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| The European Citizens’ InitiativeReconsidering citizen engagement in the European Union |
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# Executive Summary

Emerging during the negotiations for the unratified Constitutional Treaty and officially launched with the Treaty of Lisbon, the European Citizens’ Initiative allows citizens to invite the European Commission to propose legislation to the European Parliament and the Council based on an idea which gathers the support of no less than one million citizens coming from at least seven Member States. The instrument was originally met with much enthusiasm but caused disillusionment among civil society actors during its first years of implementation as it proved to be a very burdensome, and ultimately ineffectual process, since none of the initiatives succeeded to develop into a legislative motion.

In light of such criticism, the Commission decided to review the instrument and submitted in September 2017 a proposal for a new regulation laying down the rules of implementation. The present paper had the aim to examine to what extent the proposed changes by the Commission will enhance citizen participation. By reviewing facts and figures of the ECI Official Register, conclusions were made about what the instrument has achieved until now. A determination of what led to the need of reform was made by listing and considering challenges and shortcomings invoked by organizers. Finally, opinions of stakeholders were consulted to assess whether the Commission’s new regulation will contribute significantly to citizen participation. It can be concluded that the proposed changes include pertinent amendments. However, the proposal does not seem to be tackling the core problem – the lack of impact of the European Citizens’ Initiative.

It was therefore suggested to consider two alternative directions the device could take to approach the issue of lack of meaningful follow-up. In this context, the focus of these two directions would be participation and deliberation. Were the instrument to have as an end goal participation, it should be accorded some authority to bind the institutions once enough signatures are gathered. Alternatively, the Citizens’ Initiative could focus on qualitative and impartial debate. Either direction is beyond the revision provided by the Commission. It is now for the Parliament to examine the proposal of a new regulation, deliberate on it and decide on its adoption.

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# Introduction

In June 2016, the UK electorate voted to leave the European Union (EU). A highly unexpected outcome, the result of the vote raised the legitimacy question yet again. In a search for the root of the legitimation crisis, public debate, as Wood mentions, has indicated a lack of identification of the British people with Europe. While it may be the case that the British do not feel European or do not identify with the European narrative anymore, the origin of this crisis lies also in the institutions’ distance from the citizens, implies Wood (Wood, 2017, para. 2). The gap between citizens and the European institutions - an issue acknowledged not only by critics, but by the EU itself – has been considered on many occasions.

In 2009 the Treaty of Lisbon introduced the European Citizens’ Initiative (ECI) in the hope that it will address and correct the mentioned gap. Through the ECI, citizens would have the opportunity to invite the Commission to propose legislation to the European Parliament (EP) and the Council, once a minimum of one million signatures from at least seven EU Member States are gathered. Although a very promising instrument, announcing to bring citizens closer to EU decision makers, the ECI has not achieved much in its first years of application. In fact, many of the citizens who gave it a try to bring their idea before the Commission, have demanded an improvement. Therefore, in September 2017 the Commission has put forward a proposal for amending the current legislation which regulates the implementation of the ECI.

The proposal came at a time when the idea that citizens should have a greater say in the future of the EU was voiced by more stakeholders. According to Maurice, in an endeavour to “rebuild” the EU and to restore the path of democracy, French president Macron proposed, also in September 2017, the organisation of “democratic conventions” in the first six months of 2018 with the purpose of consulting European citizens on “principles proposed by the governments” (Maurice, 2017, paras. 4-5). Macron’s idea makes some European leaders enthusiastic, as put by De la Baume, while others not quite. Mark Rutte, the Dutch Prime Minister, for instance, criticized Macron’s idea of public debate. He argued that organizing such conventions would be “pontificating” European values and said that “a federal Europe is not the answer, and neither is a politics based on symbolism” (De la Baume, 2017, para. 7). This goes to prove that even among promoters of democracy, the concept of citizen participation creates controversy. Given the present context, one wonders then, what is the future of citizen engagement in EU affairs, or more specifically, how will the ECI develop?

This dissertation aims, therefore, to examine the European Citizens’ Initiative instrument and its reform and **to determine to what extent the proposed changes by the European Commission** **will enhance citizen participation**. In order to reply comprehensively to this central question, the following sub-questions will be answered:

1. What has the European Citizens’ Initiative achieved until now (2012-2017)?

2. What led to the need to reform the European Citizens’ Initiative?

3. What changes did the European Commission propose in its draft regulation?

4. How do the proposed changes relate to citizen engagement?

5. What alternative directions could the European Citizens’ Initiative take?

The research conducted for this paper made use mainly of qualitative methods as those enabled an in-depth analysis of the phenomenon of civic engagement in EU affairs and means of boosting it. The first sub-question was answered for the most part through descriptive research. An overview of the introduction of the European Citizens’ Initiative in European law was made by studying the relevant legal provisions (from the Constitutional Treaty, the Treaty on European Union and the Treaty on the Functioning of the European Union) and their respective *travaux preparatoires*. An examination of how the mechanism works in practice followed employing mainly information from the European Commission ECI Official Register. Then, some statistics of the European Commission regarding the application of the instrument in its first years of implementation were considered. Lastly, the four initiatives which managed to gather enough support from citizens were examined in detail in order to identify the elements which might lead to a successful campaign and to see how the Commission reacted to proposals of different ECIs.

For the second sub-question, more analysis was employed. Starting from the criticism of scholars on the limitations of the mechanism, a review of what led to the need for reforming the current regulation on the ECI was made. To provide a deeper understanding of the process of organizing an ECI, Ana del Pino and Pablo Sanchez Centellas, coordinators of the *One of Us* and the *Right2Water* campaigns respectively, were interviewed. The interviews were semi-structured, with both tightly-phrased and more open questions, and focused on the ups and downs of the process of organizing an ECI and on the changes which can improve this process and enhance citizen participation. The third sub-question was answered through a comparative approach. The changes proposed by the Commission were contrasted with the provisions of the old regulation and an examination of what is expected along these changes was made. It was also considered whether these changes will prove effective in order to increase citizen engagement. Attention was paid to the opinions of organisers expressed in the above-mentioned interviews about the recent changes proposed by the Commission. Another point of the discussion were the results of the recent conference on the ECI and its revision process “More than an Initiative – the Future of the ECI”, where different stakeholders met to discuss the possible changes and their effect. Departing from an idea based on two of David Held’s *models of democracy*, proposed by a participant at the conference, Andrei Moraru, a hypothesis of what the ECI could shift into was considered. In order to get a better grasp of what Moraru proposes, Held’s models were examined first. Only then, the two models were juxtaposed with the ECI instrument to remark which direction it could take for future. The research conducted vis-à-vis the amendments put forward by the Commission showed that, if adopted like proposed, they might not be sufficient to increase citizen engagement. That being the case, it seemed relevant to give consideration to these alternative models towards the end of the paper.

Structured into five chapters, the paper will firstly give the particulars of the how the ECI mechanism came into being, also specifying the relevant provisions of European law regulating its implementation and detailing the features of functioning, including the registration procedure, the collection of statements of support and the follow-up phase. It will also look at what the ECI has accomplished in its five to six years of use since 2012. A following chapter will be dedicated to the initiatives deemed as successful by the Commission, assessing common and distinct characteristics which might have guaranteed their success. Chapter 3 will then list the instrument’s drawbacks highlighted by authors and initiators, indicating how gradually the need to reform the ECI became evident. It will also make mention of the changes proposed by the Commission. These changes will be thoroughly considered in Chapter 4, taking into account the viewpoints of stakeholders and looking at the possible stances of the Parliament and the Council as well. Finally, Chapter 5 will contemplate what the ECI could reshape into if applying Held’s models of participatory and deliberative democracy.

# Chapter 1 – Introduction and functioning of the ECI

The European Citizens’ Initiative was officially introduced in 2009 following the entry into force of the Lisbon Treaty. However, as Bouza Garcia points out, the idea of such a mechanism can be traced back to the end of the Convention on the Future of Europe (2002-2003), a body instituted by the 2001 Laeken Declaration. Among other issues discussed at the Convention was the need to bring the European Union closer to its citizens. The solution found by the members of the Convention was the concept of an instrument of citizen participation complementary to representative democracy, an idea put forward by a congregation of European organisations headed by *Mehr Demokratie* and the *Initiative and Referendum Institute Europe* (Bouza Garcia, 2013, pp. 7-9). The unratified Treaty establishing a Constitution for Europe signed in October 2004 dedicates a full-fledged title to the “democratic life of the Union” including not only the principle of representative democracy in Article I-46, but also the principle of participatory democracy in Article I-47. The latter requires institutions, most especially the Commission, to consult the views of citizens on Union actions and to maintain a dialogue with them. The idea of introducing a citizens’ initiative follows:

Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the 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 Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come (Official Journal of the European Union, *Constitutional Treaty*, 2004, art. I-47).

It is argued by Bouza Garcia that the ECI was the most modest among other ideas of initiative instruments proposed at the Convention on the Future of Europe, but a less ambitious mechanism was preferred in order to avoid a radical change of European democratic instruments (Bouza Garcia, 2013, pp. 7-9). The initial intention, according to the French Member of the EP, Alain Lamassoure, who together with Jurgen Meyer were among the initiators of the idea, was to have a very citizen-friendly regulation, with an explicit text and less constraints. That, however, was not possible given the transnational scale of the mechanism and the manifold rules of Member States on the matters concerning the regulation (Lamassoure, *An ECI that Works,* 2014, pp. 77-78).

