

EGMONT PAPER 102

**THE EUROPEAN CITIZENS' INITIATIVE,  
A SUFFICIENT TOOL TO BRING EUROPE  
CLOSER TO ITS CITIZENS?**

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## INTRODUCTION

At a time of rising populism in Europe and a global crisis of democratic representation, the European Citizens' Initiative (ECI) aims to provide a concrete response to those denouncing the lack of democratic legitimacy of the EU institutions. The new regulation, proposed by the Commission last September and still under discussion by both the Parliament and the Council, facilitates the use of ECI. However, it remains insufficient for citizens willing to engage regularly in the EU law-making process. This Egmont Paper assesses the overall impact of the ECI on European policies and compares it to the complementary tools of participatory democracy such as the recently established Citizens' consultations.

The ECI is usually presented as a key instrument in making citizens fully involved in European affairs, beyond the election of MEPs every five years. This tool allows Europeans to invite the Commission to act on issues supported by at least one million people.<sup>1</sup> Still relatively unknown, the ECI has been enshrined in the Lisbon Treaty as one of the major instruments of citizen participation at Union level. It appears essential at a time when Europe is playing an increasingly important role in the everyday life of its citizens, especially since the economic and financial crisis. EU citizens want to have a say while their savings are under pressure and the long-term consequences of the EMU remain unclear.

Yet the use of ECI is rather laborious in practice, as evidenced by the small number of initiatives that have benefited from institutional follow-up. Less than one per year of these ECIs has been successful, while more than nine million people have already participated in an ECI. The strict conditions for submitting an initiative were acknowledged by Jürgen Meyer, former member of the Convention on the Future of Europe and father of the ECI. Already in 2010, he considered that the new process was "much too bureaucratic" and could "prevent citizens from having direct access to Europe."<sup>2</sup> Similarly, the ECI organizers called for its simplification only a few months after implementation.

Although quite late, the reform of the ECI has now been launched, with the aim of remedying its lack of effectiveness. The new regulation should lead to substantial changes in the operation of the ECI. In any event, ECIs will not be able to be automat-

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<sup>1</sup> Article 11(4) TEU: "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. The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union."

<sup>2</sup> "Entretien avec Jürgen Meyer: bureaucratie contre initiative citoyenne", 1<sup>st</sup> July 2010. Cf. [www.europeen-images.net/video-entretien\\_avec\\_jurgen\\_meyer\\_bureaucratie\\_contre\\_initiative\\_citoyenne-id-1088.html](http://www.europeen-images.net/video-entretien_avec_jurgen_meyer_bureaucratie_contre_initiative_citoyenne-id-1088.html). Cf. also Franklin Dehousse, "The European Citizens' Initiative: next big thing or new false good idea?", *Egmont Paper*, n°59, July 2013.

ically converted into legislative proposals, as to do so would require a Treaty change. If this were to happen, the European executive would thereby be forced to prepare proposals contrary to its political program. Turning the ECI into a direct legislative tool in this way would turn the Commission into a neutral technocracy. This would contradict the project of a political Commission called for by President Juncker in 2014. At this stage, it is important to assess whether the new regulation could make the ECI more effective and meet the expectations of organizers, civil society organizations and citizens. The ECI is in fact only one of many instruments of participative democracy available. The overall coherence of these tools can be questioned.

In this Egmont Paper, we will first analyze the weak results of the ECI as it stands, in order to understand why it has not effectively been able to influence EU policies. Second, we will explore the various reasons for this disappointing assessment. Third, we will examine why the new regulation proposed by the Commission offers an incomplete answer to these difficulties and how it could be improved by proposals made by stakeholders. Finally, we will explore to what extent the use of other participatory instruments strengthens the involvement of citizens in European politics. While the aim of these tools is laudable, their recent proliferation in the run-up to the European elections invites some suspicion. In this regard, we will assess whether the “Citizens’ consultations” initiated by French President Macron could send a message of openness to those who reject the European project and advocate for a national withdrawal. One should be aware that, if such tools of participatory democracy fail to bring a concrete answer to problems raised by citizens, they could produce the opposite effect by reinforcing the frustration and the distrust of the citizens vis-à-vis the EU institutions.

