

DEMOCRACY AND HUMAN RIGHTS

MAKE CIVIL SOCIETY INVOLVEMENT BOTTOM-UP

How to Reinforce Participative Democracy at the EU Level

Julian Plottka
July 2020



Citizens should be granted a real agenda-setting power, most notably for the European Council's strategic agenda and by giving the ECI a direct effect.



EU participative democracy needs to be simplified by better targeting consultation instruments, establishing unique procedural file numbers, and turning the »Have your say« website into one-stop resource granting access to all instruments of participative democracy.



EU legislation has to become more transparent by establishing an integrated system of national transparency registers covering all negotiators in the Council system.

1 INTRODUCTION

An increase in the use of the European Citizens' Initiative (Plottka 2019), civil dialogues throughout Europe (Candeau 2018), and two European policy referenda in the Netherlands (van der Brug/van der Meer/van der Pas 2018) and Hungary (Gessler 2017) in 2016 show that instruments of direct citizens' participation in Europe are trending. With the debate on the Conference on the Future of Europe, the demand to expand civic participation has reached the political mainstream.

Three drivers explain this trend: (1) The French President Emmanuel Macron is pushing for citizen dialogues (Financial Times 2019) to create a new transmission belt replacing the disintegrated French party system. (2) Supporters of direct democracy promote it as an alternative to representative democracy. (3) Eurosceptics following their thin ideology of populism (Mudde 2004) pit citizens and politicians against each other. They hope that direct democracy will put an end to European integration.

Due to this current trend, recommendations for strengthening democracy at the EU level that ignore the issue of civic participation are unlikely to find broad support. However, considering the increasing polarisation of political discourses and the rise of populists in Europe, pushing for direct democracy is ill-timed. Too great a leap forward would risk further destabilising political systems in Europe, as new instruments require citizens, politicians, civil society, and stakeholders alike to learn how to handle them wisely. Using political turmoil in Europe as an argument against further reforms is also imprudent. Stalling progress achieved over the course of the last 20 years will drive more citizens to support populists calling for direct democracy. Therefore, this paper argues for a continued, incremental strengthening of EU-level participative democracy. Such a gradual approach facilitates the required learning process.

Participative democracy, defined as the participation of stakeholders, organised civil society, and individual citizens in EU-level decision-making, **should complement and support rather than replace representative democracy**. It strengthens input legitimacy, as participative democracy is an additional channel for inserting citizens' demands into decision-making and strengthens transnational opinion formation. By holding EU decision-makers accountable and forcing them to be more responsive, participative democracy helps to make electoral alternatives more visible. Finally, participative democracy contributes to further developing European public spheres.

To these ends, this paper discusses reform needs in five areas of participative democracy. It addresses (A) the limited outreach to citizens and civil society on the national level, (B) hurdles that prevent broad participation, (C) the top-down character of participative democracy and (D) its lack of direct effects. Finally, it argues (E) that the EU needs to maintain its role as a democratic innovator. Based on this analysis, the paper proposes 10 concrete policy recommendations in line

with the five reform approaches. The proposed recommendations are selected from the study *Enhancing the Democratic Legitimacy of the European Union* (Müller/Plottka forthcoming), which proposes additional recommendations and provides an in-depth analysis of the reform needs.

2 REFORM NEEDS

Since the publication of the white paper on »European Governance« (European Commission 2001), the European Parliament and Commission, supported by the Economic and Social Committee, have shown considerable readiness to reform EU-level decision-making procedures to involve stakeholders, organised civil society, and individual citizens (Gerstenmeyer/Plottka 2018), while the Council stood apart. Therefore, making EU-level representative democracy more transparent and accountable by establishing a third pillar of democratic legitimacy does not require fundamental transformation of the EU level system. Instead, further efforts in continuing the established reform path are required. To maintain its position as a democratic innovator, the EU needs to address a number of concrete reform needs.

A) LIMITED OUTREACH TO CITIZENS AND CIVIL SOCIETY ON THE NATIONAL LEVEL

The EU instruments of participative democracy suffer from insufficient participation by stakeholders and citizens. One third of all EU citizens had not heard about the ECI in 2016 (Gerstenmeyer/Klein/Plottka/Tittel 2018: 88). A lack of communication efforts is an issue, as the European Court of Auditors found a correlation between the number of communication channels used to advertise a consultation and the number of submitted answers (European Court of Auditors 2019: 26f.).

In terms of functional representation, research findings concerning the diversity of actors taking part in consultations are ambivalent: For example, Bunea (2017: 65) observes an increasing variety of actors. On the contrary, Garben (2018: 234) emphasises the continued prevalence of the usual suspects. He and other authors find differing degrees of bias towards business interests. High-level Commission meetings with representatives of interest groups reveal a similar pattern: Diversity is increasing, while corporate interests continue to prevail as interlocutors (Kergueno 2020). Balancing the bias towards business interests remains a major challenge, which is partially eased if consultations address highly salient issues (Røed/Wøien Hansen 2018). In these cases, participation is more diverse than in consultations on technical issues (Beyers/Arras 2019).

