

The European citizens' initiative is a very young participation instrument in the EU. It was introduced with the Treaty of Lisbon, which – as is well known – aims to make the EU more democratic, transparent and effective. It was the world's first transnational instrument of participative democracy – and the expectations of it has been correspondingly large. Today, six years after the official launch, many of the original enthusiasts have grown disenchanted. And many of the hopes for this promising young instrument of participative democracy remain unfulfilled.

This is also the view of the European Commission which believes that the ECI is a corner stone for building trust in EU institutions. But the Commission sees the necessity to investigate how the instrument could be used more often and more effectively. The Commission has now submitted a reform proposal that the European Parliament, the Economic and Social Committee, the Committee of the Regions, and civil society organizations have long been calling for. The reform aims to leverage the entire potential of the ECI: Citizens are supposed to be able to put issues on the political agenda more easily. The Commission wants to see more public debates, and the EU and its citizens are supposed to move closer together. Assessments of this approach have varied widely. The large number of rather technical improvements undoubtedly do help the ECI. But some people in civil society and the Parliament would really prefer to see a bigger, bolder move.

Big Expectations: Making the Union More Accessible

Article 11(4) of the Treaty of Lisbon stipulates that: “Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.” The individual procedures are set out in an EU regulation, such as: How can a citizens' initiative be registered? Who is allowed to gather signatures? Who may be a signatory? What are the deadlines for the individual steps? And how must personal data be protected?

The current regulation aims to use the citizens' initiative to make “the Union more accessible” to citizens. They are supposed to be encouraged and emboldened to participate in the democratic life of the EU – with “clear, simple and user-friendly

procedures.” The citizens' initiative is neither a petition nor a referendum. Instead, it is a pure agenda-setting initiative – that is, a chance to make an issue an issue in the first place. The ECI thereby complements the democratic structure of the EU, but it is far from being a powerful instrument of direct co-decision. The expectation was and continues to be that it will help foster wider public debates. Last but not least, the European citizens' initiative particularly offers organizations championing specific issues a chance to be heard more – and perhaps even to move their issue to center stage. To provide a current example, glyphosate has now in fact become a hot topic in Europe.

Young but Unsexy? Where the ECI Stands Today

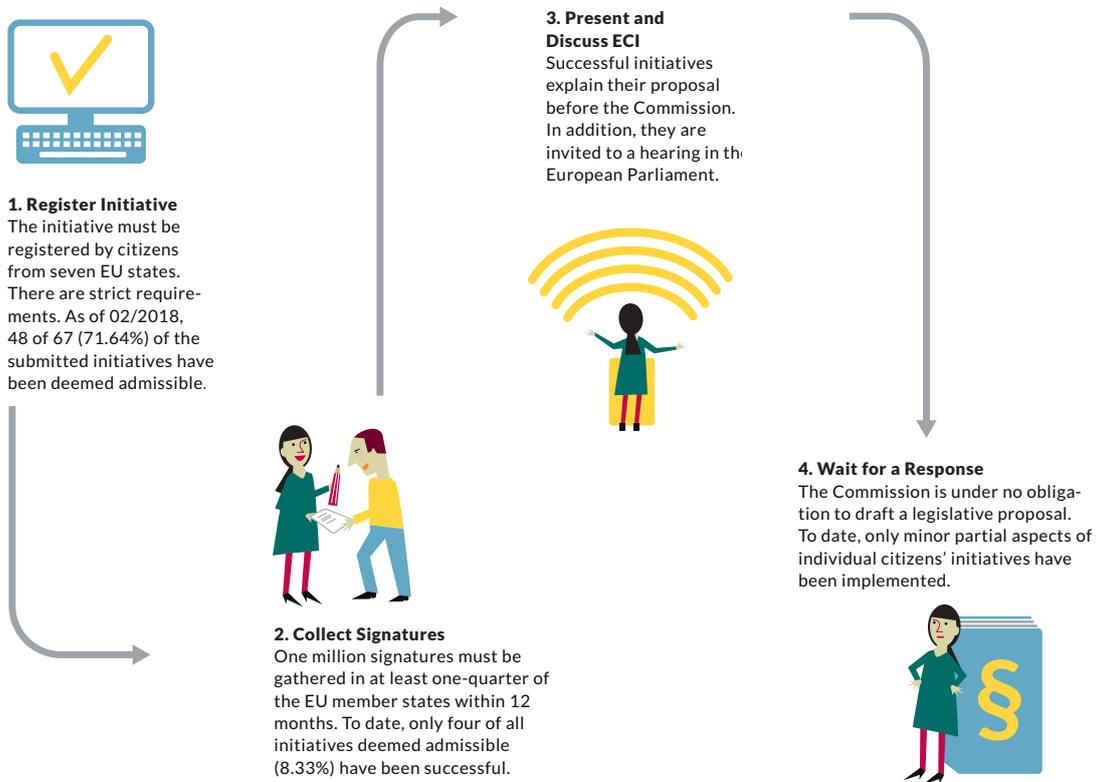
Since 2012, more than 8 million signatures have been gathered for 48 initiatives. Four citizens' initiatives have reached the necessary threshold of 1 million signatures. Using the ECI, many people have been able to promote their issue more strongly and to form better networks. “The European citizens' initiative was absolutely the starting point of our European network,” says one of the initiators of the ECI “One of Us.” These new cross-border ties are more than just a collateral benefit of the citizens' initiative. They are also an expression of an emerging European civil society – and thereby also a success of the ECI.

