

THE EUROPEAN CITIZENS' INITIATIVE – promoting democratic participation?

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Master in European Studies

Political Science, Politics

Master's Thesis

December 2017



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Title: THE EUROPEAN CITIZENS' INITIATIVE – promoting democratic participation?

Degree/Subject: Master in European Studies / Political Science, Politics

Level: Master's Thesis

Month and year: 12/2017

Number of pages: 64

Abstract

This master's thesis examines the European Union's (EU) relatively new tool for citizen participation, namely the European Citizens' Initiative (ECI). The ECI was introduced in 2012 and has now been used for just over five years. The ECI's purpose is to enable European citizens to make an initiative proposal for the European Commission. This thesis examines what kind of participation the ECI has produced in practise.

The ECI has been examined through the analytical framework of Graham Smith, which he has developed for analysing the democratic innovations. The analytical framework emphasizes six democratic goods, from which four, namely *inclusiveness, popular control, efficiency and transparency*, have been assessed in this thesis. This study uses quantitative data on all 66 ECI initiatives that have been launched during past five years. A classification of the data has been produced, including categorization of stakeholders that have launched initiatives and the policy areas that the initiatives have touched upon. .

The study concludes, firstly that majority of the initiatives have been launched by already established groups such as European or national organizations, but also considerable number of informal groups and new organizations have been active in launching initiatives. The ECI has not been greatly used by political parties or anti-EU movements. Secondly, the citizens have launched initiatives in variety of policy areas, e.g. constitutional, justice, and environmental issues. However, most of the launched initiatives have addressed policy areas that the EU does not have strong legal regulation on, and has limited policy involvement in these policy areas. Hence, there seems to be a mismatch between the issues that the citizens regard as salient and the policies that are the core of the EU.

Thirdly, this study confirms the notion of previous studies that the ECI places notable cost for citizens to impact the decision-making of the EU through the ECI as only three initiatives have been successful to gather the needed 1 million statements of support. This study also confirms the findings of previous studies that in moments of crises the citizens launch more initiatives, thus, the ECI might contribute in creating at least a temporary EU-wide public sphere. As the analyses of the ECI in this thesis has been able to consider the most recent crises of the EU, namely Brexit, the results of the study suggest that the ECI might enable citizens to participate when they feel that the matter is salient enough. Thus, the benefit of implementing the ECI is higher than for not implementing this democratic innovation as, at least in moments of crises, the citizens have a tool through which they can make their concerns heard.

This thesis concludes that it cannot be said that the ECI has had a significant role in improving the legitimacy of the EU or function as a cure democratic deficit, but, it suggests that at least the ECI has not worsened the situation of the EU in terms of these two dimensions.

Keywords

European Union, political participation, democracy; civil society; the European Citizens' Initiative

To my daughter Stella

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1 INTRODUCTION

1.1 New form of participation – the European Citizens’ Initiative

In this Master’s Thesis, the European Citizens’ Initiative (ECI) will be reviewed. The European Commission states that the ECI is “*allowing one million EU citizens to participate directly in the development of EU policies, by calling on the European Commission to make a legislative proposal*”¹. In other words, the citizens’ initiative is a possibility for the EU citizens to invite the European Commission (from now on the Commission) to propose legislation in areas where the European Union (EU) has the competence to legislate. The ECI was first introduced in 2012 in the Treaty of Lisbon. The regulation of the ECI requires an initiative to be signed by at least one million EU citizens coming from seven different Member States. The regulation also demands that a citizens’ committee must be formed before the initiative can be registered for collecting signatures of support. These committees must be composed of citizens coming from at least seven EU Member States.² The Commission is responsible for receiving and handling the citizen’s initiatives, and can refuse the registration of the initiatives. If the Commission grants a permission for the collection of signatures, the citizens committee has 12 months to collect the needed support. If the one million verified signatures have been successfully collected and submitted, the Commission has three months to answer the initiative. The Commission is not obligated to take the initiative further, but if it considers the initiative to be a useful addition to EU legislation, it can submit its proposal based on the initiative to the European Parliament and the Council (or in some cases solely to the latter).³

During the first five years of the ECI altogether 66 initiatives have mobilized European citizens, but only four have succeeded in collecting one million signatures (“Stop vivisection”, “One of Us”, “Right2Water” and “Ban glyphosate and protect people and the environment from toxic pesticides”⁴). Of all the initiatives, the European Commission has

¹ European Citizens’ Initiative’s official register.