In terms of territorial representation, EU-level participative democracy faces a double challenge: First, Dür and Mateo (2012) point out that resources are a key determinant of whether member state-level actors have access to the EU level. Second, there is an uneven distribution of participants in consultations by member states. Measured by the number of

answers per 100,000 citizens, the German-speaking countries participate most (European Court of Auditors 2019: 28). In some member states, civil society also remains weaker than in others (Pleines 2011) or it is challenged by authoritarian tendencies (Najmowicz 2019).¹ Ensuring equal participation from all member states is an increasingly relevant challenge.

As research on intentions to use the ECI shows, citizens participation is also biased. Kandyla and Gherghina (2018) conclude that the ECI is more appealing to »politically sophisticated [citizens,] who feel able to navigate the complexity of EU politics.« As intentions to use the ECI are as biased socially as participation in European elections (Kaeding/Haußner 2020), participative democracy cannot be considered a way to fix low turnout in elections (Merkel 2011). However, it meets the new participatory demands made by a number of citizens. To further increase the inclusiveness of EU decision-making, finding a better social balance of participating citizens is the key challenge. Views of citizens who do not vote in elections and who are underrepresented in civil society also need to be heard in participative democracy.

B) HURDLES PREVENT BROAD PARTICIPATION

In a polity with 24 official languages, the lack of language proficiency in English remains an important hurdle preventing political participation. The translation of consultation documents into all official languages is only required for priorities of the Commission work program. For other consultations, translation into the working languages is deemed sufficient (European Commission 2017a: 68). In 2018, just 70 percent of all public consultations were translated into all the official languages (European Commission 2019a: 3). Furthermore, until the end of 2019, the European Commission was not obliged to translate registered ECIs into all the official languages (art. 4 (4) of Regulation (EU) 2019/788).

Another hurdle discouraging participation is the confusing variety of participation instruments throughout the policy cycle. In the first phase, stakeholders can provide feedback to a »Roadmap« or »Inception Impact Assessment«. In the second phase, the Commission conducts public online consultations for evaluations, fitness checks, green papers, initiatives with impact assessments and optionally for Commission communications. For other legislative proposals, stakeholders also get the opportunity to give their feedback (European Commission 2017b: 437–449). In the third phase, there are consultations on drafts of delegated acts and implementing acts. In the fourth phase, citizens have the opportunity to give recommendations on the website »Lighten the load«, to make EU law more effective and efficient (European Commission 2017a: 71–72). Further Commission instruments include citizens' dialogues, comitology committees, and expert groups.

Furthermore, there are the ECI, the right of petition to the European Parliament or the right to complain to the European Ombudsman. Even for experts, it is difficult to understand how some of these instruments differ and where to engage. If several consultation instruments are used for one initiative, there are unnecessary duplications (Godwin/Akse/Lenoir 2017: 26). Therefore, the instruments need to be clearly differentiated (Renda 2015) and specifically addressed to target groups, either citizens or interest groups, and organised civil society.

Binderkrantz, Blom-Hansen and Senninger (2020: 15) show that open consultations »are associated with the involvement of a broader range of interests than other consultation formats, e.g. stakeholder conferences«. Furthermore, Quittkat (2011: 670) finds that consultation turnout depends on the design of the questionnaire. Closed questions increase participation, while open questions alienate citizens. Others criticise the fact that closed questions only allow for expressing opinions and not for providing evidence (Godwin/Akse/Lenoir 2017: 27). Therefore, it is necessary to clearly define the objectives of individual consultations and the target group, and design the questionnaires accordingly. Improving the methodology is also necessary for consultation meetings, which leave considerable room for better moderation. However, Alemanno (2018: 2) underlines the fact that none of the instruments are suitable for public mass participation.

Concerning accessibility, at least for all the Commission's consultation instruments, which are open to the public, the website »Have your say« provides a single access point with limited information and links to websites, where ongoing consultations and other feedback mechanisms are listed. However, a user-friendly one-stop resource providing an overview of all instruments of participative democracy, clarifying the target groups, and explaining the instruments is lacking (European Court of Auditors 2019: 24).

The recent reform of the ECI regulation has facilitated the ECI procedure considerably (Plottka 2019). The procedure remains, however, burdensome, while the legal effects of successful initiatives are limited. The ECI has not yet become a tool for citizens but requires support from organised civil society. Further reform is needed, either towards facilitating requirements or towards automatic legal consequences, which justify high thresholds, or towards lowering the requirements.

C) CONSULTATION INSTRUMENTS ARE MAINLY TOP-DOWN

Despite the ECI, the right of petition, the right to address the Ombudsman, and the website »Lighten the load«, all the instruments applied by the Commission follow a top-down approach, where citizens can only respond to Commission's questions. While organising an ECI requires too many resources, the »Lighten the load« website is clearly framed as a tool to fight assumed »overregulation«. In just a few of its more than 1,500 citizens dialogues (European Commission 2019b), the Juncker Commission experimented with new methods that allow citizens to set the agenda for the dialogues on their

¹ Ensuring that there is a vital democratic civil society in all member states is a new challenge and requires EU-level responses. Due to limited space this topic is not dealt with in this policy paper.

own. Thus, there is no straightforward instrument regularly allowing citizens to propose new ideas for EU policy.