On the other hand, to date, not a single citizens' initiative has been directly transposed into an EU legislative act. Most ECI activists are aware of the fact that the Commission will not adopt any citizens' initiative in its pure form. But the level of acceptance of the citizens' initiative appears to have steadily declined since its introduction because hardly anything concrete has changed in terms of policy.

The currently highly technical process of gathering signatures has elicited widespread criticism, as it is viewed as being non-user-friendly and overly complicated. What's more, the process of registering an ECI is criticized because many ECIs have not been allowed to gather signatures due to the rigid interpretations of the Commission. In addition, the difficulty of conducting pan-European campaigns and navigating the EU bureaucracy prevents many smaller NGOs and individual citizens from using the ECI instrument effectively.

Lastly, there continues to be a lack of publicity even for successful ECIs. European media sources only devote a meager amount of coverage to both the ECI tool in general and to the specific initiatives. Our analysis shows that, on average, hardly more than a single article

AT A GLANCE: HOW THE ECI HAS WORKED SO FAR



appeared in the same media source even in years with a lot of reporting. And there are no broad public debates on (successful) citizens' initiatives. On top of that, the coverage is very unevenly distributed. Half of the discussions conducted in the media took place in three countries: Germany, Austria and Luxembourg. Likewise, for the initiators themselves, the gains in terms of public profile and publicity have been limited at best. In fact, they are only mentioned in a bit over 20 percent of articles on the ECI.

What Will Become of the ECI?

Goals of the Commission's Proposal

The disenchantment of many ECI organizers is felt everywhere. Even the Commission says that, should no revision of the instrument be made, there is the risk that fewer and fewer citizens will use the ECI, and that it will ultimately become obsolete. In Brussels, it seems to be universally agreed that, if the European citizens' initiative is actually supposed to become an influential participation instrument, it has to be reformed. The only questions are: How? And to what extent? On this point, the ideas of the European Commission, the European Parliament and civil society organizations diverge. In its reform proposal, the Commission

specifies four goals: **1)** The participation of citizens should be increased. **2)** The use of the instrument should be eased for organizers and citizens. **3)** Administrative burdens must be eliminated or at least reduced. **4)** The attractiveness of European citizens' initiatives should be increased. The success of the reform will be measured by how many of these goals are met.

Consensus on Many Issues Is Foreseeable

At present, the European Parliament, the European Committee of the Regions, the European Economic and Social Committee and numerous stakeholders are taking positions on the Commission's proposal. There is an emerging consensus on issues related to making the ECI easier to use. The Commission's proposal envisions several technical improvements and measures to reduce red tape. To provide more specific examples, the data-protection provisions are to be simplified, and the often-criticized requirement of providing a personal identification number for certain signatures will be eliminated. Organizers will be given greater legal certainty by reducing individual liability. ECI organizers will also be able to decide for themselves what the starting date will be for the 12-month period of gathering signatures.

