdens are removed and procedural transparency is achieved at the utmost extent. It is also clear that the EP supports the initiative. The resolution describes the Commission’s responses as unambitious and not sufficient. Nonetheless, it is not legally binding on the Commission.

26 European Commission, “Communication from the Commission: on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!"” COM(2014) 177 final (European Commission, Brussels, 2014).

27 European Parliament, “Follow up to the European citizens' initiative Right2Water: European Parliament resolution of 8 September 2015 on the follow-up to the European Citizens' Initiative Right2Water (2014/2239(INI))” P8_TA(2015)0294 (European Parliament, Strasbourg, 2015).

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Response from the Commission

The press release for confirming the initiative’s submission has yet to be found available online. For announcing the publication of the Communication answers to the initiative, the title was “Commission says yes to first successful European Citizens' Initiative”²⁸. The Commission was represented by Vice-President Maroš Šefčovič in both occasions²⁹. Considering the high level of representation and a positively titled press release, these two parameters signal a generally welcoming message from the Commission and its constructive response to the initiative.

However, out of 10 proposals from the organisers, the Commission’s response is same as 3.25, similar to 1.5 and different from 5.25 proposals. The majority of response is neither same as nor similar to the initiative’s demands. For instance, several suggestions from the organisers’ side cannot be found in the document, which are classified as “different from”, such as using the term “Human Right to Water and Sanitation” in each Communication in this particular field. Another example is that the initiative calls for excluding sanitation and water services from the international trade agreement whereas the Commission’s reply is to continue engaging with trading partners for ensuring decisions in the sector are respected and with proper safeguard.

Unlike the later three cases, the section named “Action in Relation to the ECI” of the Communication for this initiative was not structured objective-by-objective. It increased the difficulty for identifying the ground of each rejection. For those proposals received a different response, at least one reason is identifiable – the different competences between the European and national level. Taking the

28 European Commission, “Commission Says Yes to First Successful European Citizens' Initiative,” news release, March 19, 2014.

29 European Commission, “Annex to the Communication from the Commission: on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!"” COM(2014) 177 final (European Commission, Brussels, 2014).

proposal demanding an introduction of European law requesting public control of water resources and water, the Commission rejected it on the ground that member states remains fully sovereign for decisions in this field.

Some new measures announced are worth noting. Three follow-up actions were listed, including: 1) to conduct a public consultation for the Drinking Water Directive in the Union, 2) to launch a review for the Water Framework Directive and propose appropriate amendments, and 3) to develop an EU-wide water quality benchmarking. Both political and legislative moves for responding the initiative can be found.

2nd Answered Initiative – “One of us”

The initiative requires the EU to prohibit and terminate its financial supports on activities of destructing human embryo, especially in the areas of public health, research and development aid, taking into account the respect to human integrity and dignity³⁰. The group of organisers proposed amendments on three existing legislations, namely Financial Regulation, Regulation for Horizon 2020 and Regulation of Development Cooperation Instrument. These proposals submitted as the Annex of the initiative to the Commission.

Follow-up from the EP

As its legal obligation, the EP held a public hearing for the initiative. No other follow-up actions are observable.

Response from the Commission

Initially, the Commission published a press release with the title “Second – even more successful - European Citizens' Initiative received by Commission”³¹ as more than 1.7 million Europeans

30 European Commission, “Communication from the Commission on the European Citizens' Initiative "One of us"” COM(2014) 355 final (European Commission, Brussels, 2014).

31 European Commission, “Daily News of 2014-02-28: Second – Even More Successful - European Citizens' Initiative Received by Commission,” news release, February 28, 2014.

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supported this initiative, which is the highest number until now. In the second press release, the title is purely descriptive – “European Citizens' Initiative: European Commission replies to 'One of Us’”³².

Despite the unprecedented number of supporters, the representation from the Commission did not reach the level that other successful initiatives enjoyed. In the meeting with the group of organisers, Commissioner for Research, Innovation and Science Geoghegan-Quinn attended the session ³³ . For the public hearing, two Commissioners were the representatives, including Commissioner Geoghegan-Quinn and Commissioner for Development Piebalgs. It should be pointed out that this is the first and only case that no Vice-President from the Commission joined the meeting and public hearing during the stage of examination.