Depending on whether the European Parliament will be assigned the right of initiative in the future, the right to petition could be developed into such an agenda-setting instrument. Currently, citizens' interest in petitions to the European Parliament is limited, while web portals to organise informal e-petitions, such as *change.org*, *openPetition* or *Avaaz*, as well as e-petitions to governments and parliaments in some countries (Le Blanc 2020) attract considerable interest. Since 2014, the European Parliament has also run a web portal for the online submission of petitions. Its introduction resulted in a sharp drop of 50 percent in the number of petitions to the Parliament in its 9th tenure (Heezen/Marzocchi 2019). Against this backdrop, the Petition Committee's statement that there is a »need to continue the technical development of the portal« (European Parliament 2019a) is a massive understatement.

In addition to lacking the opportunity to set the agenda, consultation procedures are criticised for being suggestive. Especially by designing questionnaires with closed questions, the Commission can »preclude certain outcomes« (Dawson 2016: 1220), without offering the opportunity to present evidence on the issue. Participants can only express their opinion (Godwin/Akse/Lenoir 2017: 27). Therefore, the Commission has to make explicit which consultations are aimed at gathering expert knowledge and which seek to get an overview of preferences among stakeholders. A more balanced participation is necessary for both. However, unequal participation can make information on preference distribution completely useless. The design of consultations has to be adapted accordingly.

D) INSTRUMENTS OF PARTICIPATIVE DEMOCRACY LACK CONSEQUENCES

Public consultations are followed by an evaluation of the results, published in synopsis reports. They are rather descriptive, outline the consultation strategy, characterise the participants, and summarise their input (European Commission 2017b: 433–436). The better regulation guidelines do not provide any guidance on methodology for the evaluation (Chase/Schlosser 2015: 3). In practice, the Commission often uses statistical analysis but does not make it transparent (European Court of Auditors 2019: 43). The presentation of statistics is highly problematic as participants are not representative (European Court of Auditors 2019: 39). Improving the methodology of questionnaires will allow for a better analysis of the answers. For consultations seeking expert knowledge this is a suitable approach. However, for consultations seeking information about preference distribution, the results will not be usable as long as participation is biased and not representative.

Having evaluated the results, participants expect feedback from decision-makers about their input. Being responsive to citizens' input remains the most problematic aspect of EU-level participative democracy. Hardly any of the synopsis reports are translated into languages other than English (European

Court of Auditors 2019: 41f.), which prevents contributors from reading them. If consultations result in a legislative proposal, an explanatory memorandum has to link consultation inputs to the draft legislation and justify the fact that certain contributions are discarded (European Commission 2017b: 433–436). The Commission shows a similar pattern in dealing with the ECI. The European Court of Justice had to denounce Commission decisions to not register an ECI, because it failed to give reasons for its decision (Plottka 2017: 191). In addition to publishing the explanatory memorandum, »better regulation« does not foresee any communication activities. Thus, it is clear why participants »feel that the Commission lacks accountability« (European Court of Auditors 2019: 46). On the one hand citizens should be able to expect decision-makers to explain why they are not considering specific proposals and inputs. On the other hand, they miss an opportunity to show that they are responsive. The time lag between citizens' input and EU-level decisions is problematic. The ECI is the most noteworthy example, as the collection of signatures and the Commission initiative sometimes occur years apart. Therefore, citizens need an opportunity to easily track the follow-up to their input and EU level decision-makers have to engage in debating their input with citizens.

With the exception of single case studies, no general enquiry is possible that assesses to what degree participative democracy shapes EU legislation. What remains clear is that all the instruments lack direct consequences. Even successful ECIs, which have to comply with the standards of direct democratic decision-making, are only guaranteed a dialogue with the European Parliament and Commission. Thus, the 2011 judgement of Kohler-Koch and Quittkat (2011), that there is no »participative democracy« but rather »participative governance« is still valid. As the organisers of ECIs have proven themselves to be reasonable, albeit sometimes controversial, further developing the ECI could be a first step towards real »participative democracy«.

E) THE EU NEEDS TO MAINTAIN ITS ROLE AS A DEMOCRATIC INNOVATOR

Further developing the ECI would allow the EU to maintain its role as a democratic innovator. Despite having developed the previously described consultation regime and established the first transnational »Volksrecht« in history (Kaufmann 2011: 201), EU-level transparency regulations are exemplary and more progressive than in most member states (Katzemich/Lange/Bank 2019: 21). However, the transparency register is currently limited to the Commission and the European Parliament. Inter-institutional negotiations on an obligatory transparency register have already restarted following the appointment of the new lead negotiators of the European Parliament for the new legislature. Two major reform needs have to be addressed in these negotiations: First, while Council participation in the transparency register is a step forward in limiting the coverage to general secretariat staff (Council of the European Union 2017), the reform is falling short of what is necessary. The staff responsible for negotiations in preparatory bodies, most notably COREPER, will not be covered. Second,

the recent reform of the European Parliament's rules of procedure have paved the way to a compromise in making the register mandatory for MEPs (European Parliament 2019b).