On these issues, the Commission has been accommodating toward the demands of many stakeholders. But the general accessibility of the ECI will also be improved through structural interventions. One lesson learned from the high rate of rejected registrations in the initial phase is that citizens' initiatives should be given the option to make a partial registration. Should the Commission decide that only certain parts and not the main part of a citizens' initiative fall outside its power, organizers can revise an ECI and complete its registration within a month. In addition, the minimum age required to support an ECI will be lowered from 18 to 16.

Likewise, the Commission's proposal envisions bolstering support for ECIs and their organizers, such as by having the Commission perform more tasks related to information and communication. For example, the online system for collecting signatures will be improved by having the Commission ensure the system's functionality and the interface with signatures collected on paper. Furthermore, the Commission intends to set up a free-of-charge online collaborative platform to serve as a forum for discussion, information and advice. The test phase for this platform will already begin in 2018. Last but not least, the Commission will assume the costs for translating ECI texts into other languages.

Disagreement on Fundamental Issues

Disagreement on the Commission's proposal can be observed in three areas. Parts of the Parliament, the Committee of the Regions, and several stakeholders are calling for a broad interpretation of EU treaties regarding the admissibility of citizens' initiatives, and some of them even want this to extend to all areas in which EU bodies are active. They argue for an expansion of possible issues in order to make the ECI more attractive and to make use of its potential to enable more citizens' participation.

The ruling of the European Court of Justice (ECJ) on the rejected TTIP citizens' initiative supports a broad interpretation of possible issues for an ECI in that it makes clear that preparatory activities and the hindering of legislative acts may be the goal of an ECI. The ECJ ruling, along with the possibility of partial registration, will therefore automatically change the practice regarding determining admissibility. However, it is rather doubtful whether further-reaching proposals, such as the approach of the Committee of the Regions to permit ECIs on treaty amendments will be considered.

To date, the Commission has followed a very restrictive approach when it comes to registrations.

A second point of contention is the Commission's dual role as both judge and jury. In addition to deciding on the admissibility and registration of ECIs, the Commission is also the addressee of all citizens' initiatives. In the view of the EU's consultative bodies, the Parliament and numerous stakeholders, this situation leads to a conflict of interests. Due to the restrictive manner in which the Commission decides on the admissibility of ECIs, some fear that it might be trying to keep undesirable citizens' initiatives at arm's length. For some time now already, various models for potentially resolving this problem have been discussed. For example, the Economic and Social Committee, which is very active in ECI-related matters, could be given a more prominent role, or the European Ombudsman could be assigned the role of arbitrator. Decisions on ECI admissibility could also be made by an external, independent committee made up of legal scholars, academics and civil society representatives. But, so far, the Commission has rejected these ideas.

The third issue of contention is the follow-up process for successful citizens' initiatives. Dissatisfaction within the ECI community is also largely based on the how initiatives that have collected 1 million signatures are handled. The Commission's proposal only envisions a minimal change. The public hearing will continue to be in the European Parliament. Only "balanced representation" of relevant stakeholders at the hearing is guaranteed. But this by no means goes far enough for the ECI community, the consultative bodies and parts of the Parliament. More than anything, the question of whether successful ECIs shouldn't automatically lead to a legislative proposal of the Commission continues to be highly controversial.

What remains unclear in the entire discussion is how public knowledge about the ECI can be bolstered. The proposal to establish a "European Citizens' Centre", in which resources of various EU institutions would be pooled, could help organizers not only with registration, but also with campaign and networking efforts. But the Commission's plan to set up information offices in the EU member states will not fulfill the task of a central "knowledge hub" for the ECI. What's more, it is hard to see how the rather unspecific communication measures announced in the Commission's proposal will be able to increase awareness of the instrument and the individual ECIs.

MEDIA RESONANCE ANALYSIS ON THE EUROPEAN CITIZENS' INITIATIVE

In a media analysis on the visibility of the ECI, we examined a set of 84 media sources in 14 member states in the period from 2011 to 2017. We wanted to find out what reporting on the ECI was like and how much of it there was. Extensive data, as well as more on the media set and methodology, can be found in our factsheet.