All three legislative proposals from the organisers were rejected by the Commission³⁴. The Commission’s response to this initiative was all different from the initiative’s objectives.

First, regarding the Financial Regulation, the Commission pointed out that existing articles guarantee that the EU budget complies with the Charter of the Fundamental Rights and the Treaties of the Union. It safeguards every activity financed by the Union respects human integrity and dignity. Equally important, it is designed as a general framework governing EU budget, instead of a field-specific one. Thus, the Commission refused to act on this request.

Second, for Horizon 2020, the response adopted a similar reason grounded on existing measures. The Commission explained that the current system is sufficient and effective. The response also explicitly stressed that human embryos’ destruction is not funded by the EU at

32 European Commission, “European Citizens' Initiative: European Commission Replies to 'One of Us',” news release, May 28, 2014.

33 European Commission, “Annexes to the Communication from the Commission on the European Citizens' Initiative "One of us”” COM(2014) 355 final (European Commission, Brussels, 2014).

34 European Commission, “Communication from the Commission on the European Citizens' Initiative "One of us””

present. Yet, the Commission replied that EU funding will continue to be available in stem cell research under strict conditions, considerably different from the request of the initiative.

The third proposal refers to the development aids provided by the EU to third countries outside the Union. The Commission once again declined the request from the initiative. Operational difficulty is named as a reason. As the funding is granted in a comprehensive way, selectively excluding services related to abortion from the entire health system will hinder the effective use of these supports. Sovereignty is the following ground. The Commission specified that the detailed allocation of funds is a sovereign decision to be respected by the EU. Thus, the last proposal was dismissed.

It is worth noting that there are no follow-up actions resulted from the initiative.

3rd Answered Initiative – “Stop vivisection”

The subject matter of this initiative concerns the use of animals for researches³⁵. There are two key objectives. First, the organisers required the Commission to revoke the Directive on the protection of animals used for scientific purposes. Second, the Commission should propose a new legislation aiming for phasing out animal testing and making compulsory use of data relevant to human directly. There is no legislative proposal of any EU law from the organisers.

Follow-up from the EP

There is no observable follow-up action from the EP. However, it is the first-time external experts were invited to attend the public hearing³⁶. Debates were held between the initiative’s organisers and specialists³⁷ with scientific or civil society background in this field.

35 European Commission, “Communication from the Commission on the European Citizens' Initiative "Stop Vivisection"” C(2015) 3773 final (European Commission, Brussels, 2015).

36 European Parliament, “11-05-2015 - 00:00 Stop Vivisection: European Citizens' Initiative Public Hearing,” European Parliament.

37 These experts included Mr Ray Greek (the President of Americans for Medical Advancement), Ms Françoise Barré-Sinoussi (2008 Noble Prize winner of

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This arrangement is a new practice but does not repeat in other successful initiatives to date.

Response from the Commission

Press releases were published with the title “Third European Citizens' Initiative submitted to the Commission”³⁸ and “Commission replies to "Stop Vivisection" European Citizens' Initiative”³⁹. It is a rather low-profile announcement. Vice-President Katainen represented the Commission during the meeting with the group of organisers and the public hearing at the EP⁴⁰.

The response from the Commission is mostly different from the initiative’s objectives⁴¹. For revoking the existing EU Directive on animal testing, there is a fundamental misunderstanding. Whilst the organisers assumed that this act would terminate the use of animal experiments, the Commission argued that the Directive guarantees the legal requirement for conducting such activities. If it was overturned, de-regulation would happen.

Regarding the new legislative proposal for phasing out the use of animals for the purpose of testing, the Commission shared the same position with the initiative and identified this as the ultimate policy goal. However, it was still rejected on the ground that the Directive had only entered into force recently and a review were scheduled to be completed in 2017. It was not an appropriate time for introducing a legislative proposal banning animal experiments in the EU.

Medicine or Physiology) and Ms Emily McIvor (Senior Policy Adviser for Humane Society International).