3 REFORM APPROACHES AND RECOMMENDATIONS

EU-level participative democracy has the potential to enhance the EU's input legitimacy, to force EU decision-makers to better justify their decisions, and to develop European public spheres in times of increasing politicisation. To make use of this potential, the discussed reform needs have to be addressed within the framework of five reform approaches. First, **EU-level participative democracy has to become more inclusive** to win back citizens with changing participatory demands to EU politics and improve its potential to generate input legitimacy. Second, **participative governance has to overcome its top-down approach** by giving citizens an agenda-setting power. Third, **reforms of participative instruments need to make EU institutions more responsive to citizens' input**. They either have to justify why they discard the input or better show when they are responsive to citizens', stakeholders', and civil society's demands. Fourth, **the EU has to become more transparent** by putting all actors in the ordinary legislative procedure on a level playing field. The Council should not be allowed to shy away anymore. Fifth, the upcoming Conference on the Future of Europe is the best opportunity to test innovative instruments of participation. Therefore, it should be used to **learn how citizens and organised civil society can participate in reforming the EU Treaties**. This paper presents a selection of 10 recommendations proposed in the study *Enhancing the Democratic Legitimacy of the European Union* (Müller/Plottka forthcoming) along with the five reform approaches.

A) MAKE EU DEMOCRACY INCLUSIVE

- (1) Instruments of EU-level participative democracy do not follow clear objectives, do not clearly define their target groups, and partially overlap. In sum, the consultation regime is barely understandable for non-experts. To solve the issue, **two transparent sets of consultation instruments should be developed**, one set addressing citizens and one set addressing stakeholders and organised civil society. **Each instrument within the two sets should be given a self-descriptive name**, making clear what its objective and its target group are. Clear names and distinguished sets facilitate the decision of citizens and experts about which instrument they choose to participate with, and makes it easier to better disseminate information about opportunities for EU-level participation. To make consultation instruments more transparent, the Commission has to revise its better regulation guidelines.
- (2) If instruments have a clear objective (either gathering opinions or collecting evidence based on expert knowledge), Commission staff are enabled to **better design**

targeted questionnaires and improve the moderation of consultation meetings. Using improved methodology will most likely result in more beneficial outcomes and reduce frustration on the participants' side. Experts are offered the opportunity to bring in their expertise on issues referenced by the Commission as well as to mention additional issues that are not yet addressed. Questionnaires for citizens can be designed in such a way that they do not require previous knowledge. Simple questionnaires increase participation rates significantly. Improving the methodology of questionnaires and meetings requires inhouse capacity building for Commission staff and, especially for the moderation of meetings, outsourcing the task to independent experts.

- (3) **A relaunched website »Have your say+« should provide access to ECIs, e-petitions, the Ombudsman, all online consultations, feedback mechanisms, and other consultation instruments of the Commission, such as »Lighten the load« and citizens' dialogues, as well as the transparency register**. The website translated into all 24 official languages should contain simple explanations of each instrument, allowing citizens, stakeholders, and civil society activists to choose the appropriate instrument for their purpose. A helpdesk should be available for questions. The website should contain a search engine and alert mechanism allowing citizens to search for ongoing ECIs, petitions, consultations, and inquiries of the Ombudsman as well as results and reports from previous activities. As a single access point the website reduces the efforts required to find ongoing activities, facilitates participation by better explaining what needs to be done, and decreases the administrative burden on the institutions, as a clear overview of all ongoing activities minimises the duplication of initiatives. Establishing such a platform would require the inter-institutional agreement of the Commission, Parliament, Council and Ombudsman as well as sufficient funding from the annual EU budget to set up and run the website and helpdesk.

B) GIVE THE CITIZENS AGENDA-SETTING POWER

- (4) The thresholds for successful ECIs are high, while the direct effects are limited. **To improve citizens' agenda-setting power, the requirements and effects of an ECI should be better balanced**. Following the example of government and parliament petitions in the United Kingdom (Panagiotopoulos/Elliman 2012), the EU institutions' responses should be scaled according to the number of collected statements of support. If organisers collect 10,000 signatures from at least three member states,² they receive a written response from the Commission. If they collect 100,000 signatures from at least

² National quorums should be 1 percent of the quorums for successful ECIs.

seven member states,³ they are invited by the Commission to discuss their proposal, and at least one committee in the Parliament and the Council deliberate on the ECI. Finally, if an ECI is successful in collecting 1 million signatures from at least seven member states, it has a direct effect. In cases where the organisers have attached a draft legislative proposal to their ECI, the legislative procedure starts automatically. Where there is no attachment, the Commission is obliged to draft a proposal in consultation with the organisers. The reformed ECI procedure gives citizens a more powerful agenda-setting instrument and forces EU institutions to become more responsive to citizens' inputs. For establishing the 10,000 and 100,000 signature threshold, the ECI Regulation needs to be reformed in the ordinary legislative procedure, while establishing direct effect requires a revision of art. 11 (4) Treaty on European Union (TEU).