## SOME SUCCESSFUL ECIs BUT MORE THAN 90% MISSED

The ECI, provided for in Article 11 TEU, makes the European decision-making process more accessible to citizens. They are thus able to influence, where appropriate, the European legislative agenda. In March 2018, Vice-President Timmermans declared that “this tool is stimulating participation and debate across national borders, with concrete impact on European policies”.<sup>3</sup> Since its creation, the ECI has been able to gather and mobilize citizens around participatory projects.

However, in total more than 90% of initiatives to date have failed. Many ECIs have not generated the enthusiasm expected by their organizers. The signature collection period has often proved too short to get the support of one million EU citizens. This high threshold is difficult to reach in just one year but is justified as the ECI intends to tackle problems of European dimension. Most fruitless ECIs were supported by ordinary citizens. Thus far, the only successful ECIs have been those launched by civil society organizations<sup>4</sup>. This shows that individual citizens can hardly succeed without the support of a structured organization.

Until today, ECI organizers who have managed to collect a sufficient number of signatures on time are rare. The four ECIs supported by more than one million citizens and described as “successful” cover a variety of topics. The “Right2water” initiative calls for the recognition of a right to drinking water for every European citizen. The “One of us” initiative aims to protect the right to life from conception. The “Stop vivisection” initiative calls for the cessation of animal experiments. The “Ban Glyphosate” initiative aims to reduce the use of pesticides.

The response of the Commission to these ECIs has been fundamentally different. A negative answer was given to the “One of us” initiative, which specifically opposed any European support for funding abortion. The “Stop vivisection” initiative simply led the Commission to recall the importance of this subject and to devote a conference to it. Each of the two other ECIs resulted in a legislative response by the Commission. Parts of the “Right2water” initiative were included in February 2018 in a proposal for a revision of the Drinking Water Directive. For the “Ban Glyphosate” initiative, the Commission presented in April 2018 a legislative proposal to improve the transparency of scientific studies on food safety. The legislative response given to both of these two ECIs was deemed insufficient by their organizers. They considered that the Commission did not take into account the essential content of their

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<sup>3</sup> Presentation of the second report on the ECI published by the Commission: “European Citizens’ Initiative: 9 million citizens have got involved in EU law-making”, Press Release, Brussels, 28 March 2018.

<sup>4</sup> The first successful initiative was supported by a trade union organization and the others were launched by other civil society groups. Maximilian Conrad, Freyja Steingrimsdóttir, “A Tool for European Citizens? A Typology of ECIs Organizers 2012-2015”, in Maximilian Conrad, Annette Knaut, Katrin Böttger (Eds.), *Bridging the Gap?*, Nomos, p. 112.

ECIs.<sup>5</sup> The impact of the ECI on EU policies thus appears to be extremely limited. In the light of these examples, it is difficult to increase citizens' interest in this instrument which has demonstrated questionable effectiveness.

### Timeline

- **2004:** incorporation of the ECI into the draft constitutional treaty at the last session of the Convention on the Future of Europe with a view to “bring Europe closer to the people” and further democratizing the Union.<sup>6</sup>
- **2007:** incorporation of the ECI into the Lisbon Treaty (article 11 TEU).
- **2012:** entry into force of the ECI regulation (1<sup>st</sup> April) adopted in February 2011.
- **2014:** improvement of the ECI included in the “Union of Democratic Change” announced by President Juncker as one of his ten priorities.
- **2015:** European Ombudsman’s recommendations to improve the functioning of the ECI and make it more accessible.<sup>7</sup>  
European Parliament’s resolution calling the Commission for a review of the ECI.<sup>8</sup>  
Commission’s report on potential avenues for improvement of the ECI, but no proposal to revise it directly.<sup>9</sup>
- **2017:** Commission’s proposal for a new regulation on ECI (13 September).  
New ECI regulation announced as a part of the “further development of the democratic legitimacy” initiative by the Joint Declaration 2018-2019 (14 December).
- **Q4 2018:** adoption of the new ECI regulation expected.
- **Q1 2020:** entry into force of the new ECI regulation.

<sup>5</sup> The main objective of the Ban Glyphosate initiative was not achieved, as the Commission considered that there was no scientific or legal justification for prohibiting this herbicide.

<sup>6</sup> Jürgen Meyer, European Convention, CONV 724/03.