## 1.1 Legislative provisions

The legal basis of the ECI is laid out in Article 11(4) of the Treaty on European Union (TEU) and Article 24(1) of the Treaty on the Functioning of the European Union (TFEU), both introduced in 2009 with the Treaty of Lisbon. Article 11(4) of the TEU preserved the wording proposed in the Constitutional Treaty, while Article 24(1) of the TFEU states the following:

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States from which such citizens must come (Official Journal of the European Union, *Treaty on the Functioning of the European Union*, 2009, art. 24(1)).

As reported by the Commission, some months before the entry into force of the Treaty of Lisbon a broad public consultation was organized in order to discuss how to put the ECI mechanism into practice. The consultation started on 11 November 2009, when the Commission presented its Green Paper on the European Citizens’ Initiative, which discussed requirements like time limits for the collection of signatures, minimum age, minimum number of signatures per member state etc. Following the public consultation, the Commission submitted a proposal for a Regulation on the citizens’ initiative to European Parliament and the Council on 31 March 2010 (European Commission, 2012, para. 1). Regulation No 21/2011 on the citizens’ initiative was adopted on 16 February 2011, entered into force on 1 April 2012 and sets out the rules and procedures according to which citizens can make use of the ECI device, which will be described in detail in the following section.

## 1.2 Modus operandi

As the name of the instrument clearly suggests, ECIs can be put in motion by citizens. They can advocate for ideas relating to all areas of EU policy over which the Commission has competence to propose legislation. Examples of these, as provided in Articles 3 to 6 of the TFEU, are agriculture, competition, free movement, environment, public health and others (Official Journal of the European Union, *TFEU*, 2009, articles 23-6).

Figure 1: ECI Modus Operandi

### 1.2.1 Preparation and registration

As explained on the European Citizens’ Initiative Official Register website, after informing themselves if their idea can become a citizens’ initiatives and considering whether an alternative way of approaching the EU may not be more appropriate, the organisers have to set up a citizens’ committee of at least seven EU citizens, residents of at least seven different Member States, and old enough to vote, meaning 18 years old in all states except Austria, where the voting age is 16 years old. Even though organisations have the right to support the initiatives, the official organisers and ultimately the persons liable for any repercussions, are the citizens forming the citizens’ committee. Organisers can register the initiative with the Commission when they have decided on the title of the initiative, the subject-matter, the objectives; when they have identified the relevant provisions of the Treaties; and when they have gathered the required details and documents of the seven committee members and the necessary sources of funding. The just-mentioned documents have to be presented in one of the official languages of the EU. The Commission has two months to answer. It will register the initiative when all of the following criteria are met: (i) a citizens’ committee has been formed; (ii) the proposal does not manifestly fall outside the framework of the EC’s powers to submit a proposal for a legal act of the Union; (iii) the proposal is not manifestly abusive, frivolous or vexatious; and (iv) the proposal is not manifestly contrary to EU values as set out in Article 2 TEU (European Commission, *ECI Official Register,* 2017).

Several specifications have to be made regarding the just-mentioned criteria. Firstly, the recurrent term “manifestly” creates some imprecision as to what is the threshold for rejecting ECIs. As Karatzia argues, the term is used to indicate the discretion of the Commission in deciding on the registration of initiatives and can even mean that the Commission is taking decisions based predominantly on political considerations (Karatzia, 2015, pp. 511-512). Secondly, the term “legal act” used to be interpreted quite narrowly, excluding acts which do not amount to legal acts, like preparatory acts, but following a 2017 judgment of the General Court of the EU, the term should be interpreted more broadly:

… the General Court notes in particular that the principle of democracy, which is one of the fundamental values of the EU, and the objective behind the European citizens’ initiative requires an interpretation of the concept of legal act which covers legal acts such as a decision to open negotiations with a view to concluding an international agreement, which manifestly seeks to modify the legal order of the EU (General Court of the EU, *Michael Efler and Others v Commission*, 2017, p. 2).

### 1.2.2 Collection of statements of support

When the Commission has issued a positive answer and the initiative is registered, organisers have to decide whether they want to employ an online collection system or not. If they do, they have to get this system certified. The collection of statements of support can happen on paper and/or online. Specific forms which comply with models set out in Annex III of Regulation No 211/2011 have to be used. The time limit for the collection period is 12 months. The required number of supportive signatures is one million including a minimum number in at least seven Member States (European Commission, *ECI Official Register,* 2017).

### 1.2.3 Verification of signatures and submission

As provided by the Regulation, once the statements of support have been collected, organisers must get the statements certified by national authorities, which have three months to complete this procedure. As soon as the statements are certified, the initiative can be submitted to the Commission. The Commission has three months to answer and will do so in form of a communication stating the decision taken and the reasons for taking it. In the meantime, a public hearing will be organized at the European Parliament where organisers will have the opportunity to present the initiative. It should be further mentioned that the Commission is not under any obligation to propose legislation following the initiative and has full discretion whether to take such decision (European Commission, *ECI Official Register,* 2017). Furthermore, argues Bouza Garcia, neither Article 11(4) TEU, nor Regulation No 211/2011 empower the Commission to propose a referendum on the matter of the initiative (Bouza Garcia, 2013, pp. 13-14).

### 1.2.4 Follow-up phase

Where the Commission replies positively and decides to follow the initiative, it will put forward a legislative proposal regarding the respective ECI and the ordinary legislative procedure will be initiated (European Commission, *ECI Official Register,* 2017). As provided in Article 289 of the TFEU, the EP and the Council will separately have the opportunity to examine the proposal, deliberate on it, amend it, in the end either adopting or rejecting it. If the Parliament and the Council reach an agreement on a joint text and both vote favourably on it, the legislation is adopted (Official Journal of the European Union, *TFEU*, 2009, art. 289). Until present, none of the initiatives have resulted in legislation or legislative proposals, an issue which will be further discussed in Chapter 2.

### 1.2.5 Rejected initiatives

The decision of the Commission not to act cannot be appealed, as stated in the Official Register. Nevertheless, besides the alternative ways of approaching the EU suggested by the Commission, such as petitioning the European Parliament, submitting a case to SOLVIT, complaining about EU measures to the Commission or to the European Ombudsman, participating in EU-wide debates, consultations etc. (European Commission, *ECI Official Register*, 2017), organisers can challenge the Commission’s decision on the registration of the ECI before the Court of Justice on the basis of an action for annulment, as provided in Article 263 TFEU (Official Journal of the European Union, *TFEU*, 2009, art. 263). According to Karatzia, several actions were already brought before the Court arguing that the Commission misapplied the legal admissibility test. The organisers of the *One of Us*, an initiative proposing legislative changes that the Commission decided not to pursue,have even gone further to allege that Regulation No 211/2011 is not in conformity with the Treaties since it does not respect the objective of the Lisbon Treaty to improve the institutions’ democratic legitimacy (Karatzia, 2015, pp. 525-528).

## 1.3 Application

As reported by the Commission in the Official Register, since the introduction of the mechanism, a total of 66 initiatives attempted registration and 47 were registered. There have been four successful initiatives: *Water and sanitation are a human right! Water is a public good, not a commodity*; *One of us*; *Stop vivisection*; and the most recent one – *Ban glyphosate and protect people and the environment from toxic pesticides*. Nineteen initiatives were refused registration and the reason for refusal was in all cases falling manifestly 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. Twenty-two initiatives did not gather the required number of supporting signatures within the one-year time limit. Fourteen were withdrawn by the organisers themselves. Finally, seven initiatives are currently open for collection of statements of support (European Commission, *ECI Official Register*, 2017).

Figure 2: Current status of ECIs

### 1.3.1 Initiators and supporters

According to Thomson, during the development of Regulation 211/2011, there was discussion that the mechanism would turn out to be relevant only for entities with “powerful interests”, like Members of the Parliament registering ECIs only to gain voters or big corporations launching initiatives to attract clients. However, this concern did not materialize. In fact, the instrument has mostly been used by rather small associations of citizens. For sizable organisations, political parties or MEPs, Thomson argues, it is easier and less expensive to have an impact on EU policy-making through other means (Thomson, 2014, pp. 73-74). Still, Bouza Garcia and Greenwood point out that the four initiatives which have managed to get the required number of signatures are all endorsed by well-established social movements. This feature seems to be all-important, especially since most of the initiatives which did not gather the required number of statements of support lack the backing of professionalized movements (Bouza Garcia & Greenwood, 2014, p. 7). One can conclude therefore, that the purpose of the mechanism to engage ordinary EU citizens has somewhat been met, although in order to attract the sufficient amount of statements of support, the backing of a larger movement is needed.

### 1.3.2 Decrease in new initiatives

As Weisskircher claims, the last three years have witnessed a drop in the number of new initiatives. While in 2012, from April onwards, a total of 16 initiatives were registered and other seven were refused registration, in 2015 there were only six new initiatives and in 2016 - only three (Weisskircher, 2017, paras. 11-12). Arguably, to blame for this decrease is the burdensome process of registration and collection of signatures, but also the lack of significant outcome.