- (5) In addition to giving citizens agenda-setting power with regard to the Commission's right of initiative, citizens also need an instrument to address the European Council, considering its task is to set the general political directions and agree on the EU's priorities. Therefore, **a citizens' consultation process should precede the adoption of the European Council's strategic agenda**. For the consultation process, some of the Commission's citizens' dialogues should be turned into deliberative bodies, as already tried on some occasions. In decentralised deliberative mini publics, groups of randomly selected citizens from across Europe debate on the future priorities of the EU and the course to take. The results are documented in a report and complemented by a Eurobarometer survey on the priorities and directions of EU policy based on the outcome of the citizens' dialogues. **In an annex to the strategic agenda, the European Council should be obliged to discuss which consultation results it has considered and to justify why it discarded others**. The new consultation process gives citizens an agenda-setting power outside the ordinary legislative procedure and puts an end to the European Council's shying away from participative democracy. This reform requires the willingness of the European Council and support from the Commission. Resources for citizens' dialogues and Eurobarometer surveys exist, the only task is to use them in a more targeted manner.

C) MAKE EU INSTITUTIONS MORE RESPONSIVE

- (6) It is necessary to make consultation processes and their follow-up more transparent. So far, only summary reports of consultations are published as staff working documents, which accompany Commission proposals. **Every initiative for which one or more consultation activities are conducted as well as ECIs and**

petitions should be assigned a unique procedural file number, which allows citizens to track the initiative.⁴ Like the digital object identifier (DOI), it should be possible to also use the file number as an internet link. For each procedural file a unique micro page on the relaunched »Have your say+« website is created. It documents every initiative, including all the related documents, events, and follow-ups. The procedural files on the website »EUR-Lex« provide a best practice example of how to archive and visualise legislative procedures. The unique procedural file number makes EU-level consultations more transparent and improves the way EU citizens, stakeholders, and organised civil society are informed about EU institutions' responses to their inputs. The proposal only requires limited additional resources to adapt the system for legislative procedural files to consultation procedures and a revision of the related provisions in the better regulation guidelines.

D) MAKE THE EU LEGISLATION MORE TRANSPARENT

- (7) It has been shown before that the Commission's transparency regulations are quite advanced and the European Parliament has taken steps to also make the transparency register mandatory (European Parliament 2019b). The willingness of the Council to join the transparency register remains limited. Its mandate for the ongoing inter-institutional negotiations foresees that only staff of the general secretariat shall become subject to the provisions, while member state negotiators will be excluded from the regulations (Council of the European Union 2017). Being the still more powerful EU-level legislative body, this exception for negotiators is unacceptable. Therefore, **all national representatives and staff participating in the Council, COREPER, or any meeting of its preparatory bodies has to be subject to EU-level transparency regulations**. While the transparency register itself is based on an institutional agreement, making member state staff subject to the regulations would require a treaty change.
- (8) As member states will most likely reject the idea of participating in **the EU transparency register for formal reasons, the EU institutions, a group of member states with transparency regulations in force, and others willing to join could set up an integrated multilevel transparency register that also covers member state representatives and staff, based on national legislation**. An integrated transparency register would become a role model and increase political pressure on other member states to join. The proposal would require a revision of the institutional agreement on the transparency register and the revision or adoption of national legislation.

³ National quorums should be 10 percent of the quorums for successful ECIs.

⁴ I would like to thank Pauline Fröhlich for suggesting this recommendation.

E) ALLOW CITIZENS' AND CIVIL SOCIETY'S PARTICIPATION IN TREATY REFORMS

- (9) Considering the success of the Convention on the Future of Europe, which was complemented by a civil society forum, **representatives of organised civil society and citizens should become members of the convent foreseen in the ordinary revision procedure for treaties (art. 48 (2–5) TEU)**. They should be selected from a civil society forum and a citizens' dialogue accompanying the convent. The recommendation requires a revision of art. 48 TEU.
- (10) The upcoming Conference on the Future of Europe should be used to test the new ordinary revision procedure proposed under recommendation No. 9. **The Conference on the Future of Europe should be complemented by a civil society forum and a citizens' dialogue. Delegates from both bodies should become members of the conference.** The proposal requires consent by the Commission, European Parliament, and Council in an inter-institutional agreement.

4 TIME TO START THE REFORMS

This paper has outlined how reforming EU-level participative democracy can contribute to reinforcing the democratic legitimacy of the EU by:

- strengthening transnational opinion formation;
- making electoral alternatives more visible;
- further developing European public spheres.

In sum, participative democracy helps to improve the functioning of representative democracy on the EU level. In order to achieve these positive effects, a number of reform needs have to be addressed. Most of the recommended reform options merely require the willingness of the EU institutions, while a few require the reform of secondary or primary law. The »new« Commission president's commitment to increased transparency (von der Leyen 2019), the resumed negotiations on the mandatory transparency register, and the Conference on the Future of Europe open a window of opportunity to address these challenges in the next two years.