38 European Commission, “Daily News 04 / 03 / 2015: Third European Citizens' Initiative Submitted to the Commission,” news release, March 4, 2015.

39 European Commission, “Commission Replies to "Stop Vivisection" European Citizens' Initiative,” news release, June 3, 2015.

40 European Commission, “Annex to the Communication from the Commission on the European Citizen's Initiative 'Stop Vivisection” C(2015) 3773 final (European Commission, Brussels, 2015).

41 European Commission, “Communication from the Commission on the European Citizens' Initiative "Stop Vivisection””

There are two new follow-up actions. First, an additional assessment for replacing, reducing and refining the animal use in testing would be performed. Second, a European conference for involving related parties and the scientific community would be organised.

4th Answered Initiative – “Ban glyphosate and protect people and the environment from toxic pesticides”

The initiative requires the EU to introduce a Union-wide ban on a commonly used pesticide⁴². Along with this subject matter, the organisers listed out three key objectives. No specific legislative proposal mentions in the initiative.

Follow-up from the EP

Except the legal obligation to organise a public hearing, there is no additional follow-up action from the EP.

Response from the Commission

The press release titles are “Fourth successful European Citizens' Initiative submitted to the Commission” and “Glyphosate: Commission responds to European Citizens' Initiative and announces more transparency in scientific assessments”⁴³. Though the former is purely descriptive, the latter indicates a rather different signal by stating the action the Commission intended to take.⁴⁴ In the formal meeting with the group of organisers, First Vice-President Timmermans and Commissioner for Health and Food Safety Andriukaitis represented the Commission. The latter also attended the

42 European Commission, “Communication from the Commission on the European Citizens' Initiative "Ban glyphosate and protect people and the environment from toxic pesticides"” C(2017) 8414 final (European Commission, Strasbourg, 2017).

43 European Commission, “Glyphosate: Commission Responds to European Citizens' Initiative and Announces More Transparency in Scientific Assessments,” news release, December 12, 2017; European Commission, “Daily News 06 / 10 / 2017: Fourth Successful European Citizens' Initiative Submitted to the Commission [Added on 06/10/2017 at 13:11],” news release, October 6, 2017.

44 European Commission, “Annex to the Communication from the Commission on the European Citizen' s Initiative "Ban glyphosate and protect people and the environment from toxic pesticides"” C(2017) 8414 final (European Commission, Strasbourg, 2017).

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public hearing at the EP. It should also be noted that this initiative has the lowest recorded number of supporters as a successful initiative.

The Commission’s response is all different from the three objectives in the initiative⁴⁵. Nonetheless, at least one legislative proposal is resulted.

Regarding the first objective – prohibiting the use of glyphosate, the Commission considered all available evidences from European and international bodies, then concluded, this pesticide is still scientifically favourable to the environment and animal and human health. If there is new proof evidencing a pesticide fails to meet the criteria for approval, the Commission will review the approval. There is no justification for introducing such ban at present.

The Commission’s answer to the second objective is fundamentally different from the organisers’ request – ensuring published researches contracted by public authorities are the sole basis for approving a pesticide in the EU, although it is willing to propose a new legislative proposal. The document emphasises that publicly funding studies which lead to the industry’s introduction of a product on the market is not a legitimate way of government spending. Yet, the Commission agreed with the initiative that there is a perceived insufficiency of transparency. A legislative proposal aiming at increasing transparency is mentioned in the document.

The principled difference between both sides is the largest in the third objective. As the Commission suggested that pesticides are necessary under certain circumstances, the document first rejected the goal of achieving a pesticide-free Union. Concerning another goal – reduction in use, the Commission argues that based on national experiences, mandatorily reducing the volume is not necessarily linked with the risk reduction of the use, which is the EU policy focus. Similar to the answer to the first objective, if upcoming assessments indicate that

45 European Commission, “Communication from the Commission on the European Citizens' Initiative "Ban glyphosate and protect people and the environment from toxic pesticides"”

there is no significant progress for implementing the national targets on risk reduction, the Commission would treat this as an opportunity for introducing a binding target within the Union.

After analysing four cases above, there are some worth-noting observations regarding the way that the European institutions have reacted to successful initiatives in the ECI.