<sup>7</sup> The Ombudsman was contacted by several ECI organizers shortly after the start of the implementation of the Regulation No 211/2011. In its conclusions of the investigation opened in 2013, he identified several difficulties of use of the ECI. Cf. <https://www.ombudsman.europa.eu/en/cases/decision.faces/en/59205/html.bookmark>

<sup>8</sup> European Parliament resolution of 28 October 2015 on the European Citizens’ Initiative (2014/2257(INI)). This resolution was based on an own-initiative report from MEP György Schöpflin. The European Committee of the Regions and the European Economic and Social Committee have also taken a clear position, respectively in the Resolution “Improving the functioning of the European Union: Lisbon Treaty and beyond (2015/C 313/03) and the Own-initiative opinion (2016/C 389/05).

<sup>9</sup> Under article 22 of the Regulation No 211/2011, the Commission has to produce a report on the application of the ECI every three years.

## A five-step process

1 – To be launched, each ECI must be supported and organized by seven citizens living in at least seven different Member States.

2 – The ECI must be registered with the Commission, which may reject it if certain conditions are not met. The initiative's object must fall within the Commission's field of competence in legislative matters. Its purpose must be neither "manifestly abusive, frivolous or vexatious" nor contrary to the Union's fundamental values.<sup>10</sup> (2 months maximum)

3 – Once the ECI is registered, its organizers must collect one million signatures in at least seven different Member States, with a minimum number of signatures per Member State.<sup>11</sup> (12 months maximum)

4 – The signatures must be verified by national authorities. (3 months maximum)

5 – The organizers are received by the Commission and can state their arguments, as long as the ECI is supported by at least one million citizens and the signatures are validated. They can also present their initiative during a public hearing organized by a European Parliament committee. Ultimately, the Commission can decide to propose new legislation or else must explain why it does not want to take further measures. (3 months maximum)

## Facts and figures

- 69 ECIs were launched in total: 27 in 2012, 16 in 2013, 8 in 2014. 5 ECIs were started in 2015, 2016 and in 2017.<sup>12</sup>
- 22 ECIs could not be registered by the Commission.
- 25 ECIs were unable to gather enough signatures after one year.
- 15 ECIs were withdrawn by the organizers themselves.
- 2 ECIs are now open for collection of statements of support.
- 3 ECIs whose signatures are currently being verified.
- 4 ECIs successfully led to follow-up by the Commission.

<sup>10</sup> Article 4(2) of the Regulation No 211/2011: "(a) the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2); (b) the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties; (c) the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious; and (d) the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Art. 2 TEU".

<sup>11</sup> Cf. Annex I of the Regulation No 211/2011.

<sup>12</sup> European Commission, *Commission Staff Working Document. European citizens' initiative*, 2017, p. 19.



## A RATHER BURDENSOME AND COMPLEX PROCESS

In view of this disappointing record of the use of the ECI, it seems that the bureaucratic dimension of this tool of citizen participation has undermined its democratic vocation. The organizers are obliged to respect a relatively complex procedure not only during the launch but also during the registration of the ECI.

On the one hand, the launch of an ECI is far from easy. It must be supported by at least seven EU citizens residing in seven different Member States and organised in a citizens' committee. No specific recognition of status is given either to this committee or to its members. The organizers are therefore obliged to assume responsibility themselves for the personal data of the signatories on behalf of whom they are collecting information and for which they must ensure the protection.<sup>13</sup> The burden of this responsibility may discourage some potential organizers from participating in the launch of an ECI.

Beyond this difficulty, it is not always easy for the organizers to find the necessary funds or to have sufficient information to launch their initiative.<sup>14</sup> The Commission has established a contact point to assist the ECI organizers. They can get quick and informal answers to all their questions by contacting the Europe Direct Contact Centre. However, this Contact Centre does not sufficiently inform the organizers about the possibilities offered by the ECI. In fact, the vast majority of citizens remain ill informed, or worse, ignorant of this tool.

On the other hand, during the first years of implementation of the ECI, it was difficult for many organizers to identify the scope of topics that could be addressed by the initiative. The ECI's object must relate to the Commission's powers of legislative initiative and must not imply a change of the Treaty framework. The difficulties encountered by the ECI organizers are evidenced by the fact that the Commission had to refuse 20 ECIs between 2012 and 2014 because of their inappropriate content, which represents no less than two-fifths of the applications for registration<sup>15</sup>.

These problems were quickly overcome as only one ECI has been refused since the Juncker Commission took office.<sup>16</sup> This improvement can be explained by a more "citizen-friendly" practice developed by the Commission. For ECIs that do not fully comply with the registration requirements, this practice consists of accepting the relevant part of the initiative instead of rejecting it as a single block. In the past,

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<sup>13</sup> Article 13 of the ECI Regulation: "Organisers shall be liable for any damage they cause in the organisation of a citizens' initiative in accordance with applicable national law."