REFERENCES

- Alemanno, Alberto** (2018): Beyond Consultations: Reimagining EU Participatory Politics, *Reshaping European Democracy*, Carnegie Europe, URL: https://carnegieendowment.org/files/Alemanno_EU_Politics_Dec20182.pdf [30 May 2020].
- Beyers, Jan / Arras, Sarah** (2019): Who feeds information to regulators? Stakeholder diversity in European Union regulatory agency consultations, *Journal of Public Policy*, Vol. 26, No. 1, pp. 1–26, URL: <https://doi.org/10.1017/S0143814X19000126> [30 May 2020].
- Binderkrantz, Anne Skorkjær / Blom-Hansen, Jens / Senninger, Roman** (2020): Countering bias? The EU Commission's consultation with interest groups, *Journal of European Public Policy*, pp. 1–20, URL: <https://doi.org/10.1080/13501763.2020.1748095> [30 May 2020].
- Brandsma, Gijs J. / Blom-Hansen, Jens** (2010): The EU Comitology System: What Role For The Commission?, *Public Administration*, Vol. 88, No. 2, pp. 496–512, URL: <https://doi.org/10.1111/j.1467-9299.2010.01819.x> [30 May 2020].
- Bunea, Adriana** (2017): Designing stakeholder consultations: Reinforcing or alleviating bias in the European Union system of governance?, *European Journal of Political Research*, Vol. 56, No. 1, pp. 46–69, URL: <https://doi.org/10.1111/1475-6765.12165> [30 May 2020].
- Chase, Peter / Schlosser, Adam** (2015): Better Regulation – An Ongoing Journey, *European Journal of Risk Regulation*, Vol. 6, No. 3, pp. 378–379, URL: <https://doi.org/10.1017/S1867299X00004803> [30 May 2020].
- Council of the European Union** (2017): Transparency register: Council agrees mandate for negotiations, Press release, 6 December 2017, URL: <https://www.consilium.europa.eu/en/press/press-releases/2017/12/06/transparency-register-council-agrees-mandate-for-negotiations> [30 May 2020].
- Dawson, Mike** (2016): Better regulation and the future of EU regulatory law and politics. Better regulation and the future of EU regulatory law and politics, *Common Market Law Review*, Vol. 53, No. 5, pp. 1209–1235, URL: [https://kluwerlawonline.com/Journals/Common Market Law Review/2](https://kluwerlawonline.com/Journals/Common%20Market%20Law%20Review/2) [30 May 2020].
- Dür, Andreas / Mateo, Gemma** (2012): Who lobbies the European Union? National interest groups in a multilevel polity, *Journal of European Public Policy*, Vol. 19, No. 7, pp. 969–987, URL: <https://doi.org/10.1080/13501763.2012.672103> [30 May 2020].
- European Commission** (2001): Communication from the Commission. European governance – A white paper, COM (2001) 428, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52001DC0428> [30 May 2020].
- European Commission** (2017a): Commission Staff Working Document Better Regulation Guidelines, SWD (2017) 350, URL: <https://ec.europa.eu/transparency/regdoc/rep/10102/2017/EN/SWD-2017-350-F1-EN-MAIN-PART-1.PDF> [30 May 2020].
- European Commission** (2017b): Better regulation »Toolbox«, Luxembourg, URL: https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en [30 May 2020].
- European Commission** (2019a): Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Better Regulation: Taking Stock and Sustaining our Commitment, COM (2019) 178, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0178> [30 May 2020].
- European Commission** (2019b): Citizens' dialogues and citizens' consultations. Key conclusions, Luxembourg.
- European Court of Auditors** (2019): »Have your say!«: Commission's public consultations engage citizens, but fall short of outreach activities, Special Report, No. 14/2019, Luxembourg, URL: https://www.eca.europa.eu/Lists/ECADocuments/SR19_14/SR_Public_participation_EN.pdf [30 May 2020].
- European Parliament** (2019a): Report on the outcome of the Committee on Petitions' deliberations during 2018 (2018/2280(INI)), A8-0024/2019, Brussels, URL: https://www.europarl.europa.eu/doceo/document/A-8-2019-0024_EN.pdf [30 May 2020].
- European Parliament** (2019b): European Parliament approves more transparency and efficiency in its internal rules, Press Release, 31 January 2019, URL: <https://www.europarl.europa.eu/news/en/press-room/20190123IPR24128/ep-approves-more-transparency-and-efficiency-in-its-internal-rules> [30 May 2020].
- Financial Times** (2019): Brussels readies for the Future of Europe, 16 December 2019, URL: <https://www.ft.com/content/9b34dafc-2088-11ea-92da-f0c92e957a96> [30 May 2020].
- Garben, Sacha** (2018): An Impact Assessment of EU Better Regulation, In: Garben, Sacha / Govaere, Inge (Eds.): *The EU Better Regulation Agenda: A Critical Assessment*, Oxford, pp. 217–242.
- Gerstenmeyer, Carmen / Klein, Julia / Plottka, Julian / Tittel, Amelie** (2018): Study on the European Added Value of the European Citizens' Initiative, Research paper for the European Parliamentary Research Service, URL: http://iep-berlin.de/wp-content/uploads/2018/05/EBI-STUDIE_EN.pdf [30 May 2020].
- Gerstenmeyer, Carmen / Plottka, Julian** (2018): Die aktuelle Reform als letzte Chance zur Rettung der Europäischen Bürgerinitiative?, *integration*, Vol. 41, No. 1, pp. 26–48, URL: <https://doi.org/10.5771/0720-5120-2018-1-26> [30 May 2020].
- Gessler, Theresa** (2017): The 2016 Referendum in Hungary, *East European Quarterly*, Vol. 45, No. 1–2, pp. 85–97, URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3030867 [30 May 2020].
- Godwin, Simon / Akse, Erik / Lenoir, Julie** (2017): A year and a half of the Better Regulation Agenda: what happened?, Impact Assessment Institute, 30 January 2017, URL: https://0a124c91-5c8d-4b0f-bb40-a8415e6b2802.filesusr.com/ugd/4e262e_6b29131f31ad40fd-8072fef2b6280bd6.pdf [30 May 2020].
- Heezen, Jos / Marzocchi, Ottavio** (2019): Achievements of the Committee on Petitions During the 2014–2019 Parliamentary Term and Challenges for the Future, Directorate-General for Internal Policies of the Union, 7 September 2019, URL: [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/621917/IPOL_STU\(2019\)621917_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/621917/IPOL_STU(2019)621917_EN.pdf) [30 May 2020].
- Kaeding, Michael / Haußner, Stefan** (2020): Je höher, desto besser? – Die Europawahl 2019 vor dem Hintergrund sozial verzerrter Wahlbeteiligung, In: Kaeding, Michael / Müller, Manuel / Schmäler, Julia (Eds.): *Die Europawahl 2019 – Ringen um die Zukunft Europas*, Wiesbaden, pp. 327–340, URL: <https://www.springer.com/de/book/9783658292768> [30 May 2020].
- Kandyla, Anna / Gherghina, Sergiu** (2018): What Triggers the Intention to Use the European Citizens' Initiative? The Role of Benefits, Values and Efficacy, *Journal of Common Market Studies*, Vol. 56, No. 6, pp. 1223–1239, URL: <https://doi.org/10.1111/jcms.12737> [30 May 2020].
- Katzemich, Nina / Lange, Timo / Bank, Max** (2019): EU-Lobbyreport 2019. Lobbyismus in der EU: Eine Bilanz. Was Europa gegen die Macht der Konzerne tun müsste, Lobby Control, Cologne, URL: <https://www.lobby-control.de/wp-content/uploads/EU-Lobbyreport2019.pdf> [30 May 2020].
- Kaufmann, Bruno** (2011): Direkte Demokratie auf der transnationalen Ebene. Zur Entstehungsgeschichte der Europäischen Bürgerinitiative, In: Feld, Lars P. / Huber, Peter M. / Jung, Otmar / Welzel, Christian / Wittreck, Fabian (Eds.): *Jahrbuch für direkte Demokratie 2010*, Baden-Baden, pp. 201–222, URL: <https://doi.org/10.5771/9783845231358> [30 May 2020].
- Kergueno, Raphaël** (2020): 100 days of Commission lobbying, Transparency International EU, 9 March 2020, URL: <https://transparency.eu/100-days-lobbying/> [30 May 2020].
- Kohler-Koch, Beate / Quittkat, Christine** (Eds.) (2011): Die Entzauberung partizipativer Demokratie. Zur Rolle der Zivilgesellschaft bei der Demokratisierung von EU-Governance, Frankfurt/New York.