### 1.3.3 Other aspects

A survey conducted by the European Students’ Forum (AEEGE) in 20 EU Member States, writes Hanesz, shows that more than 70% of the respondents believe in the importance of active engagement in local, national or international politics, but only 5,6% think this engagement is influential in European politics. Even though the majority questioned the impact of the ECI, more than 85% were of the opinion that holding the right to start an ECI is very or rather important (Hanesz, 2017, p. 4). As put by Bouza Garcia and Greenwood, it is encouraging to see that the origins of ECIs are quite territorially diverse. Most initiatives originated in Germany and France, but there is a significant number of ECIs also coming from Belgium, Italy, Greece, Spain and the UK. Moreover, a tendency to introduce initiatives on issues which were not particularly known in the EU political sphere and would not get a lot of attention if it were not for this mechanism is noticed. ECIs in the fields of environment/animal welfare, social issues, constitutional issues/enlargement and healthcare are most popular among the initiators (Bouza Garcia & Greenwood, 2014, pp. 8-9). According to Greenwood and Tuokko, namely these initiatives that introduce new topics are indicative in measuring the success of the instrument as a whole (Greenwood & Tuokko, 2016, pp. 20-21).

# Chapter 2 – Successful initiatives

As mentioned in Chapter 1, four initiatives have managed to reach the necessary number of statements of support, namely more than one million signatures. According to Berg and Glogowski, *Right2Water, One of Us* and *Stop Vivisection,* the very first three initiatives registered with the Commission,have done so in very different ways. One common feature for these three initiatives, however, is that due to a technical problem with the online collection system (OCS) software, the Commission extended the deadlines for the collection with several months for all of them. Therefore, in the first months the number of collected signatures was negligible, while the significant collection began for all rather late in the allocated period (Berg and Glogowski, 2014, pp. 12-13).

## 2.1 Water and Sanitation are a Human Right! Water is a Public Good, not a Commodity!

The *Water is a Human Right!* or *Right2Water* ECI had as main goals, as stated on the initiative’s website, to (1) guarantee water and sanitation for all in Europe, (2) ban water service liberalisation and (3) strive towards universal access to water and sanitation (Right2Water, n.d., paras. 2-4). The Commission was therefore invited to propose legislation which would guarantee the realisation of these three goals. According to the ECI Official Register, launched with the support of the European Federation of Public Service Unions (EPSU), *Right2Water* was the first campaign to collect the required number of statements of support. The initiative gathered the support of 1,659,543 citizens, of which 75% were German nationals (European Commission, *ECI Official Register*, 2017). Despite acknowledging the right to water and sanitation as a human right and endorsing the mobilisation of citizens for this purpose, the Commission decided not to put forward any novel ideas or proposals on the matter (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!"*, 2014, pp. 12-13).

According to Jerry van den Berge, policy officer of the EPSU and coordinator of *Right2Water*, the campaign managed to attract the attention of both signatories and the media. The author asserts *Right2Water* has been a success for at least three reasons: it proved that going through the ECI process is feasible; it attracted politicians’ attention to the concern of water services privatisation; and lastly, it has made the problem visible for at least three million people, visitors of the campaign’s website, and opened a public pan-European debate on the issue. Among the main challenges, argues Van den Berge, were the translation of content into more than ten languages, the personal identity number requirement, and the inadequate online signature collection system (Van den Berge, 2017, pp. 20-21).

As pointed out by Berg and Glogowski, *Right2Water* was the “best-prepared and equipped campaign among all of the first ECIs”. Both financially and staff-wise, the initiative had an exemplary infrastructure before its launch, claim the authors. However, the first six months no real success was registered as only 3.5% of the necessary number of signatures was collected. What made the collection successful was a German report on water privatisation broadcasted nationally on TV. This event led to the campaign registering more than one million signatures in no more than two months (Berg and Glogowski, 2014, pp. 15-16).

## 2.2 One of Us

Put forward by national pro-life movements, this initiative strived to put the protection of the human embryo on the agenda of the EU. By campaigning against human embryonic stem research and against the funding of pro-abortion organisations, it gained the support of 1,721,626 signatories, making it the most supported ECI until present (European Commission, *ECI Official Register*, 2017). Unlike *Right2Water,* observe Berg and Glogowski, this initiative did not receive a lot of media attention and did not benefit of an event which would trigger a rapid large-scale collection of signature. Instead, the *One of Us* campaign was publicly supported by both Pope Benedict and Pope Francis and a lot of volunteers joined to ensure the well-functioning of the signature collection on paper (Berg and Glogowski, 2014, pp. 15-16).

According to Ana del Pino, executive coordinator of the *One of Us* European Federation, the difficulties encountered by the organisers were related to the certification procedure of signatures acquired through the online collection system and the lack of media attention and of funds. What guaranteed the success of this campaign were Member States which already had well-established pro-life movements and supporters, like Poland and Italy. Reflecting on the results of the initiative, Del Pino wrote in 2014:

The ECI is a new instrument, which has been heralded as introducing a new era of participatory democracy in the EU. *One of Us* is one of the very first ECIs. It has collected significantly more signatures than required by the ECI regulation. Therefore, if the EU decided not to change the law as this ECI proposes, the price to pay in terms of credibility would be rather high (Del Pino, 2014, p. 28).

The Commission replied in May 2014 that since EU primary legislation already embodies the right to life, the right to the integrity of the person and the respect for human dignity, changes to the Financial Regulation regarding the protection of human embryos would not be submitted as the existing framework is an appropriate one (European Commission, *Communication from the Commission on the European Citizens' Initiative "One of us",* 2014, pp. 17-18). Dissatisfied with the Commission’s answer, the initiators of the initiative brought an action against the Commission, the European Parliament and the Council before the Court of Justice of the European Union (CJEU), seeking the annulment of the answer of the Commission or alternatively, the annulment of Article 10(1)(c) of Regulation No 211/2011, laying the Commission’s obligation to communicate its legal and political conclusions, what action it decides to take, and the reason to do so. Among the arguments of the applicants were (1) that the Commission’s reply to *One of Us* was unsatisfactory and (2) that the Commission was in violation of the democratic process because it did not provide any legal reasons for the refusal and because it monopolizes the legislative process (Court of Justice of the European Union, 2014). In 2015, the CJEU declared inadmissible the claim regarding the annulment of Article 10(1)(c) of the 2011 Regulation (Court of Justice of the European Union, 2015). CJEU’s decision on the annulment of the Commission’s reply is still pending. As Del Pino states:

Our goal at the Court is not advocating for our campaign but hearing a final legal interpretation of what the instrument of ECI means. We want the Court to consider the initial goal of the ECI and contrast it with the results until now – not only for the *One of Us* campaign, but for the ECI in general (Del Pino, personal interview, 2017).

Given that the only claim left for the CJEU to deliberate upon is the one regarding the Commission’s reply, it is highly unlikely, however, that the Court will examine the ECI instrument as a whole. It will instead focus on whether the Commission has provided a satisfactory reasoned communication specifically in this case.

## 2.3 Stop Vivisection

Launched and sponsored by numerous national foundations and organisations advocating for animal rights, this ECI collected 1,173,130 statements of support. Similar to *Right2Water,* this initiative gained most of its support, almost 60%, from one country, in this case Italy. Its main goal was the abolition of *Directive 2010/63/EU on the protection of animals used for scientific purposes* and the proposal of a new legislation banning practices of animal experimentation (European Commission, *ECI Official Register,* 2017). As pointed out by Berg and Glogowski, unlike *Right2Water* and *One of Us*, which both benefited of considerable funding, of 140,000 euros and 160,000 euros respectively, the *Stop Vivisection* campaign succeeded the necessary collection of signatures with an impressive amount of only 14,000 Euros. This was possible thanks to the mobilisation of a very large number of volunteers. Another forte of the campaign was its skilled use of social media which gained them almost 800,000 signatures during the last four months of the collection period (Berg & Glogowski, 2014, pp. 16-17). The campaign coordinator of *Stop Vivisection,* Adriano Varrica,reports that the main challenges encountered were a limited budget, the loss of six months due to problems with the online collection system, the much too personal identity requirement and the lack of awareness about the instruments among EU citizens (Varrica, 2014, p. 30).

In its reply to *Stop Vivisection*, the Commission outlined that it will not propose the annulment of Directive 2010/63/EU since the directive is sufficiently in line with the goals of the initiators of the ECI. The Commission concluded it will continue its current actions on the matter of animal protection and welcomed the mobilisation of citizens in its support (European Commission, *Communication from the Commission on the European Citizens' Initiative "Stop Vivisection",* 2015, p. 10).

## 2.4 Ban glyphosate and protect people and the environment from toxic pesticides

The most recent successful ECI gained the support of 1,070,865 EU citizens. It advocated for the ban of glyphosate, the pesticide which, according to the organisers, leads to ecosystem degradation and exposure which was linked to cancer. In the case of *Ban glyphosate*, around 60% of signatures were collected in Germany, where the campaign was at its peak. The campaign was sponsored by several organisations, among which WeMove.EU, Greenpeace, Corporate Europe Observatory, Compact e.V. and others (European Commission, *ECI Official Register*, 2017).

According to Schwartz, the campaign drew a lot of media attention and was backed by a coalition of more than 100 organisations throughout the EU (Schwartz, 2017, para. 1-2). As put by Michalopolous, a qualified majority of Member States have renewed the glyphosate license for another five years on 27 November 2017 (Michalopolous, 2017, para. 2). On 12 December 2017, the Commission answered to the initiators saying it will not propose any legislation following the campaign and restating the decision of Member States to renew the approval of glyphosate for a period of five years. The Commission argued it was “fully justified” to do so since, according to scientific evidence it has acquired, the allegations that glyphosate has the potential to cause cancer are false. Finally, it undertook that in 2019 it will re-evaluate the situation and will prepare a report on it (European Commission, *Communication from the Commission on the European Citizens' Initiative "Ban glyphosate"*, 2017, p. 10).