<sup>14</sup> As an extreme example, an Italian citizen tried to launch an initiative by registering himself seven times, thus totally ignoring the basic rules of organizing an ECI.

<sup>15</sup> During the first three years of ECI use, 20 initiatives were refused on a total of 51 registration applications.

<sup>16</sup> The initiative, entitled "Stop Brexit", was clearly outside the Commission's field of competence in that it called for preventing the withdrawal of the United Kingdom.

refusals to register the ECI by the Commission have sometimes proved to be abusive. For example, the Court of Justice of the European Union has ruled that the rejection of the “Stop TTIP” initiative in 2014 was not justified and required the Commission to register it.<sup>17</sup> Three years after its initial introduction, the initiative has lost its relevance since it calls for a halt to negotiations not only of TTIP but also of CETA, which has since been signed in the interim.

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<sup>17</sup> ECJ, Judgment of 10 May 2017, *Michael Efler and Others v Commission*, T-754/14. Cf. Carmen Gerstenmeyer *et al.*, “Study on the European added value of the European Citizens’ Initiative”, EPRS, 2018, p. 46.

## STRONG TECHNICAL OBSTACLES AND A WEAK INSTITUTIONAL FOLLOW-UP

The difficulties of obtaining sufficient support in the given timeframe can also explain the low success rate of ECIs. Yet the interest of citizens could be increased if ECIs supported by more than one million people would benefit from a better follow-up from the EU institutions.

Technical barriers can constitute a major obstacle for ECI initiators to collect sufficient signatures in a single year. The citizens wishing to support an ECI must prove their connection with the Member State where they reside or where they are from. The signatories must also indicate their personal data in more or less detail according to different Member States.<sup>18</sup> Online signature collection systems must be carried out by the ECI organizers themselves and certified by the competent authorities in each Member State.<sup>19</sup> These conditions complicate the work of the organizers, as most statements of support are collected electronically. Some fail to certify their online collection system on time and then have less than a year to collect signatures.

In addition, the follow-up of successful ECIs is highly criticized by their organizers. They generally consider that the Commission's response does not meet their expectations. ECI organizers do not always feel that they are being taken seriously, even though they have managed to gather more than one million supporters. While Commission officials are present at the public hearing held at the European Parliament, organizers regret that representation of the Council is minimal and that only few experts are invited. The public hearing has no definite objective since, after this exchange of views between the stakeholders, the Parliament is not required to take any particular action.

Finally, the essential part of the follow-up of a successful ECI remains insufficient. The Commission is required to present its conclusions in a communication, specifying the action it intends to take or, failing that, its reasons for not acting.<sup>20</sup> Even when over one million citizens support an ECI, they are not entitled to expect any legislative result. Misunderstandings persist in this regard. Some organizers and citizens do not realize that the Commission's monopoly of initiative, guaranteed by the Treaties, would be called into question if all successful ECIs would directly become legislative proposals. Such evolution would be paradoxical. The Commission would be obliged to express in a proposal the will of a small fraction of the EU citizens without always

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<sup>18</sup> The definition of signatory identification requirements and the verification of declarations of support are made at the national level. The number of signatories' data requirements varies from four in several Member States to eight in Italy. In total, 13 different forms are existing in the European Union.

<sup>19</sup> These online systems must ensure a sufficient level of security and meet a series of technical requirements.

<sup>20</sup> The Commission is under no obligation to act in response to an ECI and may simply limit itself to submitting a communication formally adopted by the College.

agreeing. This would lead to a more technocratic governance, welcome to some but resisted by other Member States. At the same time, the lack of concrete results after an ECI is probably the main limit to the scope of this tool of participatory democracy. Though the ECI can have a real impact in terms of the political legitimization of the subjects it addresses, we should not overestimate it.<sup>21</sup>

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<sup>21</sup> The ECI is an indirect popular initiative, which simply forces representatives to consider the proposal supported, unlike the direct initiative, which usually leads representatives to hold a referendum on the issue.