Hardly Any Media Reports on the ECI

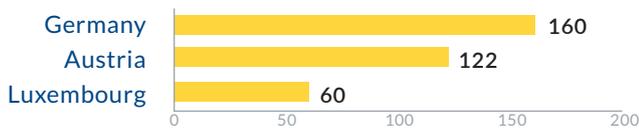
The ECI receives almost no mention in the national print and online media in many EU countries. Between 2011 and 2017, it was only referred to a combined total of 516 times in 14 countries and 84 media sources. That corresponds to just under one article on the ECI per year and media source.



Off the Radar in Many Countries

The ECI is mentioned in the media every now and then in Germany, Luxembourg, Austria and Spain. But it continues to go almost completely unmentioned in many member states in Central-Eastern Europe as well as in Ireland, Denmark and the Netherlands. The top three countries (Germany, Austria, Luxembourg) together account for over 50% of all mentions in terms of media reports on the ECI.

Countries with the highest visibility



Countries with the lowest visibility

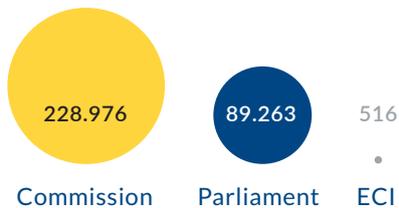


Successful Initiatives Boost Awareness

The peak in terms of media coverage was already back in 2013, at the time of the "Right2Water" initiative. But, even in this case, the analysis of 2013 only identified 127 mentions of the ECI in the 84 media sources.

Media Focuses on Commission

There is roughly 500 times as much reporting on the Commission as on the ECI. The European Parliament only receives about a third of the coverage that the Commission gets, though this is still over 170 times as much as the ECI gets. Without a doubt, the ECI can only be compared with the Commission or Parliament to a limited degree. But the figure does show just how hard it is for the ECI to be perceived by citizens.

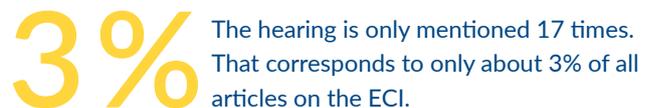


Stronger Focus on Democratic Deficit

Almost nine times more is written about the EU's democratic deficit than about the ECI. Even so, the citizens' initiative still enjoys more media coverage than the European Ombudsman, which was only mentioned 383 times in the media sources.

The Hearing does not Generate Much Publicity

The public hearing, which was designed to help boost public awareness of concrete ECIs, does not enjoy practically any media resonance.



But There is Growing Awareness

Direct media coverage of the ECI is meager. Nevertheless, specific citizens' initiatives are helping to foster a basic awareness of certain issues, as the one on glyphosate shows. But the ECI was still only mentioned in about 4% of the articles on glyphosate.

Reform Objectives Are Only Partially Fulfilled

It is clear that even a reformed ECI process would not turn upside down or revolutionize the EU legislative process. For this reason, it is all the more important to better leverage the ECI's potential with few but clear structural changes. With its moves to simplify the instrument and eliminate administrative hurdles, the Commission's proposal does contain some good ideas. The Commission reckons that merely making the ECI easier to use will lead to more initiatives, more signatures and more impact. That might very well be the case. But it remains an open question whether the long-term attractiveness of the instrument and the participation of citizens can be increased, thereby meeting two out of four reform goals. In the end, it will not just be ease of use that determines whether the ECI will be used on a long-term basis; it also has to effectively fulfill its function. And the instrument will only be granted legitimacy once bureaucrats and politicians take the concerns of citizens seriously. This includes implementing proposals every now and then, even if perhaps only partially. In practice, this hasn't happened yet, or, only to a very minor extent.

In the view of numerous stakeholders, the Commission would only significantly increase the attractiveness of the ECI if it allowed every successful citizens' initiative to automatically result in a legislative proposal. But, with its "no", the Commission seems to have made up its mind on this issue – and to fear an attack on its legislative monopoly on the right of initiative. Here, the fundamentally differing expectations of the various players become evident. While ECI initiators demand legislative output, the Commission doesn't want to change a thing about the current mechanism.

In this difficult-to-resolve situation, how can the attractiveness of European citizens' initiatives be increased? It goes without saying that the Commission has a duty to act. The discussion up to now shows that it must give more thought to the ease of use and the impact of the instrument in all phases of the ECI process. However, of equal importance is that it allows other EU institutions to assume a more active role. The main goal of the ECI continues to be putting issues on the EU-wide agenda. This should be the starting point of any reform.