As put by Weisskircher, characteristic for all successful campaigns is that the initiators worked mainly on getting the attention of citizens of more populous countries in order to achieve the required minimum of signatures. In the first three instances, organisers were disappointed by the response of the Commission and called in question the effectiveness of the mechanism as a whole (Weisskircher, 2017, pp. 7-8). It can be noticed that in all cases the Commission dismissed the ECIs replying that changes will not take place and concluded either that current legislation on the issues highlighted by initiators is sufficient or that the concerns raised are unjustified.

# Chapter 3 - Underpinnings leading to the need to reform the ECI

Initially designed with the purpose of combatting the democratic deficit, as previously discussed, the ECI instrument did not succeed that in its first years of use. The following chapter will explain why most initiators were disappointed both with the process of registering the initiative and collecting signatures and with the response after the ending of their campaign, mentioning the defects of the instrument. It will then move on to discuss how the Commission proposes to address these shortcomings and what it wants to change in the ECI.

## 3.1 Critique of the initiative

A series of challenges were identified not only by citizens involved in the process of organizing an ECI, but also by scholars, Members of the European Parliament, the European Ombudsman, and organizations scrutinizing the democratic execution of the mechanism.

### 3.1.1 Online collection system

Problems with the online collection system were invoked by most campaigns, claim Berg and Thomson. Among the consequences of the defectuous online collection system were loss of collection time (up to six months), loss of signatures and loss of resources (Berg & Thomson, 2014, p. 5). IT professional Xavier Dutoit believes the malfunctioning of the current system is so grave that it should be rebuilt from scratch to become more user-friendly and to allow ECI organisers to be able to securely dispatch the required data to member state authorities (Dutoit, 2014, pp. 101-102). As put by Alain Lamassoure, the Commission allowed organisers to use the Luxembourg servers as a temporary solution and this solution could become permanent (Lamassoure, 2014, pp. 77-78). The good functioning of the online collection system is essential to organisers of the campaigns as it allows them to focus on how to promote the ideas of their initiative to the citizens and the media rather than deal with technicalities. Hopefully in the near future it will be feasible for all new initiatives to employ the online collection system only as digitalising the collection of signature will make the whole process more accurate and will eliminate the costs and time of printing, mailing, scanning and filling in the required documents.

### 3.1.2 Forms for signatories

Even if initially the Commission proposed only one model of form for the statements of support, currently the data requirements to be provided by signatories vary significantly among Member States, writes Tenreiro. While in Finland the citizen has to specify only his/her name, country of residence, nationality and date of birth; in Austria, Italy or France he also has to mention the place of birth, the place of residence, including the street and house number, the postal code and the city, and to provide a personal identification number (Tenreiro, 2014, p. 86). Various authors and stakeholders propose to adopt the simplest form, the one accepted by Finland, as this would facilitate the initiators’ collection of signatures throughout different countries (Berg & Thomson, 2014; Tenreiro, 2014; del Pino, 2017; Sanchez Centellas, 2017). The question remains however whether Member States will agree to such change. Lamassoure argues that many states were unwilling to settle just for a minimum amount of information as it could more easily lead to fraud (Lamassoure, 2014, p. 78). On the other hand, requiring more information makes it both less convenient for the organisers to receive more support from citizens, and more time and effort consuming for Member States to verify the support statements.

### 3.1.3 Age of signatories

Among the ECIs launched until now, quite a significant number were related to subjects relevant to the youth. That is why authors have suggested lowering the minimum age of signatories to 16 years old. As put by Berg and Thomson, “engaging youth in EU affairs while still in high school can support future EU involvement and help develop a European identity” (Berg & Thomson, 2014, p. 5). Among young Europeans (15-24 years old), more than 60% stated they were not well informed on or about European matters (Eurobarometer, 2016) Lowering the permissible age to sign would also add another ten million potential signatories.

### 3.1.4 The signature collection period

In several instances organisers of ECIs wrote in communications to the European Ombudsman that they were not ready to start the collection of statements of support as soon the Commission gave an answer regarding the registration and that more leniency regarding the starting date of the collection would be welcome, argues the Ombudsman in a letter to the Commission on the ECI (European Ombudsman, 2017, p. 5). Since only four initiatives have been able to gather the required amount, arguably it could be concluded that the requirement of one million statements of support is quite difficult to meet. Combined with the process of certification of the online collection system, the 12-month span given by the Commission to collect one million signatures is most often insufficient. Stakeholders propose either to extend the collection period or to let organisers decide when the collection should begin (Sanchez Centellaz, 2017; Hanesz, 2017). Proposing initially (in 2015) that the collection period be extended to 18 months, the Ombudsman later changed the suggestion to either start the collection on the day the online collection system has been certified or on a day chosen by initiators, within a time frame established in advance (European Ombudsman, 2017, p. 3).

### 3.1.5 Awareness about the ECI instrument

According to Lamassoure, statistics also show that the majority of EU citizens are not aware of having such right. Especially in EU countries which do no dispose of such tool of participatory democracy at national level, it is particularly important to promote it and to explain its functioning to the citizens (Lamassoure, 2014, p. 78). Neither does the media understand its proper functioning and purpose (Tenreiro, 2014, p. 88). Ana del Pino, coordinator of *One of Us*, remarks that among the main challenges the campaign encountered was the lack of promotion of the ECI instrument itself:

Our campaign members could not focus on our own initiative at the beginning, because we had to put a lot of effort into explaining the citizens what an ECI is. Hence, I addressed the Commission and the institutions to work on the promotion of the ECI, to make clear to the citizens about the use of the instrument (Del Pino, 2017, personal interview).

In order to achieve the desired end-goal, the promotion of the mechanism should take place both at European level and at national, regional and local level. Especially now, with the Commission’s proposal to revive the instrument, the time is right for it to be promoted extensively to citizens in order to increase chances of participation or at least develop interest in the progress of ongoing initiatives.

### 3.1.6 Follow up phase

The most criticized aspect related to the instrument is the lack of continuation after the response of the Commission. It appears that instead of strengthening its relationship with the European public through this device, the European Commission has managed to disincentivize citizens from participating, at least since numbers show that there are notably less new initiatives. In her suggestions to the Commission, the European Ombudsman invites the Commission to:

… articulate more clearly for citizens its understanding of the value of the public debate generated through the ECI procedure and of how this debate, in its own right and irrespective of the individual outcome, gives the ECI process value and legitimacy (European Ombudsman, 2017, p. 3).

Moreover, this public debate should, in her view, be “as inclusive and transparent as possible”. The Ombudsman suggested to extend the three-month period that the Commission currently has to prepare the public hearing to make sure all relevant stakeholders take part in the hearing, especially representatives of the European Parliament and the Council (European Ombudsman, 2017, p. 4).

According to Bouza Garcia, the mere existence of the ECI is a positive sign for the development of participatory democracy within the EU and the emergence of a public space, but the instrument can be classified as “weak” in legal terms, since there is no obligation for the Commission to act upon the initiatives (Bouza Garcia, 2012, p. 321). Indeed, when it was just launched, the ECI was much celebrated and described as revolutionary, rising high expectations among civil society members. Being put into practice, it resulted in considerable disappointment. Not only the technical shortcomings were noticeable, but most importantly when the public realised that even struggling with these flaws and getting the necessary amount of support will lead to no political response from the Commission, the disillusionment was definite.

It appears that citizens and the Commission have opposite views when it comes to what success means in terms of ECIs. The Commission labels ‘successful’ initiatives which have succeeded to gather the necessary number of statements of support. But are those initiatives genuinely successful when their whole purpose was to bring a problem on the agenda of the institutions, including the EP and the Council, and that problem stayed only on the papers signed by supporters? The organisers remark this phenomenon as paradoxical (Sanchez Centellaz, 2017; Del Pino, 2017), but it remains to be seen whether their dissatisfaction will be enough for the institutions to act on it.

## 3.2 Changes proposed by the Commission

As mentioned in Chapter I, the ECI was introduced by the Treaty of Lisbon and was implemented by Regulation No 211/2011 of 16 February 2011. Article 22 of the Regulation provides that:

By 1 April 2015, and every three years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation (Official Journal of the European Union, *Regulation No 211/2011*, 2011, art. 22).

In 2015, Frans Timmermans, the responsible Commissioner on the ECI matter, issued an assessment of the first three years of implementation of the mechanism, reports Von Hatzfeld. He recognized the need for improvement and innovation of the ECI (Von Hatzfeld, 2015, para. 4). Following more criticism in the following years, the European Commission decided by the end of 2016 to launch an online consultation on the ECI and in April 2017 to revise the 2011 Regulation. This was announced by Vice-President Timmermans at the annual ECI Day, saying that the ECI should become “more accessible and citizen-friendly” and “an instrument that citizens are familiar with” (European Commission, 2017, para. 3). The Commission proposal for a regulation on the ECI was submitted to the European Parliament and the Council on 13 September 2017.