## SOME IMPROVEMENTS INSUFFICIENT TO FOSTER THE INVOLVEMENT OF CITIZENS

To remedy these various problems, the Commission has foreseen developments with regards to the ECI in its proposal for a regulation presented in September 2017. The proposal incorporates some of the changes envisaged by stakeholders in interim reports, which will be completed during the negotiations with the Parliament and the Council. This reform must make the ECI more accessible for EU citizens. The attractiveness of this participatory democracy tool should be reinforced by a series of measures to improve both its use and its monitoring.

The Commission's proposal and the proposals of the co-legislators foresee several ways to simplify access to the ECI. The responsibility of each group of organizers should be limited to "illegal acts committed intentionally or with serious negligence".<sup>22</sup> The organizers will likely be more determined to launch an ECI since the risk of engaging their personal responsibility will be very limited. In order to respond to the lack of support for the organizers, the Commission has proposed setting up an online collaborative platform managed by an external provider. This platform aims to link organizers wishing to launch an ECI on a similar subject. It allows them also to benefit from independent online assistance, before formally submitting their initiative to the Commission. The tool will also be made more user-friendly since partial ECIs registrations are provided for by the new regulation. Finally, some MEPs believe that communication with the organizers could be improved if the Commission provided more detailed explanations on the acceptance or refusal to register an ECI. Such developments are going in the right direction. The effectiveness of these new measures will depend on how they are implemented.

It appears necessary to harmonize and simplify the signature collection system in order to make it easier for citizens to support an ECI. The Commission's proposal provides that, irrespective of the Member State of origin of the signatories, they will only have to provide four elements of personal data.<sup>23</sup> In order to involve more young people, the Commission also proposed to lower the age of participation in ECIs to 16 years. On one side, the Parliament is expected to push for this measure, as it would open the ECI to nearly 10 million potential citizens. On the other side, the Council seems mostly opposed, especially through the Member States where the electoral majority is fixed at 18 years. The work of organizers could also be facilitated

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<sup>22</sup> Article 5(5) of the Proposal for a Regulation 2017/220: "The members of a group of organisers shall be jointly and severally liable, in accordance with applicable national law, for any damage caused in the organisation of an initiative by unlawful acts committed intentionally or with serious negligence."

<sup>23</sup> According to the Proposal for a Regulation 2017/220, the Members States will be able to choose between two identification forms: one that requires the first name, the family name, the last four characters of their personal identification number and the type of ID document of the signatory, or another that requires the first name, the family name, the address and the date of birth of the signatory.

by setting up a centralized online collection system, hosted on a Commission managed server and financed by the EU.<sup>24</sup> The organizers would thereby be able to decide on the starting date of the collection period and fully dispose of the twelve months allocated to collect the signatures.<sup>25</sup> These developments should make the process less cumbersome and more accessible for citizens, but their participation at European level will be stimulated only if the ECI benefits from a better follow-up.

Some innovations are proposed to improve the ECI monitoring process. The changes foreseen by the Commission are far from meeting the expectations of the ECI organizers. It is only envisaged to ensure a more balanced representation of speakers at the Parliament hearing and to extend the follow-up phase to five months to improve the quality of public debate.

Beyond the Commission's options for reform, other proposals are more ambitious and would significantly improve the follow-up of the ECI. For each successful ECI, a group of independent experts could be set up to advise the Commission on the measures to be taken. This would further legitimize the ECI without necessarily compelling the Commission to act. Some MEPs proposed to schedule a plenary debate for each successful ECI. In order to give greater visibility to the ECI, this debate should be always followed by a resolution of the Parliament. Such resolutions could call on the Commission to take concrete action for ECIs supported by a majority in the Parliament. The ECI could also be further disseminated if it were also discussed in national parliaments. European Affairs Committees could invite ECI organizers to express themselves, which would raise awareness of the subject they defend within the framework of the Member States.<sup>26</sup>

The ECI was initially conceived as a democratic instrument aimed at bringing citizens closer to the EU. Its early years of implementation disappointed the hopes that civil society organizations had placed in it, while most citizens continue to ignore its existence. The developments proposed under the new regulation may simplify the ECI process. However, it remains difficult to make the ECI popular. We will see whether the interest of citizens in this tool will be increased by the new communication campaign launched by the Commission.<sup>27</sup>

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<sup>24</sup> Article 10 of the Proposal for a Regulation 2017/220. Nevertheless, ECI organisers will still be able to choose to use their own online system for the collection of signatures.

<sup>25</sup> Currently, the signature collection period starts automatically at the moment the ECI is registered by the European Commission.