More publicity, and thereby greater chances for more legislative implementation and impact – this aspect of the reform is at least as important as the technical

improvements. But a publicity campaign will only have a minor impact by itself. If there is to be a more intense debate on individual citizens' initiatives – not only in Brussels, but also in the EU member states – and if their chance of having an impact is to increase, the follow-up must be made more inventive and extensive than it has been.

Five Reform Options for Better Follow-Up

1. Add a Public Discussion to the Hearing

The public hearing plays a central role in the follow-up to successful ECIs. The organizers hold a forum to voice their demands and address the political decision-makers directly. A discussion unfolds between the initiators, the Commission and EU parliamentarians (MEPs) over three and a half hours. The public should also be reached in this way.

The public hearing is generally made up of three discussion blocks: First the initiators of the citizens' initiative present their position; then the MEPs are given a chance to speak; and, lastly, those representing the citizens' initiative respond to these comments. The Commission also makes comments at the beginning and the end of hearing. These days, citizens' initiatives are also permitted to call external experts.

Many ECI initiators are frustrated with the hearing process. It is too formal and too non-binding, in their view, and it hardly generates any media attention (as the media analysis shows). What is made to look like a dignified end of an arduous but successful journey is perceived by the initiators themselves as an abrupt end to a just-initiated march through the political bodies.

But the hearing is actually better than its reputation. It makes it possible for citizens' initiatives to clarify their position and to bring it before the political players. The MEPs and the Commission do, in fact, take a position. Of course, a Q&A session lasting more than three hours can occasionally elicit a few yawns. But the topic of the ECI is brought into an initial parliamentary discussion, nevertheless. The problem presumably lies less than with the hearing itself and much more with the facts that no publicity is generated by it, and that the activities come to an abrupt end.

In order to generate more media coverage, a public discussion of the ECI could be added to the hearing. The Commission, Parliament and citizens' initiative would jointly organize this event, and an external moderator would ensure neutrality. In addition to media representatives, other stakeholders and interested members of the (likely Brussels-based) public would be invited to attend. At this kind of event, there could then be the

desired lively verbal sparring that would be interesting to the media and general public in conjunction with the hearing itself.

2. A Debate in the European Parliament

The European Parliament views itself as a strong advocate of the European citizens' initiative. It could take even greater advantage of the options open to it to generate more publicity. For example, the Parliament could oblige itself to carry out a plenary debate after every public hearing. This is already possible today. But it would have a completely different importance if citizens' initiatives were also able to count on its happening. This debate could then flow into various other activities. For example, there could be an official opinion, a referral to specialized committees for further discussion, or the establishment of an expert commission for a more in-depth examination of the issue. In the end, the Parliament could call on the Commission to draft a legislative proposal based on the successful citizens' initiative. The Parliament is the central forum in which issues that are relevant to the polity are publicly discussed. It would benefit from this debate itself. After all, similar to the ECI, it all too often suffers from a lack of media attention compared to the Commission. The heavily contested ECI topics present an opportunity for generating more publicity.

Furthermore, this debate would require all EU actors to take even more clear-cut stances on issues. It would prevent the discussions from coming to an abrupt end, and lead to a better dovetailing of various channels of political participation and influence. As a result, the Commission would not be released from its responsibility. On the contrary, were the issue to also be handled in the Parliament, the Commission would have to take into greater account not only the citizens' initiative, but also the stances of the various parliamentary groupings.

3. The Council of the EU is also an Addressee

The discussion on reforming the European citizens' initiative currently focuses on what the Commission must do and what the Parliament can do. But the Council of the European Union (hereafter "Council"), as addressee of successful citizens' initiatives, is largely left outside of this process. The example of

glyphosate, in particular, shows that ECI issues are matters of heated debate in the EU member states – and therefore relevant to the Council.

For this reason, it would be a significant upgrading for the ECI if it could also be permitted to explain its position directly to the Council. An initial step could at least be allowing informal meetings between the Council and citizens' initiatives to take place. Ideally, representatives of the Council presidency would also take part in the public discussion on successful ECIs connected to the hearing. This would only be a small step. But it would give citizens' initiatives an additional channel of political access and a greater opportunity to put their issue on the agenda.