A major finding is that there is no observable pre-condition leading the Commission to answer an initiative with legislative means. With the highest number of supporters and inclusion of drafts of legislation in the second case, neither a legislative proposal nor a new policy measure is its outcome. On the contrary, the fourth case has the lowest number of validated statements of support and does not include any proposal of legislation, the Commission decided to pursue at least one legislative follow-up action.

Another observation is that among four answered initiatives, the EP only adopted one resolution. There is no clear involvement from the EP beyond its legal obligation to organise a public hearing in the remaining cases. A minor development is the attendance of external specialists in the hearing session for the third case.

More insightful findings are discovered via the analysis of each Communication published for answering successful initiatives. First, four out of seven sampled press releases use purely descriptive wordings for announcing the reception of and response to the successful initiatives. It is a sharp contrast comparing with the first and second example – “Commission says yes to first successful European Citizens' Initiative” and “Second – even more successful - European Citizens' Initiative received by Commission”. This trend indicates the Commission latterly adopts a more toned-down approach in responding to the initiatives.

Second, the level of representations from the Commission in formal occasions is a potential parameter for predicting and assessing its response to a successful initiative. While Vice-President attended in the sessions for three out of four successful initiatives, new policy

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measures and/or legislative proposals are the tangible outcomes. It is re-confirmed by the second successful initiative. As only Commissioners joined the formal events, there was no follow-up action listed in the its response. Higher the level of representation from the Commission, higher the likeliness that the response will include new measures.

Third, vast majority of response from the Commission to the successful initiatives is different from the initiatives’ objectives. Except the first case, it is nearly impossible to prove that the replies from the Commission align with the initiatives. These rejections are grounded with several identifiable reasons. One is the difference in principle. The understanding and interpretation on the situations and legal provisions between both parties are fundamentally different, such as the competences of the EU and member states concerned in the first case. Appropriateness of existing mechanisms and timing is also often used for dismissing the demands of the initiatives. Lastly, some refusals are based on technical reasons, such as operational difficulties and scientific evidences in the second and fourth case.

Overall, the European institutions have reacted to initiatives submitted on the ECI in a disappointing way. Regardless of the number of supporters and the inclusion of legislative proposals, a successful initiative is likely to face the Commission’s response different from its objectives, and often ended with rejections based on numerous reasons. It is far from proofing and visualising the agenda-setting role of the participatory democracy instrument.

3.3 Typology of the ECI

Building on the empirical analysis, here purposes a four-point typology for consolidating the implications of the ECI on the policymaking process of the EU. It particularly focuses on contrasting the potentials with the real-life impacts of the instrument and summarising identifiable trends of its use.

ECI functions as an agenda-setting instrument in a symbolic way.

The legal review on the Regulations shows that initiatives in the ECI has the potential to set the agenda of numerous policy fields at the EU level. However, the case studies indicate its agenda-setting power is considerably limited to a symbolic extent.

On the bright side, the ECI is an additional channel for mass participation in the policymaking process of the Union, and empowers citizens to formally ask the Commission to propose legislations. The scope of this right is corresponding with the Commission's competences as well as available policy areas in the ECI, which covers nearly all the fields of European affairs. These characteristics match with the fundamentals of participatory democracy⁴⁶. The ECI also proves that participatory democracy for supranational policymaking is feasible. New legislative proposals and policy measures are possible and tangible outcomes of the mechanism. All these are significant in an additional sense that the instrument is unprecedented.

Anyhow, an initiative under the ECI can only set the agenda of EU policymaking in a symbolic way. Legally, a successful initiative does not have any binding effect on the Commission's response. Empirically, the response of the Commission is mostly different from initiatives' demands, which exemplifies again the absence of binding effect of an initiative. While follow-up actions are found in three out of four answered initiatives, those matched with the successful initiatives' objectives are not commonly existed. A disappointing example is the second answered initiative. Although this group of organisers collected the highest number of signatures, no new policy

46 Evelyne Huber, Dietrich Rueschemeyer, and John D. Stephens, "The Paradoxes of Contemporary Democracy: Formal, Participatory, and Social Dimensions," *Comparative Politics* 29, no. 3 (1997); Mueller, "Ella Baker and the origins of "Participatory Democracy""; Pateman, "Participatory democracy revisited"; Wolfe, "A defense of participatory democracy"; Zittel, "Participatory democracy and political participation"

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measure and legislative proposal were announced. The power of the ECI on agenda-setting in the Union’s policymaking process is only observed in a symbolic way, but not in any tangible term.