<sup>26</sup> Dominik Hierlemann, Christian Huesmann, "More Initiative for Europe's Citizens", Bertelsmann Stiftung, Policy Brief, 2018, p. 7.

<sup>27</sup> Launched on 10 April 2018 on the occasion of ECI Day, this communication campaign aims to increase citizens' awareness about the existence of this instrument. It responds to requests from several stakeholders, such as "The ECI Campaign". Cf. *12 Ways to build a European Citizens' Initiative that works*, 2015: <http://www.citizens-initiative.eu/12-ways-to-build-eci-that-works/>

## CITIZEN PARTICIPATION AS AN ANSWER TO THE DEMOCRATIC DEFICIT OF THE UNION

The ECI alone cannot be sufficient to strengthen the democratic legitimacy of the Union. The ECI should be made more accessible while at the same time other instruments promoting the involvement of citizens in the EU policies should be developed. If the ECI aims to “stimulate democratic life beyond representative democracy mechanisms”,<sup>28</sup> other complementary tools make it equally possible to participate in European democracy. In this respect, the Citizens’ consultations initiated by French President Macron are welcome given the current political context. Election results in more and more countries are hostile to the EU. Brussels is often blamed for the poor results of national policies. Faced with growing Euroscepticism in several Member States, tools of participatory democracy constitute a laudable attempt to engage EU citizens. But do they really succeed and is this democratic toolkit coherent? To answer this question, we will look into the stakeholder consultation system foreseen by the Commission, the Citizens’ dialogues and the Citizens’ consultations on Europe.

For years, citizens willing to be involved in the EU law-making process could “contribute to the preparation of Commission’s proposals through [their] participation to a number of consultation activities”.<sup>29</sup> The system of stakeholder consultation, enshrined in article 13 TEU as well as in the Interinstitutional Agreement on Better Law Making 2016 (IIA),<sup>30</sup> is broadly used by the Commission. Since October 2013, over 450 public consultations have been organised, hosted online in order to ensure the widest possible participation. The Commission specifically encourages the direct participation of SMEs and other end-users in such consultations. The results of these internet-based consultations are public and communicated to the co-legislators. This tool of participative democracy allows citizens to be involved in a concrete subject, but because of its technical nature, it continues to fail to arouse the interest of the population. Although the Commission is trying to increase citizens’ participation in its legislative activities, technocratic governance continues to prevail over political governance.

Beyond this form of expert participation in the law-making process, other instruments aiming at encouraging the participation of EU citizens have also been developed. This is the case of the Citizens’ dialogues, which enable European Commissioners to visit Member States and engage directly with citizens. Nearly 500 Citizens’

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<sup>28</sup> European Commission, *Commission Staff Working Document. European citizens’ initiative*, 2017, p. 22.

<sup>29</sup> “Stakeholder consultation and feedback”, cf. <http://ec.europa.eu/social/main.jsp?langId=en&catId=1192>

<sup>30</sup> Article 13(2) TEU: “The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union’s actions are coherent and transparent.” Point 19 of the Interinstitutional Agreement of 13 April 2016: “Public and stakeholder consultation is integral to well-informed decision-making and to improving the quality of law-making.”

dialogues have been organized since 2012 and this scheme is intended to be further developed. Until the European elections of May 2019, around 500 additional Citizens' dialogues should be held. These direct exchanges of views with Commissioners help citizens to be more aware of EU policies and keep the debate on European issues alive, but there is no specific follow-up. In addition, citizens present at these debates are most often people who are already rather well informed. While these events reinforce the democratic legitimacy of the EU institutions to a certain extent, they generally do not result in the involvement of citizens that are against the European project.

The Citizens' consultations on Europe that have been organized have received a mixed record so far. The lack of structure of the debates and themes, often defined in advance, does not always make it possible to favour true exchanges between participants.<sup>31</sup> No precise methodology has been clearly defined concerning the methods of restitution of the various citizens' consultations.<sup>32</sup>

When launched on 17 April 2018 by the French President himself, this democratic exercise appeared limited. Most of the people present at the first debate were in fact supporters of his own political movement and all convinced Europeans. According to the Charter of Citizens' consultations on Europe, diversity of opinion, age and social origin must be met to ensure the quality of the debates. This pluralism is not always observed in practice. Citizens' consultations organized in the presence of the French Minister for European Affairs in Croatia and the Czech Republic brought together an already well-informed public, composed mainly of civil society actors, politicians and students. The desire expressed by the Minister "to reach out to people from all professions, young and old, people from big cities and remote areas" remains wishful thinking for now.<sup>33</sup>