Prior to submitting the proposal for a new regulation, the Commission carried out a comprehensive review of the functioning of the ECI mechanism until present. The Commission relied on ex-post evaluations, conducted after the first years of implementation of the ECI; stakeholder consultations with representatives of the European Parliament, the European Ombudsman, ECI organisers and signatories, researchers, data protection authorities etc.; impact assessments; opinions from platforms such as REFIT (European Commission, 2017, pp. 6-9). Among the main objectives of the Commission when proposing the new regulation were: bringing the EU closer to its citizens, enabling citizens to contribute to the EU agenda, fostering democratic debate, increasing citizen participation, facilitating the use of the mechanism for organisers, reducing the administrative burden and increasing the ECI attractiveness (European Commission, 2017, p. 10). The main novelties proposed relate to the phases of registration and collection of signatures.

### 3.2.1 Registration phase

Proposed Article 4 introduces a couple of very important amendments. The Commission offers its assistance to organisers, namely by providing an online collaborative platform, by making available an online register for all initiatives, by providing translation of the content of the initiative into all official EU languages. The legal admissibility clause has not been changed. As was the case according to Regulation No 211/2011, an ECI will not be registered where (1) “it manifestly falls outside the framework of the Commission’s powers to submit a proposal for a legal act”; (2) it is “manifestly abusive, frivolous or vexatious”; (3) it is “manifestly contrary to the values of the Union”. Nevertheless, from now on, the Commission should take into account the decision of the Court of Justice in *Efler v Commission*, where it was held that legal acts should be interpreted broadly, for instance including the *travaux preparatoires* to a legal act as well (Court of Justice of the European Union, 2017, p. 2).

Another change proposed by the Commission is the recognition of the possibility of partial registration. Proposed Article 6(4b) states that a partial registration is possible when it does not manifestly fall outside the framework of the Commission’s powers to submit a proposal for a legal act. According to Organ, this decision confirms the judgment of the Court of Justice in the *Minority Safepack* case (Organ, 2017, para. 10).

### 3.2.2 Collection of signatures

The Commission opted for the same ‘collection period’ of 12 months as in the previous Regulation, despite recommendations of the European Ombudsman and others to extend it to 18 months, but it was proposed that the group of organisers chooses the date when this period starts, although it cannot be later than three months from the registration. The minimum age allowed for signatories has been decreased to 16 years old, according to proposed Article 2, which means ten million more potential signatories (European Commission, 2017). Possibly the most significant proposed change is the one expressed in Article 10, where the Commission offers to set up and operate a central online collection system with all costs borne by the EU budget.

### 3.2.3 Other changes

In contrast with Article 13 of Regulation No 211/2011, proposed Article 5(5) and (7) raises the legal threshold for organisers to joint and several liability and gives organisers the option to create a legal entity. The Commission has also proposed to extend its examination phase from three months up to five months after the publication of the initiative, which could turn to be a positive change if the Commission will employ the extra time to more comprehensively examine the ideas proposed by citizens and to explore whether they could in fact translate into legislation.

# Chapter 4 – Responses to the Commission’s Proposal

Now that after extensive consideration the Commission has submitted its proposal to the European Parliament and the Council, one wonders what is the future of the ECI device. Firstly, it is important to reflect on the stances of the EP and the Council, the two having quite contrasting views on the ECI itself and different relationships with European citizens. Perhaps similarly important is to consider whether the amendments put forward by the Commission will in fact increase the legitimacy of the ECI, will make citizens more interested and engaged and will work towards improving the missing link between them and the institutions.

## 4.1 View of the European Parliament

In 2015 already, the European Parliament released an in-depth analysis of the first three years of implementation of the ECI. Highly critical of the development of the instrument, the Parliament referred to it as “what was originally intended to be a simple and user-friendly tool for all EU citizens has turned out to be cumbersome and challenging in its use”. The analysis identifies an ECI ‘fatigue’ and puts forward a series of recommendations to make the ECI tool fit for its purpose (European Parliament, 2015, p. 4). The recommendations are similar to the ones discussed earlier in this paper, that is why I would like to focus on the role of the Parliament regarding the ECI tool in this section. Indeed, as it suggests in the analysis, the Parliament has been a strong supporter of the ECI since its beginning. While negotiating the original Regulation, the Parliament’s stance increased the instrument’s user friendliness. Several parliamentarian committees make efforts to ameliorate the functioning of the instrument. The Constitutional Affairs Committee (AFCO), for instance, has strived since 2010 to allocate more funds from the general European Union budget in order to improve the implementation of the ECI. Its proposals, however, were once and again refused. The Petitions Committee (PETI) has advocated for the organization of public hearings not only for successful initiatives, but also for the ones which do not reach the minimum amount of statements of support. It succeeded to implement this idea and the first hearing of an unsuccessful initiative was held in 2015 for the *End Ecocide* ECI. Furthermore, the ECI was discussed on several occasions at parliamentary sessions in the framework of the right of interpellation of Members of the Parliament (European Parliament, 2015, p. 5). Finally, as directly accountable to its citizens, the European Parliament is expected to be more lenient and more concerned with increasing the citizen-friendliness aspect of the ECI.

## 4.2 View of the Council

The Council’s General Affairs Committee examined the results of the ECI until 2015 as well. Member States’ delegations were invited to share their viewpoints and comments and the Latvian Presidency (Member State holding the rotating Council Presidency at the time) issued a summary of the discussions. According to a Note of the General Secretariat of the Council, the following aspects of the ECI have to be dealt with: lack of awareness of the tool; faulty online collection system; short signature collection period; exclusion of some citizens from their right to support an initiative; divergence between Member States regarding data requirements; poor reasoning for rejection etc. (Council of the European Union, 2015, p. 16). Despite this criticism, initiators are doubtful that the Council will be open for a comprehensive reform of the ECI (Sanchez Centellas, personal interview, 2017).

## 4.3 View of citizens and stakeholders

The proposal indeed reflects and comprises many of the suggestions put forward by stakeholders and scholars. In this sense, if adopted, they will definitely bring improvement to the ECI procedure. Citizens who have been involved in the organization of initiatives would welcome the changes. Joanna Pankowska, campaign manager of *More than Education*, for instance, believes that the proposed changes are:

… a good first step and I would be very happy with those improvements already. As they say, Rome was not built in a day. ECI is still quite a new tool, a year ago nobody was believing the revision will come so quickly, so I think the proposal by the Commission is a good step, but it is never a finished process. We faced lack of trust in the ECI as a tool while organizing our collection, especially from other civil society organizations, which said that they see it as a failed tool and this is a reason for the low participation. But ECI is getting a lot of attention now, which I hope will change it for the better (Pankowska, 2017, personal communication).

Nevertheless, attention has to be paid to the nature of these proposed changes. Most of them are related to the administrative, organizational aspect of the instrument. Therefore, it is safe to conclude that the functioning of the ECI will be improved. It will be easier for initiators to register their initiative and to collect signatures. But will the outcome of these processes be politically and legally meaningful? Ana del Pino, campaign manager of *One of Us,* has a more critical view:

The new regulation could help, but the most important reform should be about the outcome. Citizens’ biggest concern will most likely be – what happens if I succeed with my campaign? Which will be the outcome? The campaign is a lot of work, but if you think you can succeed and make it count, you are encouraged to try this new opportunity (Del Pino, 2017, personal interview).

The recently closed ECI *More than Education* held a conference on the instrument and its revision process in October 2017. The public hearing was the culmination of the *More than Education* initiative, which despite not getting sufficient support, was given the opportunity to meet with representatives of the Parliament and other relevant institutions and organisations. Among the stakeholders invited were representatives of the European Students’ Forum (AEGEE/promoters of the *More than Education* ECI), of the European and Economic Social Committee, of the European Ombudsman, of the European Citizen Action Service, of Members of the Parliament and researchers on citizenship education and the ECI itself. The idea of the initiative was to put civic education on the political agenda of the Union and while working on the proposal of the initiative, members of the organising group realised that the ECI mechanism is not a success at all in practice. They therefore added as a second goal of the initiative the improvement of the instrument. The public hearing was a good opportunity to discuss how the ECI can be improved, especially in the light of the recently proposed changes. The participants agreed that the tool has great potential in terms of enhancing citizen participation, but that the revision is only one step and that there is still a long way to go to reach the true attributes of participatory democracy (AEGEE, 2017, p. 12).

Elisa Lironi, Digital Democracy Manager for the European Citizen Action Service (ECAS), argued the ECI should be made more reachable and impactful. ECAS, together with Democracy International and the Initiative and Referendum Institute Europe, created the ECI Support Centre, a not-for-profit service designed to help ECI organisers with advice and information. ECAS wrote to the Commission to propose a series of amendments for the ECI, says Lironi. Almost all suggestions made by ECAS have been taken up by the Commission in the proposal to the EP and the Council. However, several important issues still remain unchanged. Notably, no significant steps are taken to clarify the conditions of legal admissibility by which the Commission decides on registration of initiatives and the impact of the ideas submitted with the initiatives on EU policy-making is still very low. Lironi argues that if it is not possible to put forward a legislative proposal, initiatives can at least result in non-legislative acts as she says, “there is space especially for the latter” (AEGEE, 2017, p. 8).

Andrei Moraru, who took part in the public hearing, is a researcher on the ECI instrument. He argued there is a discrepancy between the goal of the instrument and the means to achieve what is proposed. He therefore tendered two models of the ECI based on David Held’s theoretical models of democracy. The first model, called the *participative model*, would have agenda-setting as a main aim. Resembling an indirect popular initiative, the organisers of the ECI would collect the statements of support and if the minimum amount is reached, the Commission would be required to put forward a legislative proposal before the European Parliament and the Council. The second model, the *deliberative initiative model*, would focus on an amelioration of the quality of public debate instead of agenda-setting. The conception would be then based on deliberation, as the name suggests, rather than on participation, and it would not involve a legislative proposal. For the second model, funds would be spent on awareness about the initiative and topics of public interest instead of using financial resources to sponsor the collection of statements of support. Both models, the author argues, are ideal models, and unlikely to be politically viable as they would assume change of the treaties (Moraru, 2016, pp. 161-163).