Le Blanc, David (2020): E-participation: a quick overview of recent qualitative trends, UN Department of Economic and Social Affairs, Working Paper No. 163, URL: https://www.un.org/esa/desa/papers/2020/wp163_2020.pdf [30 May 2020].

Merkel, Wolfgang (2011): Entmachten Volksentscheide das Volk? Anmerkungen zu einem Demokratischen Paradoxon, *WZB-Mitteilungen* 131/March 2011, pp. 10–13, URL: <https://www.wzb.eu/system/files/docs/sv/iuk/10-13.pdf> [30 May 2020].

Mudde, Cas (2004): The Populist Zeitgeist, *Government and Opposition*, Vol. 39, No. 4, pp. 541–563, URL: <https://doi.org/10.1111/j.1477-7053.2004.00135.x> [30 May 2020].

Müller, Manuel/Plottka, Julian (forthcoming): Enhancing the Democratic Legitimacy of the European Union. Short and Long-Term Avenues to Reinforce Parliamentary and Participative Democracy at the EU Level, Friedrich-Ebert-Stiftung: Perspective. Democracy and Human Rights.

Najmowicz, Alexandrina (2019): Activizanship. Civic Space Watch Report 2019, European Civic Forum, URL: <http://civic-forum.eu/publication/view/activizanship-4> [30 May 2020].