The passive role of the EP may further undermine the impact of the ECI. Besides its legal obligation to organise a public hearing, the institution only adopted a resolution once out of four cases. No other follow-up actions from the EP are observable. It is surprising that the only directly elected European institution does not tend to express its political supports toward each successful initiative, and counter-balance the Commission’s dominance. The actual impact of an initiative on agenda-setting may even weaker under this circumstance.

As a whole, it seems that the ECI functions as an advisory mechanism in the Union’s policymaking process. There is no causal relationship between successful initiatives and the Commission’s agenda. Taking all the efforts and resources contributed in each initiative and the lack of follow-up actions from the Commission, the ECI can backfire on the EU. The missing connection between policy outcomes and citizen engagement may lead to even more dissatisfaction among the public and also be considered as a source of democratic deficits⁴⁷. The reasoning the Commission relied for rejecting the objectives in successful initiatives may only justify the response in a legal but not political way. The negative perception that the Commission denied an initiative backed by more than one million Europeans remains profound. The deficiency of concrete policy outcomes subsequent to mass participation is an additional challenge for the Union.

De jure guarantee on transnational participation does not provide de facto result

A fundamental of participatory democracy is equality, subsequent to participation⁴⁸. Despite multiple de jure guarantees on transnational

47 Warren, “Citizen participation and democratic deficits: Considerations from the perspective of democratic theory”

48 Huber, Rueschemeyer and Stephens, “The paradoxes of contemporary democracy: Formal, participatory, and social dimensions”; Mueller, “Ella Baker and the origins of “Participatory Democracy””; Pateman, “Participatory democracy revisited”;

participation in the ECI Regulations, the findings above show that these assurances do not function well in a de facto way.

Ensuring equal participation across Europe is in the essence of the Regulations. For instance, the group of organisers must compose with different nationalities. A successful initiative must collect at least one million valid signatures while the minimum number of supporters in not less than a quarter of the member states must also be satisfied. Among other facilitations, all aim at securing the transnational participation as equal and representative as possible.

Nonetheless, the study here re-confirms the existence of empirical inequality, similar to previous researches in this field⁴⁹. The unequal participation can be exemplified in two fronts. First, the participation in the ECI disproportionately differs from member state to member state. While accounting for less than one-fifth of the EU population, Germany contributed around one-third of the number of total supporters. Second, there is a relatively significant divergence in term of ECI's participation between Western and Eastern Europe. Whereas vast majority of supporters is from 11 member states, seven countries on the list are the West. It is fair to argue that legal thresholds do not function properly for guaranteeing equal transnational participation on the ground, resulting in a potential that member states asymmetrically influence the Union's policymaking process via the ECI. Voices from certain member states may be disproportionately strengthened. In the long term, this identifiable pattern does no good on European integration as the degree of participation across the continent is not in synchronisation, and citizens from certain member states tend to or not to participate in the ECI.

Wolfe, "A defense of participatory democracy"; Zittel, "Participatory democracy and political participation"

- 49 Bouza Garcia and Greenwood, "The European Citizens' Initiative: A new sphere of EU politics?"; Greenwood and Tuokko, "The European Citizens' Initiative: the territorial extension of a European political public sphere?"; Moraru, "European Union democratic governance: A case study Of The European Citizens' Initiative"

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Overall design of the ECI is self-contradictory.

As an instrument of participatory democracy, the ECI is designed to channel pan-European participation into policymaking process of the EU. This function is expected to bridge the gap between citizens and institutions, formalise the relationship between the Union and the civil society, and gradually resolve the long-lasting issue of democratic deficits⁵⁰.