It is too early to draw a final assessment of Citizens' consultations on Europe, but these first meetings leave the observer perplexed. The debates have not allowed for the development of important exchanges with citizens furthest from the EU democracy nor with those opposed to the EU project. It must be acknowledged that if this were the case, these Citizens' consultations would present the risk of being manipulated by Eurosceptics. For the moment, Citizens' consultations seem to be mainly a consultation without any defined impact on the future policies of the EU and without clear follow-up.<sup>34</sup>

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<sup>31</sup> Mario Munta, "The empty taste of Macron's citizens' consultations", Euractiv, 11 April 2018.

<sup>32</sup> Paul Butcher, Yann-Sven Rittelmeyer, Corina Stratulat, "En Marche l'Europe? A strategy to implement democratic conventions", Discussion Paper, European Policy Centre, 2018, 27 p.

<sup>33</sup> Éric Maurice, "Macron's citizens' consultation 'risk' worth taking, says minister", EUobserver, 14 mars 2018.

<sup>34</sup> According to the European Citizens' Consultations Initiative Joint Framework, "a final report based on the national summaries will be drafted and forwarded to the EU heads of state and government for consideration and discussion starting from the December 2018 European Council. *The modalities of this exercise will be determined at a later stage.*"



On Europe Day, an online Citizens' consultation was launched by the Commission in parallel with these consultations. Its more structured process guarantees greater citizen involvement than the Citizens' consultations on Europe. A panel of 96 citizens gathered at the European Economic and Social Committee to discuss the future of Europe. This panel formulated 12 questions on topics as diverse as environmental protection, education and digital transformation. On this basis, a yearlong online citizens' consultation was then opened. The result of this consultation will be used for the Sibiu special summit in May 2019, which will prepare the strategic agenda for 2019-2024. Once again, we do not know how this consultation will be taken into account by the co-legislators. Once again, we can fear that only the most well-informed citizens will be involved. While bringing participatory democracy to life, this tool will hardly guarantee a representative participation of European society.

The diversity of these instruments of participatory democracy could undermine their legibility. Yet all pursue the same goal of bringing citizens closer to the EU. Over-communication on these tools is likely to confuse citizens. The latter may find it difficult to distinguish the Citizens' consultations initiated by President Macron from the Citizens' dialogues organized by the Commission. Citizens may no longer be able to identify the other instruments at their disposal. The ECI should not be seen as the sole answer to the democratic deficit but combined with other tools of participation. The overall coherence of this toolkit should be reinforced in order to be more efficient and the respective aim of each of these instruments clearly redefined.

## CONCLUSION

2018 could be an important year for ECIs, with the likely success of the “Stop Extremism” initiative and the “Minority Safe Pack” initiative, which aim to protect regional minorities. These ECIs are already supported by one million people and their signatures are currently being verified. While it is hoped that the Commission’s responses will be more ambitious than those given to the first four successful ECIs, there is also room for doubt.

Until today, the ECI has not upset the European institutional system. It is far from being the “disguised revolution” that was hoped for by some at the time of its integration in the Lisbon Treaty.<sup>35</sup> The development of this instrument of participatory democracy has been hampered by overly demanding implementation conditions. The technical constraints are burdensome and the follow-up given to successful ECIs remains somewhat disappointing.

The simplification of the ECI process provided for in the new regulation will surely contribute to making the instrument more accessible and more widely known. Whatever changes are made, it is likely that these improvements will not yet be sufficient. It remains difficult to prevent the frustration that ECIs signatories may feel when the Commission does not translate their initiative into a legislative proposal or provides a negative answer. Instead of reconciling citizens with democracy, the absence of a positive response can increase the gap between the institutions and the citizens they are supposed to represent.

It could be the same for other instruments of participatory democracy that are not used to their full potential. If Citizens’ dialogues and Citizens’ consultations do not provide a concrete answer to the problems raised by the people, they could have contradictory effects and keep citizens persistently away from the EU institutions. Ultimately, these various tools will be able to bring Europe closer to its citizens only if they are implemented in a coherent manner and not limited to a political communication exercise.

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<sup>35</sup> Dominik Hierlemann, Anna Wohlfarth, “A Revolution in Disguise: The European Citizens’ Initiative”, Spotlight Europe, Bertelsmann Stiftung, 2010.

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