Nevertheless, they deserve consideration. It is paramount for the Commission to specify in which direction it wants this instrument to go – one which would centre on including citizens in the process of agenda-setting or one which would allow them to take part in debates on topics of public interest. In an attempt to clarify how the ECI instrument would work when shifting in one direction or another, as proposed by Moraru, the following chapter provides an analysis of the two models outlined by David Held.

# Chapter 5 – Participation versus deliberation

Having listed in Chapter 3 a series of shortcomings of the ECI instrument, it is safe to assume the device is rather weak in its current form. Neither do the Commission’s proposed changes, as discussed in Chapter 4, address the core issues of lack of substantial outcome and impact. It is worth considering, therefore, what direction the ECI could take as to be significantly improved. Andrei Moraru proposes to make a distinction between participation and deliberation and take these two concepts as possible main objectives of the ECI. Either, he argues, would work towards the end goal of restoring EU’s democratic legitimacy (Moraru, 2016, p. 161).

## 5.1 Held’s Models of Democracy

Moraru’s proposal is inspired by David Held’s models of *participatory democracy* and *deliberative democracy*. First published in 1987, Held’s *Models of Democracy* tells the story of how democracy has developed starting with ancient Athens and taking the reader to the complexities of international and global politics. The author broadly divides the models into two categories – the first of direct or participatory democracy and the second of liberal or representative democracy. Both models which this paper examines in detail pertain to the first category, one which involves citizens in political decision-making (Held, 2006, pp. 1-10).

### 5.1.1 Participatory democracy

Inspired by a reformulation of left-wing ideas of freedom and democracy, model VIII of Held’s *models of democracy* is participatory democracy, a term covering various democratic models “from those of classical Athens to certain Marxist positions”. Basing it on the works of Carole Pateman and C. B. Macpherson, Held argues that in a participatory democracy the direct participation of citizens in the administration of the main institutions of society is paramount. The present model provides that political parties be reorganized in such way as to make party officials directly accountable. By preserving an open institutional system, the so-called “participatory society” will help nurture citizens’ interest for collective societal issues leading to a well-informed citizenry “capable of taking a sustained interest in the governing process” (Held, 2006, p. 223). Held contends the following:

If people know opportunities exist for effective participation in decision-making, they are likely to believe participation is worthwhile, likely to participate actively and likely, in addition, to hold that collective decisions should be binding (Held, 2006, p. 226).

Carole Pateman, herself drawing her theories from J.J. Rousseau and J.S. Mill’s ideas, concludes that participatory democracy is based on the acknowledgement of the relationship between citizens and institutions and the identification of the main purpose of participation as being an educative one with the central assertion that individuals and their institutions cannot be considered in isolation from one another. She therefore argues that the existence of representative institutions is insufficient (Pateman, 1970, p. 98). Citing Pateman, Held infers that where the public and the private sectors are intricately interconnected, elections will not be sufficient to “ensure the accountability of the forces actually involved in the ‘governing’ process”. Expanding on the advantages of democratic participation presented by Pateman, he further deduces that citizen involvement mitigates the alienation from government institutions.

Both Macpherson and Pateman agreed, argues Held, that representative institutions cannot be completely dismissed. If created, institutions of direct democracy should rather play a complementary role to the representative establishment (Held, 2006, p. 226). Pateman further highlighted that one limitation of participatory democracy is that citizens’ interest in politics is quite restricted at national level. One is more interested in issues taking place nearer to him/her rather than at large scale (Pateman, 1970, p. 100). Macpherson concurs that this problem is considerable. His work, inspired largely by J. S. Mill’s arguments, emphasizes, however, that direct citizen participation is essential for the development of a society in which the individual can feel free and involved (Macpherson, as cited by Held, 2006, p. 225). Held points out that Macpherson’s definition of participatory democracy remains unclear when having the particularities of this model clearly defined is of the essence (Held, 2006, p. 225). Neither Macpherson, nor Pateman, gathers Held, describe how the institutions of direct democracy would function next to the ones of representative democracy, what would happen if citizens do not want to participate, how would minorities react to decisions taken by the majority, how would this model apply to a constantly changing international system etc. Yet it is of prime importance to answer these difficult questions and given that theorists have provided no answers or clarifications, the model is susceptible to criticism, even if it addresses the very complex relationship between individuals and democratic institutions, concludes Held (Held, 2006, p. 229).

### 5.1.2 Deliberative Democracy

Model IX of Held’s models relies on the “free and reasoned assent" of citizens. Built on pluralistic values and a solid civic education system, the deliberative democracy government would considerably invest in deliberative practices and structures and would pay attention to citizens’ judgment on societal and political problems. A term coined by Joseph Bessette in 1980, ‘deliberative democracy’ is referred to when discussing the betterment of the quality of democracy. Deliberative democrats come to criticize the participatory model claiming that more participation does not lead to more qualitative participation and implying that it cannot face the complexities of modern and diverse societies since it is designed for small, homogenous ones (Held, 2006, p. 248).

Held outlines this model as pioneered by, among others, James Fishkin, John Dryzek and Jurgen Habermas. James Fishkin derived his ideas from observing the disconnection between US and European elites and their increasingly uninterested electorate. He claimed voter turnout was declining and the public debate was “generally superficial, ill-informed and thoughtless” (Fishkin, 1991, as cited by Held, 2006, p. 250). Dryzek, critical of the dominance of instrumental rationality, held that it results in power being concentrated in the hands of elites who isolate the political decision-making from the wider public. He therefore believes public issues must be put at the centre of discussion by public fora, which would deliberate extensively on them and provide justified solutions (Dryzek, 1990, as cited by Held, 2006, p. 251). Finally, Habermas, a leading theorist when it comes to deliberative democracy, claims that rather than taking citizens’ predilections for granted, the purpose is to create a process which discusses common problems impartially, assessing all relevant viewpoints and interests (Habermas, 1996, as cited by Held, 2006, p. 252).

Among the main goals of deliberative democracy, Held remarks that public deliberation adds to the citizens’ understanding of complicated public decision-making, can disclose how certain points of view represent only sections of society failing to appeal to the majority and can improve the quality of collective judgment. As it can be understood from the above-mentioned, this model holds that deliberation is key to democracy. It is relevant to consider what would be the possible institutions of deliberative democracy. A first suggestion is that of deliberative polls. Pioneered by James Fishkin, this mechanism would divulge not what voters think in light of their limited knowledge, but rather their possible views given that they would take part in an exhaustive deliberative process. A similar device would be citizens’ juries. Assembled by public institutions, these juries would be convened in order to advise that specific institution on a pressing issue or to prioritize policies in relation to their urgency and importance. Such instrument has been used until now, argues Held, but only with advisory scope and never to replace traditional decision-making. Other suggestions would be improving voter feedback tools and communication with citizens in general, publicly funding civic education and deliberative bodies etc. Held concludes that deliberation can be seen as a supplement to the political establishment where it wants to enhance the quality of political decision-making and as an innovative model of democracy where it constitutes a “transformative mode of reasoning which can be drawn upon in diverse settings, from micro-for a and neighbourhood associations to national parliaments and transnational settings” (Held, 2006, pp. 267-268).

## 5.2 Applying Held’s models to the ECI instrument

Coming back to the discussion on the ECI, it is important to recall that, according to the wording used in the unratified Constitutional Treaty, the initiative mechanism was indeed meant as an instrument of participatory democracy, which would be complementary to the established devices of representative democracy (Constitutional Treaty, 2004, art. I-47). The institutions of representative democracy proving insufficient to guarantee accountability, as suggested by Pateman, a new tool was designed to address this shortcoming. Highlighted by Held with this model is the contention that participation should be potent, for if citizens believe their participation is effective, the likelihood of involvement is greater (Held, 2006, p. 226). Looking at the functioning of the mechanism, it indeed stimulates citizen participation, but it can be argued this participation hardly results in any significant outcomes.

As implied by Moraru, in order to become an accomplished instrument of participatory democracy, the ECI, once the necessary number of signatures is collected, would have to be sent by the Commission to co-decision without further ado (Moraru, 2016, p. 161). This way, while still having the opportunity to amend the proposal, institutions would be required to confer on the initiative and ultimately vote on it. At the moment, however, the instrument is weak even regarding agenda-setting. Initiatives which do not get media attention and receive a negative reply from the Commission do not succeed to put their idea on the agenda of the institutions. According to Altuna and Suarez, while the ECI is not an instrument of direct democracy, it can be used as a tool for promoting and legitimizing the EU, a tool of representative democracy since it helps make a connection between citizens and policy-makers, or a legislative popular initiative, entailing involvement in agenda-setting rather than an instrument of political change (Altuna and Suarez, 2013, pp. 32-35). In any case, were the ECI to shift in the direction of *participatory democracy* as delineated by Held, citizens’ participation would have to gain more leverage and once ECIs have acquired more than one million signatures, they should gain some kind of binding authority.