Panagiotopoulos, Panagiotis/Elliman, Tony (2012): Online Engagement from the Grassroots: Reflecting on over a Decade of ePetitioning Experience in Europe and the UK, In: Charalabidis, Yannis/Koussouris, Sotirios (Eds.): *Empowering Open and Collaborative Governance*, Berlin/Heidelberg, pp. 79–94.

Pleines, Heiko (2011): Challenges of Integration and Participation. Civil Society Organizations from new Member States in EU Governance, In: Liebert, Ulrike/Trenz, Hans-Jörg (Eds.): *The New Politics of European Civil Society*, London, pp. 178–194.

Plottka, Julian (2017): Europäische Bürgerinitiativen, In: Weidenfeld, Werner/Wessels, Wolfgang (Eds.): *Jahrbuch der Europäischen Integration 2017*, Baden-Baden, pp. 189–192, URL: <https://doi.org/10.5771/9783845284897-188> [30 May 2020].

Plottka, Julian (2019): Europäische Bürgerinitiative, In: Weidenfeld, Werner/Wessels, Wolfgang (Eds.): *Jahrbuch der Europäischen Integration 2019*, Baden-Baden, pp. 173–167, URL: <https://doi.org/10.5771/9783845299495-173> [30 May 2020].

Quittkat, Christine (2011): The European Commission's Online Consultations: A Success Story?, *Journal of Common Market Studies*, Vol. 49, No. 3, pp. 653–674, URL: <https://doi.org/10.1111/j.1468-5965.2010.02147.x> [30 May 2020].

Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative, *Official Journal of the EU*, No. L 130 of 17 May 2019, pp. 55–81, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0788> [30 May 2020].

Renda, Andrea (2015): Too good to be true? A quick assessment of the European Commission's new Better Regulation Package, Centre for European Policy Studies, Special Report, No. 108, Brussels, URL: https://www.ceps.eu/wp-content/uploads/2015/05/SR108AR_BetterRegulation.pdf [30 May 2020].

Røed, Maiken/Wøien Hansen, Vibeke (2018): Explaining Participation Bias in the European Commission's Online Consultations: The Struggle for Policy Gain without too Much Pain, *Journal of Common Market Studies*, Vol. 56, No. 6, pp. 1446–1461, URL: <https://doi.org/10.1111/jcms.12754> [30 May 2020].

van der Brug, Wouter/van der Meer, Tom/van der Pas, Daphne (2018): Voting in the Dutch ›Ukraine-referendum‹. A panel study on the dynamics of party preference, EU-attitudes, and referendum-specific considerations, *Acta Politica*, Vol. 53, pp. 496–516, URL: <https://doi.org/10.1057/s41269-018-0107-z> [30 May 2020].

von der Leyen, Ursula (2019): A Union that strives for more. My agenda for Europe. Political guidelines for the next European Commission 2019–2024, 10 September 2019, URL: https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf [30 May 2020].

ABOUT THE AUTHOR

Julian Plottka is a Senior Researcher at the Institut für Europäische Politik in Berlin and Research Associate at the Jean-Monnet-Chair for European Politics at the University of Passau. His research focus includes EU institutional reforms, democratic legitimacy of the EU, European civil society, and the European Citizens' Initiative. He has managed several research projects, including a *Study on the European Added Value of the European Citizens' Initiative* and the project *The Relaunch of Europe. Mapping Member State Reform Interests*.

IMPRINT

Friedrich-Ebert-Stiftung | EU Office in Brussels
Rue du Taciturne 38 | BE-1000 Brussels

Responsible:

Renate Tenbusch, Director, EU Office

Phone: +32 22 34 62 90

Renate.Tenbusch@fes-europe.eu

Marco Schwarz, Policy Officer, EU Office

Phone: +32 22 34 62 98

marco.schwarz@fes-europe.eu

www.fes-europe.eu

Copy editor: Siobhán Dowling

Commercial use of all media published by the Friedrich-Ebert-Stiftung (FES) is not permitted without the written consent of the FES.

MAKE CIVIL SOCIETY INVOLVEMENT BOTTOM-UP

How to Reinforce Participative Democracy at the EU Level



Compared to most member states, EU-level participative democracy is quite advanced. However, its outreach to the national level is still too limited, technical obstacles disincentive participation, its instruments are mainly top-down and they lack direct effects. Member state governments in the Council system refuse to participate in any of the instruments.



To maintain its pole position, the EU needs to move from its current top-down to a more bottom-up approach to participative democracy. More citizens and national-level civil society organisations have to participate, citizens must be given a true agenda-setting power, EU institutions need to become more responsive to citizens' input and more transparent.



To achieve these objectives, citizens should be granted a real agenda-setting power. A consultation process should precede the adoption of the European Council's strategic agenda and the European Citizens' Initiative needs a direct effect. Two different sets of better designed consultation instruments should directly target either citizens or civil society organisations. All instruments should be accessible through a relaunched »Have your say+« website and unique procedural file numbers should allow for tracking every initiative. An integrated system of national transparency registers should cover all negotiators in the Council system. All data should also be accessible through the European transparency register. The Conference on the Future of Europe should become the prime example to involve citizens and civil society in treaty changes.

Further information on the topic can be found here:

www.fes-europe.eu