However, the findings here indicate that the overall design of the mechanism is failed to achieve and even contradicted to its aims. On the one hand, the legal framework emphasises on the mass participation. Lay Europeans are empowered to register an initiative, campaign in Europe and ask the Commission to propose legislative proposal. On the other hand, it is hard to deny that for satisfying all the requirements, legal and policy advice are necessary. Cross-national network, organisational skills and resources are also essential for collecting sufficient signatures in different member states. Clearly, the so-called empowerment on citizens should be considered conditional in real-life and only valid in most cases to the mere extent of participation at the stage of collection, instead of starting and managing an initiative.

Even if some may argue that the instrument places the civil society at the centre and citizens' participation at an ancillary position, it remains far from concluding that the ECI succeeds its aims. The unquestionable fact is that, although the one-million-supporter threshold only represents less than one percent of the total EU

50 Aloisio et al., “The European Citizens’ Initiative: Challenges and perspectives”; García, “The significance of the European Citizens' Initiative for pan-European participatory democracy”; Monaghan, “Assessing participation and democracy in the EU: The case of the European Citizens’ Initiative”; Sangsari, “The European Citizens' Initiative: An early assessment of the European Union's new participatory democracy instrument”; Greenwood, “The European Citizens’ Initiative and EU civil society organisations”; Petrescu, “The European Citizens' Initiative: A useful instrument for society and for citizens?”; Petrescu, “Strengthening the idea of "By Citizens, for Citizens" in the context of the European Citizens' Initiative - Brief analysis of initiatives”

population, it has been repeatedly unreachable in most registered initiatives under the ECI⁵¹. Neither the civil society nor the citizens have actively and successfully participated in the tool. The instrument fails to minimise the distance between these actors and the EU. Similarly, issues on democratic deficits remain unsolved.

Institutionalisation of supranational participatory democracy is at a crossroad

The last point of the typology circles the discussion back to a fundamental of the research – institutionalisation of participatory democracy at the supranational level.

Eight years after the first initiative formally registered, in a quantitative sense, the instrument's implication on the Union's policymaking process is significantly limited. Worrying trends have been developed and confirmed here, including: 1) the instrument has yet to be fully utilised, 2) participation is neither sufficiently transnational nor equal among member states, and 3) the Commission rarely responded in line with the objectives of the successful initiatives.

All these indicators lead to a fair question: presuming the ECI will remain in the EU Treaties, how to make better use of its potentials and tangibly allow citizens' participation to influence the Union's policymaking process? There is no definite answer. Solution searching is also not the focus here. Following two dilemmas observed in the

51 Before Brexit (EU-28), the one-million-citizen threshold represents 0.19% of the total population of the Union. In the post-Brexit period (EU-27), the number is 0.22%. The data of the EU population is retrieved from Eurostat, "Population Change - Demographic Balance and Crude Rates at National Level," European Commission, accessed September 27, 2020, https://appsso.eurostat.ec.europa.eu/nui/show.do?query=BOOKMARK_DS-054722_QID_-55A3996D_UID_-3F171EB0&layout=TIME,C,X,0;GEO,L,Y,0;INDIC_DE,L,Z,0;INDICATORS,C,Z,1;&zSelection=DS-054722INDICATORS,OBS_FLAG;DS-054722INDIC_DE,JAN;&rankName1=INDICATORS_1_2_-1_2&rankName2=INDIC-DE_1_2_-1_2&rankName3=TIME_1_0_0_0&rankName4=GEO_1_2_0_1&sortC=ASC_-1_FIRST&rStp=&cStp=&rDCh=&cDCh=&rDM=true&cDM=true&footnes=false&empty=false&wai=false&time_mode=ROLLING&time_most_recent=true&lang=EN&cfo=%23%23%23%2C%23%23%23.%23%23%23. The numbers are based on the author's own calculation.

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empirical analysis are worth sharing, and will enrich the discussion regarding future reforms of the instrument.