Inasmuch as theorists are wary that a participative system could not be implemented in large and diverse societies as heterogeneous populations imply social and political complexities which participatory democracy might not cope with, it is important considering how this aspect might manifest for an ECI focusing on participation. Where institutions will act upon ideas introduced by initiatives favoured by the majority of citizens, they will still have to take into account perspectives of minorities. However, given that the instrument does not include a vote, minorities would not be able to voice their viewpoints. Hence, it could lead to neglecting standpoints of certain groups of society.

If the ECI were, on the other hand, to shift in the direction of *deliberative democracy*, the focus of the instrument would become the quality of the debate rather than its power to bind the institutions. Once a significant number of citizens have supported the introduction of a certain discussion in the public eye, the institutions would have to consider this and make possible the organisation of such debate. Rather than taking collective judgment for granted, institutions would ensure that such debate includes as many relevant points of view as possible, always verifying that impartiality is guaranteed. The purpose of a deliberative ECI would be to increase the awareness of issues introduced by citizens, adding to the knowledge and the understanding of the electorate of European political affairs and institutional decision-making.

## 5.3 What lies ahead

At present time, the Commission does not discuss about adjusting the instrument as to take any of the directions mentioned above. The proposal submitted by the Commission reminds of a software technical review, the purpose of which is to arrive at a technically superior version of the product/service under review. It has very little to do with redirecting the instrument of ECI towards a more participative, collaborative outlook. Keeping very separate the activity of the citizens from the one of the institutions, one might ask how can the gap between the two be overcome. As put by Tenreiro, the institutions and the national governments and authorities treat the ECI device and other ideas of participatory democracy like a threat to their powers or something which would throw their efficiency into disarray. The author argues they should look at it like a contributory procedure, one which would bring new views and approaches to the table. This is the key, he believes, to “allowing our post-modern societies to face the challenges of the future” (Tenreiro, 2014, p. 88).

A reason why the institutions may seem wary of radically reforming the ECI is that any exhaustive modification could imply treaty change. Currently, treaty law provides that citizens may only invite the Commission to propose legislation. Were the ECI to gain any authority to bind the institutions, Article 11(4) TEU would have to be amended. Be that as it may, perhaps now that President Juncker has opened the discussion about the potential future of the EU (European Commission, *White paper on the future of Europe: Five scenarios,* 2017) and that the Union seems to be at a crossroads, is the time to conceive that treaty change is not such a far-stretched idea.

According to Ana del Pino,

This instrument was created to give a voice to the citizens and to fight against the so called democratic deficit of the EU. If you give a voice to the citizens and you have two million citizens coming from 20 EU countries rooting for a cause, you cannot at the end act like you do not care about this. It just does not make sense, it is rather anti-democratic. So, for me personally and for other campaigners, the instrument’s objective to fight against the democratic deficit was not met (del Pino, 2017, personal interview).

It remains to be seen whether the European Parliament or the Council will adopt more democratic stances and will advocate for a more inclusive and effective ECI. For now, it can be inferred that more pressure from civil society is needed to resuscitate this tool, which appears to be very far from what it was designed and quite disappointing for the citizens.

# Conclusions

Despite its pioneering goal of enhancing citizen participation and putting citizens on an equal footing with the institutions when it comes to EU agenda setting, the European Citizens’ Initiative managed in the first years of implementation to disappoint its advocates and to frustrate citizens making use of it. The challenges highlighted by initiators were manifold. The defectuous online collection system has ended up in hindering a proper collection of signatures, the collection forms differ significantly in Member States and the ECI is poorly promoted among citizens.

Perhaps the most important impediment, however, is the lack of continuity. Proof of it is the fact that none of the four successful initiatives were brought for discussion at a parliamentary plenary or proposed as legislation. Neither does the Commission proposal for a new regulation on the ECI address the absence of significant follow up for initiators of ECIs. It rather pays attention to technical features. Although also important to amend, these will not restore citizens’ trust in the instrument, believe critics. Improvement which strives to be noteworthy has to target the issue concerning the lack of outcome.

Initiators find it unclear what the Commission wants to achieve with this device. Provided that the ultimate goal is significant participation, as initially envisioned, the instrument would have to go further and have some binding authority on the Commission once sufficient support from citizens is reached. In such way, civil society could be persuaded that engagement is effective and can lead to tangible outcome. Another direction the ECI could take is that of deliberation, focusing rather on the importance, quality and impartiality of debate in the EU and striving for making the instrument and current affairs known to EU citizens. Either course requires reform beyond the one proposed by the Commission. Dispatched to the European Parliament and the Council, the proposal now faces their scrutiny. It seems implausible still that their stance will be notably different from the one of the Commission. On that account, it is for civil society to further put pressure on the institutions and make efforts to achieve more of a say in EU affairs. After all, as the name cleverly suggests, it is a citizens’ initiative.

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# Appendices

## Appendix 1 – Interview with Ana del Pino, executive coordinator of the *One of US* European Federation

*1. How did the organisers of* One of Us *find the process of registering the initiative? Were there any challenges, and if yes, which were they?*

When we started our initiative, it was actually the first use of the instrument, so we had a lot of difficulties at the beginning. In fact, it was difficult for the Commission as well, so in a way, together we were the pioneers of this instrument. Due to issues with the online collection system and the certification system, the collection starting date was postponed with some months for all three initiatives active at that time: *Stop Vivisection, Water is a Human Right* and us. But to be honest, representatives of the Commission working on the ECI were very helpful and we worked together to develop the instrument and make it better and more citizen-friendly.

*2. You wrote in the publication* An ECI that Works! *that the lack of promotion of the ECI in the general media was a big difficulty. Do you think this should somehow regulated by the Commission?*

Absolutely. Part of the problem was also the promotion of the ECI. Our campaign members could not focus on our own initiative at the beginning, because they had to put a lot of effort into explaining the citizens what an ECI is. Hence, I addressed the Commission and the institutions to work on the promotion of the ECI, to make clear to the citizens about the use of the instrument.

*3. Do you think this should be solely the duty of the Commission or perhaps they should delegate it to authorities of member states, so they promote it in the national environment?*

Both should play a role. The promotion of the ECI should be multi-levelled – national authorities promoting it in the respective member state and the Commission at European level.

*4. What about the process of collecting signatures? Other organisers claim it is quite a burdensome procedure, requiring an unnecessary amount of technical detail (the ID requirement especially). Do you agree?*

This was actually one of my requests when we were preparing the ECI program – harmonizing the requirements among countries. We had a big problem with the collection in Austria, where citizens need the social security numbers to sign the initiative, while in Spain only the ID is needed. The required documents should be the same for all member states.

*5. The One of Us initiative concluded therefore with a public hearing. What did you think about the organization and the stakeholders’ input?*

I think the public hearing is absolutely necessary, because when you start the campaign, you promote the message to the citizens and the media, but you do not have the chance to explain the message to the Parliament, and at the end of the day, the Parliament is the one which has to decide what to do. So, at that time we were very happy to be given the opportunity to explain our campaign to the MEPs at least at the end.

*6. Despite successfully reaching more than the required minimum number of statements of support, the Commission decided not to submit the initiative further as a legislative proposal. What do you think of this decision?*

First of all, I should mention that this instrument was created to give a voice to the citizens and to fight against the so called democratic deficit of the EU. If you give a voice to the citizens and you have two million citizens coming from 20 EU countries rooting for a cause, you cannot at the end act like you do not care about this. It just does not make sense, it is rather anti-democratic. So, for me personally and for other campaigners, the instrument’s objective to fight against the democratic deficit was not met.

*7. The European Commission calls the initiatives that gather a sufficient amount of support ‘successful’, but this sounds a bit paradoxical, since it does not follow up on this success in any way. Do you think the collection of enough signatures is in itself a success as the Commission claims?*

The Commission and the institutions have to decide what they really want from this instrument – to hear the voice of the citizens and act upon it or to take decisions in advance without taking into account the citizen input? Because if it is the latter, we do not need to spend money and time on useless campaigns. At this point, the Commission’s stance on the initiative is unclear.

*8. The Commission mentions on its website that unlike the decision on registration, the decision issued after the successful collection of statements cannot be appealed since it is a decision of political nature. Nevertheless, One of Us submitted a case before the Court of Justice trying to appeal the Commission’s decision. What response do expect to hear from the Court?*

Our goal at the Court is not advocating for our campaign, for the protection of the human being since its conception, but it is to hear a final legal interpretation of what the instrument of ECI means. We want the Court to consider the initial goal of the ECI and contrast it with the results until now – not only for the *One of Us* campaign, but for the ECI in general.

*9. Some authors believe that since this instrument is quite a young one, it being underdeveloped is normal, and it will improve with time. What do you think of this argument?*

My personal opinion is that time will not help improve the democratic aspect of this mechanism. The Commission should make clear its stance now, so citizens know what they can expect from this initiative. I think the Treaty of Lisbon has put forward some clear requirements, and since they are already very difficult, the Commission has to act upon the voice of the citizens.

*10. Since you mentioned the Treaty of Lisbon, the intention of the drafters when they created the instrument was to design a tool of participatory democracy. Citizens cannot, however, directly participate, or their participation is not fully taken into account. Do you therefore think that the ECI has turned out to be a participatory democracy instrument or is it rather an in-built device of the current representative democracy system?*

I believe it is the latter.

*5. As you are probably aware, on 13 September 2017 the Commission submitted before the European Parliament and the Council a proposal for a regulation which would substitute the 2011 Regulation on the European Citizens' Initiative. Among the main innovations proposed by the Commission are the following: lowering the minimum age of signatories to 16 years old; providing a central online collection system; allowing the Citizens' Committees to choose the starting date of the collection period etc. Do you these changes will bring improvement to the ECI?*

I think these requirements are much better than the original ones. Of course, you have to put them into practice to know for sure, but I think it is an improvement.