4. Carry Debates into Member States

The analysis of successful citizens' initiatives shows that signatures are collected in a rather small number of countries. Media coverage is likewise concentrated in a few countries. After the one-million-signature threshold has been met, the debate takes place within EU institutions – but not in the member states. "Ban Glyphosate", and the heated debate in Germany associated with the issue, are the most famous exception to this and not the rule. But, to be successful, citizens' initiatives must get through to the capital cities of Europe. Paris, Warsaw, Berlin and Rome are just as important as Brussels. But how can the discussion of successful ECIs be "de-Brussel-ized" and carried more into the member states?

The national parliaments could become more active. For example, successful citizens' initiatives could be invited to the European affairs committees or individual specialized committees of the national parliaments. The biannual Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) could also incorporate individual citizens' initiatives into their discussions. Of course, for the organizers of an ECI, this would mean an even longer "march through the institutions." And not all of them have the time or financial resources for this. On the other hand, ECIs need additional forums – as well as more appreciation for their initiatives.

5. Citizens' Check: Integrate New Participation Formats

The opponents of successful citizens' initiatives often criticize them for only representing a small portion of the overall population, noting that even 1 million signatures is small when measured against the total number of EU residents. In this way, it is easy to delegitimize an ECI. New processes of dialogue-based politics promise a remedy for this situation. Citizens'

Sources

The Prime Research Institute conducted the Media Resonance Analysis (2011–2017) on 14 member states of the EU.

In addition, initiators of ECIs conducted a survey and participated in in-depth interviews. More information about the methods is on page 12 of the factsheet.

forums or citizens' juries, made up of citizens from the entire EU who have been selected in a random and largely representative fashion, could serve as a check to see whether an ECI conforms with the opinion of the wider public. MEPs, the Commission and the public would then be able to see just how relevant the issues of successful citizens' initiatives are to European citizens. The ECI, which is usually supported and advanced by organized civil society, would thereby be complemented by an instrument reflecting the points of view of a broad cross-section of the population. One positive side effect would be that the media would get more "fodder" to report on the ECIs.

Participatory Focus in New Institutional Debate

The ECI is currently faring like the EU. Merkel method or Macron method? Incremental progress, or bigger, bolder step? No matter how far-reaching the reform turns out to be, it will be a tangible improvement for

everyone who wants to carry out a citizens' initiative. During the European Convention, there were serious concerns that the ECI could possibly be a "coup d'état" against indirect democracy. Today, nobody is formulating any fears like that.

For the EU, this reform could mark the beginning of opening itself up more and giving more thought to new forms of citizens' participation. Luc Van den Brande, a special adviser to Commission President Juncker, rightly stresses that the European citizens' initiative is only one of many instruments on the path to a more participatory EU. The debate on institutional reforms in the EU has only now been re-started. In the end, there could be a new "architecture of participation" that allows Europe's citizens additional forms of participation. Indeed, it is not just the citizens' initiative that is still far from having realized its full democratic potential – it is also the EU!

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Further reading:

Ballesteros, Marta and Sara Fiorentini (2015). *Towards a Revision of the European Citizens' Initiative*. European Union.

Conrad, Maximilian, Annette Knaut, und Katrin Böttgers (eds.) (2016). *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*. Baden-Baden: Nomos.

European Commission (2017). Proposal for a Regulation of the European Parliament and of the Council on the European citizens' initiative. COM/2017/0482 final - 2017/0220 (COD). Brussels.

The ECI Campaign (2015). *12 Ways to build a European Citizens' Initiative that works*. Available at: <http://www.citizens-initiative.eu/12-ways-to-build-a-european-citizens-initiative-that-works> (12.03.2018).

Van den Brande, Luc (2015). *Opinion of the European Committee of the Regions – European Citizens' Initiative*. Brussels

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The policy brief of the Bertelsmann Stiftung's "Future of Democracy" program is dealing with current topics and challenges related to democracy. It concentrates on the issues of political participation, the future of parties and parliaments, the sustainability of democratic politics as well as new forms of direct democracy and citizens' participation. It is published 6–8 times per year on an unfixed basis.