First, the nature of the ECI should be clarified and redefined – whether it is designed for consultative or agenda-setting purpose at the EU level? If it is for advisory function, all the current procedures seem unnecessarily burdensome. Existing alternatives, such as citizens’ consultation, deliberative polls and citizens’ conferences, can achieve similar outcomes with lower costs. If the ECI remains as an agenda-setting instrument, there should be certain binding effect of each successful initiative on the Commission, in addition to a formal answer. It will tangibly link citizens’ engagement with policy outcomes and bring the ECI closer to agenda-setting. It does not mean the Commission is obliged to purpose follow-up actions according to all objectives of each successful initiative. Nonetheless, the response from the Commission should be at least significant enough to recognise the cross-national supports from more than one million Europeans. Empowering citizens to participate in policymaking should be a two-way street. Whereas initiatives are obliged to satisfy the requirements of the ECI, equivalent response from the EU should also be given in order to respect and value citizens’ participation.

Second, the discussion in this field often links with the development of a European public sphere⁵². Scholars argue that a common area for

52 Laurie Boussaguet and Renaud Dehousse, “Too Big to Fly? A Review of the First EU Citizens' Conferences,” *Science and Public Policy* 36, no. 10 (2009); Laurie Boussaguet and Renaud Dehousse, “Lay people's Europe: A critical assessment of the first EU Citizens' Conferences” (The Center for Direct Scientific Communication, 2014); Katja Mäkinen, ““All About Doing Democracy”? Participation and Citizenship in EU Projects,” *Conceptualising Comparative Politics*, no. 9 (2018); Linda Piersma, “Dialogue or Separate Realities? An Analysis of Debating Europe in the European Public Sphere,” in *Where Is Europe? Respacing, Replacing, and Reordering Europe*, ed. Janny de Jong, Marek Neuman and Margriet van der Waal (Euroculture consortium, 2019); Aloisio et al., “The European Citizens’ Initiative: Challenges and perspectives”; García, “The significance of the European Citizens' Initiative for pan-European participatory democracy”; Monaghan, “Assessing participation and democracy in the EU: The case of the European Citizens’ Initiative”; Petrescu, “Strengthening the idea of “By Citizens, for Citizens” in the context of the European Citizens' Initiative - Brief

debating European affairs has yet to exist, and numerous attempts by the EU to construct one have yet to succeed, including the ECI. However, if the ECI is placed in a different context – facilitating the emergence of a public sphere within the Union, it may be the most convincing mechanism in the field and more likely to generate impacts on the EU policymaking process, comparing with its counterparts. A unique feature of the ECI is the public is in nearly full control of choosing the relevant policy areas of each initiative. This discretion forces the Commission to provide a formal response in the area once a successful initiative is submitted. Despite the fact that an initiative costs months of efforts before being responded, the leading role of the public is unfound in other examples.

As the second ECI Regulation has just entered into force since 2020, now may be pre-mature to judge its success and failure. A public sphere for the EU cannot be built in a day. Considering the multitudes of language, political and economic development, among other factors, across Europe, few initiatives under the ECI completed the process and answered by the Commission should still be considered as successful. A European public sphere will be achievable under a condition that citizens' participation causes concrete but not symbolic impacts on policymaking of the Union.

The founding of the ECI proves that institutionalising participatory democracy at the supranational level is uneasy but feasible. It may take another decade to observe how impactful the instrument can be. In the name of European integration, the ECI should be remained in place as an additional channel of citizens' participation from member states to the EU, and fundamentally reformed with binding elements, which motivate the public to participate and turns participation into tangible policy outcomes in the Union.

analysis of initiatives”; Petrescu, “The European Citizens' Initiative: A useful instrument for society and for citizens?”; Sangsari, “The European Citizens' Initiative: An early assessment of the European Union's new participatory democracy instrument”

4. Conclusion and Prospects

In this research, the ECI is selected as an example of participatory democracy for finding out the way that it influences the policymaking process at the EU level.

Regarding its potentials, the study reveals that the latest ECI Regulation fails to deliver fundamental reforms, and only improves the tool to a fairly limited extent. On the plus side, the instrument remains as an additional channel in the Union policymaking process with transnational and bottom-up participation for numerous policy fields. On the downside, there is no binding influence from a successful initiative to the Commission’s response. Whereas the Commission has a dominant role in the procedure, the power of other European and national actors is minimal.