*6. The proposed Regulation will go further to the European Parliament and the Council of Ministers. In your view, will they have a more lenient view towards participatory democracy than the Commission does?*

Well, since they receive the votes of the citizens, I think indeed they will be more lenient.

*7. Since the introduction of the European Citizens' Initiative mechanism, a total of 47 initiatives were registered. However, the last three years have witnessed a drop in the number of new initiatives. While in 2012 (from April onwards) a number of 16 initiatives were registered, in 2015 there were only six and in 2016 - only three. Do you think the proposed changes (if adopted as put forward by the Commission) are sufficient to significantly enhance citizen participation or is more needed to attract the interest of citizens?*

The new regulation could help, but the most important reform should be about the outcome. Citizens’ biggest concern will most likely be – what happens if I succeed with my campaign? Which will be the outcome? The campaign is a lot of work, but if you think you can succeed and make it count, you are encouraged to try this new opportunity. There is the first decision on the registration of the initiative, which gives political consideration to the content of the proposal, but is legal consideration to the competences of the Commission, and then there is the second filter, the collection period. So, if the Commission has already taken a political decision, a second one seems, in my opinion, redundant.

## Appendix 2 – Opinion of Joanna Pankowska, representative of *More than Education*

*1. As you are probably aware, on 13 September 2017 the Commission submitted before the European Parliament and the Council a proposal for a regulation which would substitute the 2011 Regulation on the European Citizens' Initiative. Among the main innovations proposed by the Commission are the following: lowering the minimum age of signatories to 16 years old; providing a central online collection system; allowing the Citizens' Committees to choose the starting date of the collection period etc. The just mentioned changes coincide with some recommendations indicated in the AEGEE policy paper. However, the proposed Regulation seems to lack any innovation in terms of making the follow-up phase more impactful. My question is therefore, in case the proposed Regulation is adopted, would you consider it a sufficient improvement to the current European Citizens' Initiative?*

I cannot say I speak for our whole team because we are very divided when it come to this issue. I personally believe that it is a good first step for the improvements and I would be very happy with those improvements already. As they say Rome wasn't built in a day. ECI is still quite a new tool, a year ago nobody believed the revision will come so quickly, so I think the proposal by Commission is good step but it is never a finished process.

*2. Since the introduction of the European Citizens' Initiative mechanism, a total of 47 initiatives were registered. However, the last three years have witnessed a drop in the number of new initiatives. While in 2012 (from April onwards) a number of 16 initiatives were registered, in 2015 there were only six and in 2016 - only three. Do you think the proposed changes (if adopted) are sufficient to significantly enhance citizen participation?*

Yes, I do hope so. We faced lack of trust in the ECI as a tool while organizing our collection, especially from other civil society organizations, who said that they see it as a failed tool and this is a reason for low number. But ECI is getting a lot of attention now which I hope will change it for the better.

## Appendix 3 - Interview with Pablo Sanchez, coordinator of the *Right2Water* initiative

*1. How did the organisers of Right2Water find the process of registering the initiative and collecting signatures? I read in a publication (“An ECI that works”) that the campaign suffered from lack of testing of both the online collection system and the collection on paper?*

Yes. We were in the very first lot, our campaign was no 003. We registered on 1 April 2012, the first possible date. Our first confusion was about the number of members within the citizens’ committee – we thought that the minimum was of seven people, but we did not know that in fact the committee should have been of seven people in total. After we clarified that, we validated the initiative in mid-August in Luxembourg, the only country which had a clear procedure on the tool and could provide us with a list of things to fulfil. But we could not launch the paper collection and the online collection at the same time, which was a problem. Another aspect was that we had to locate the server of the online collection in a place which would have 24-hour surveillance. In order to prove that, one would need a signed approval from the owner of the building in which the surveillance is taking place, and this is again a small obstacle. When the website was set up and we were ready to start, in the coding that the Commission had given to the persons in charge of the website (IT experts), there was a list with ID requirements. What happened during the first weeks was that a lot of people phoned or emailed saying that they could not sign because their ID was not included in the database of the online system in advance and the Commission did not know of this problem either. Well, because of issues like these we lost loads of signatures. Also, we knew that for every person emailing that there is a problem, there are a hundred more who do not write or do not call and just give up signing.

*2. Did the Commission help with all these issues?*

They did. They were very helpful, but what I am trying to say is that being the first, we were sort of testing how the mechanism worked together with the Commission. And since our campaign was already launched, we had to work with what we had and did not get as many signatories as we could have.

*3. I would like to turn now to the content of the forms of statements of support. There are significant differences between countries – in Finland is a quite simple process while in Austria one has to fill in a lot of details, for instance. Do you think this should be harmonized among member states?*

Certainly. In all meetings with representatives of the Commission we took part, we asked for this. Moreover, officials from national statistics bureaus have all stated (in public or in private) that to identify someone one needs only name, surname (singular or plural), address, date of birth, and a signature.

*4. Like in Finland?*

Indeed. Only in Finland they also ask nationality, and if you are not Finnish you have to add place of birth, but that is it. So, the Finnish method is clear, simple and should become a common denominator for all member states. Luxembourg, for instance, used to require the ID code, but after they have dealt with our initiative, they decided to give that up.

*5. Do you think member states will agree to lessen the requirements though?*

That is difficult to predict, but there is a clear willingness from the majority to actually make this work. Those that are not willing to make some changes, it could be said that they do not care less about participatory democracy.

*6. The campaign manager of the One of Us initiative told me another big problem was the lack of awareness about the ECI instrument. Did you experience the same?*

Yes, in fact. We had to explain to people what are European values or why they have to fill in the ID requirement, because they have never seen this before or have never heard of the initiative in general. So, it was a very common issue.

*7. Do you think this should be somehow regulated at national level? Or the full responsibility should be that of the Commission?*

I think this is not a matter of choosing who should take the responsibility, but a political matter here. If the Commission wants the initiative to gain notoriety, then when there is one million, two million signatures gathered, it should take it seriously, and then people will say – well, this is something that works. Otherwise, it is going to end up killing this democratic tool. This is my analysis after five years of monitoring what the Commission has done with us, with *TTIP, Ban Glyphosate, One of Us* and many, many others.

*8. Talking about the outcomes of the campaigns, I would like to discuss the concept of success. The European Commission calls the initiatives that gather a sufficient amount of support ‘successful’, but this sounds a bit paradoxical, since it does not follow up on this success in any way. Do you think the collection of enough signatures is in itself a success as the Commission claims?*

No. A debate in the parliament is not enough. There are 20 million other ways (simpler and less expensive) to reach a debate in the parliament. Initiatives have to have a serious impact, so some sort of impact assessment has to take place. They are intended to set the legislative agenda and result in legislative outcomes. Momentarily there is a problem of legitimacy and transparency, which should be solved.

*9. The intention of the drafters when they created the instrument was to design a tool of participatory democracy. Citizens cannot, however, directly participate, or their participation is not fully taken into account. Do you therefore think that the ECI has turned out to be a participatory democracy instrument or is it rather an in-built device of the current representative democracy system?*

It is indeed a complementary mechanism to the current parliamentary, representative democracy system. If I compare it to other similar national systems, like Italy, Spain, Switzerland etc., the key issue I see is the binding element. The ECI, a transnational tool, should be given a little more weight or importance, because is frustrating to waste that much time and resources to end up being rejected without even a clear explanation.

*10. As you are probably aware, on 13 September 2017 the Commission submitted before the European Parliament and the Council a proposal for a regulation which would substitute the 2011 Regulation on the European Citizens' Initiative. Among the main innovations proposed by the Commission are the following: lowering the minimum age of signatories to 16 years old; providing a central online collection system; allowing the Citizens' Committees to choose the starting date of the collection period etc. However, the proposed Regulation seems to lack any innovation in terms of making the follow-up phase more impactful. Hence, in case the proposed Regulation is adopted, would you consider it a sufficient improvement to the current European Citizens' Initiative?*

No. These changes will be useful for campaigners, but they are not fundamental.

*11. The next step is that the proposed regulation will go under the review of the Parliament and the Council. Do you think their view on reforming the ECI will be more lenient than the one of the Commission?*

I think the Council will make it worse, unfortunately. They are not very good with compromise. The Parliament will be more critical, of course. The Liberals, the Greens, the EFDD, some sections of the Social-Democrats and some of EPP will definitely raise the issue of impact, and yet, so what? I suppose some minor, cosmetic changes will be adopted, but I am not very optimistic about a fundamental change.

*12. My last point of discussion is about the democratic deficit, which was in fact the initial goal of the instrument. As put by an author (Tenreiro), “the institutions and the national governments and authorities treat the ECI device and other ideas of participatory democracy like a threat to their powers or something which would throw their efficiency into disarray”. Do you agree with this?*

The perception of the institutions that it is a threat is true. Every instance where the citizens are in control of the political agenda is viewed as a threat by politicians. But it is very difficult to imagine that someday the initiative will become that impactful. However, precisely because it is perceived as a threat, it is why the ECI will never work. My opinion is what the ECI should do is it should take the disguise off to show how the lobby system works in Brussels. This system is very uneven and is working only for the ones who have financial resources. Regrettably, I have the feeling that before I see that system fixed, I will see the end of the EU.