Zooming into the use of the ECI, the key findings show: 1) the instrument has yet to be fully utilised, 2) registered initiatives are mostly unsuccessful, and 3) the distribution of transnational participation are unequal. More important, in the case studies, a major finding is that the vast majority of the response from the Commission is different from the objectives of successful initiatives. These rejections are based on several identifiable reasons, such as different interpretation on European laws, appropriate existing measures and premature timing. In addition, there is no observable pre-condition leading the Commission to answer an initiative with legislative means. Lastly, the level of representations from the Commission in formal occasions in the stage of examination is a potential parameter for predicting and assessing its response to a successful initiative.

Stemming from the empirical analysis, this study proposes a four-point typology of the ECI, namely 1) ECI functions as an agenda-setting instrument in a symbolic way; 2) De jure guarantee on transnational participation does not provide de facto result; 3) Overall design of the ECI is self-contradictory, and 4) Institutionalisation of supranational participatory democracy is at a crossroad. This typology is intended to contrast the potentials with the real-life implication of

the instrument, as well as consolidate any identifiable trends of the use and impact of this tool. Ultimately, it will enrich the related debate in Europe.

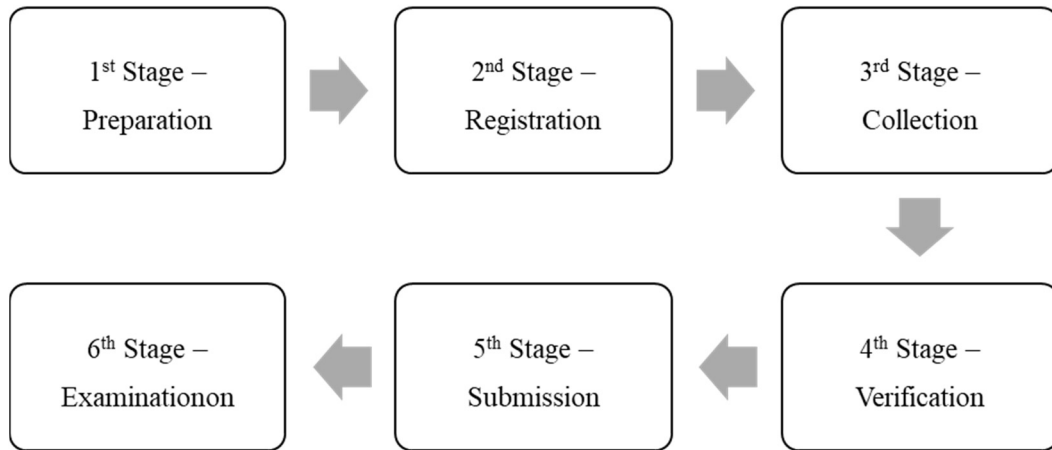
There are certain limitations of this study. The case studies rely on published documents. Conducting interviews with organisers will be beneficiary for understanding the interaction between them and the Commission. Another limit is only small number of samples are available. As a non-controllable factor, the in-depth analysis and strict interpretation on data mitigates the effect. It is also possibly early to judge the latest legal framework, and even the ECI. The study here collects up-to-date and comprehensive data for safeguarding its accuracy. Nonetheless, future re-assessment is always welcome as the instrument develops year by year.

For upcoming events, it is important to monitor the interaction among the civil society, citizens and the Commission under the new ECI Regulation. Viewing the instrument from a national perspective can also be beneficial as most researches in this field focus on the European side. In the long term, the re-definition and clarification of the nature of the instrument is a prime question waiting for a concrete answer from the EU. All determine the future way that the ECI influences the policymaking process of the Union, and eventually the progress of European integration.

The ECI channels citizens' participation from member states to the EU at an unprecedented scale. The initial expectations on it and its potentials are as "loud" as a "thunder". Contrasting with the implications assessed, this research finds there is only "little rain" dropped. Instead of concluding the instrument as a failure, the Union should shape the challenge as an opportunity to build a European public sphere for bringing Europeans closer to each other and the EU.

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Participatory Democracy in the European Union

Flowchart 1: Six Stages of an Initiative in the ECI



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