² European Parliament and the Council (2011), Regulation *No 211/2011*.

³ European Parliament and the Council 2011.

⁴ The initiative “Ban glyphosate and protect people and the environment from toxic pesticides” has ended the collection of signatures only after 7 months, as the initiative’s citizens committee has stated in their

refused to register 19 initiatives (originally 21), 20 initiatives have not succeeded in collecting the necessary one million signatures, and 14 initiatives have been withdrawn. On 18th of October 2017 there were eight (8) open initiatives gathering signatures of support. From these eight initiatives two were originally refused to register by the Commission, but as the Commission's decision was annulled by the ruling of the General Court of the European Union, these initiatives were added to the list of open initiatives which collect signatures⁵. The initiative Right2Water, "for promoting the provision of water and sanitation as essential public services for all", was the only one that could have been said to have had an impact on the legislation of the EU as the EC has suggested amendments to the Drinking Water Directive⁶.

The ECI could be considered as the first transnational agenda initiative in the world and a new participatory instrument of the EU.⁷ But what else is it? The topic is timely as the ECI was introduced almost exactly 5 years ago, but it still seems to remain unknown or at least distant to the average EU citizen.⁸ A small empirical test conducted among friends, colleagues, professors at the University of Helsinki, and some members of the Finnish parliament, revealed that very few people were familiar with or knew anything about the ECI. A search done at the web pages of the biggest Finnish daily newspaper Helsingin Sanomat shows only nine news articles on the European Citizens' Initiative⁹. This implies that the media coverage of the ECI has been very minimal at least in Finland. The ECI and the Finnish national-level citizens' initiative were both introduced at the same time in 2012, and the timing may have shifted media attention away from the ECI. Also when looking at the answers of the Eurobarometer survey from autumn 2012, right after the ECI was introduced, Europeans showed very little interest in the ECI and were

website that the initiative has already collected over 1,3 million signatures. The initiative is now submitted for the revision of the Commission, and has to be answered by the Commission within 3 months.

⁵ From these eight initiatives two have been marked as closed in the EC's official pages of the ECI. The Commission does not have an official information on whether these initiatives succeeded or failed to meet the requirement of one million signatures. The web pages of the initiatives imply that the sufficient support was not met. The two initiatives registered after the ruling of the General Court of the European Union were "STOP TTIP" and "Minority Safe Pack – one million signatures for diversity in Europe".

⁶ European Commission 2015b.

⁷ Böttger et al. 2016, p 7.

⁸ Conrad & Knaut 2016, p 10.

⁹ Search done at the Helsingin Sanomat web pages on 22th of March 2017, by using wording 'eurooppalainen kansalaisaloite' meaning European citizens' initiative.

not likely to use it.¹⁰ However, the recent Flash Eurobarometer survey shows that ‘two thirds of respondents (66%) are aware of the right to participate in a Citizens’ Initiative’¹¹.

One can identify the previously mentioned citizens’ lack of interest towards European-level political matters in a declining trend of partisan forms of political participation (i.e. decreasing levels of voting, party membership). Democratic innovations, such as the ECI, have been considered as instruments of increasing the responsiveness of policy-making vis-a-vis public opinion.¹² Some scholars tie the demand for wider citizen’s involvement to the discussion on legitimacy crises and democratic deficit both at the international and national level¹³. The implementation of the ECI is part of a wider context of increased citizen engagement and what might be called a ‘participatory turn’ in democracy.¹⁴ It is crucial to see the discussion on legitimacy crises and democratic deficit as a context to the ECI. In the media and partly also on the EU level, this new “innovation” has often been presented as a remedy to the two aforementioned phenomena and as a solution facilitating greater citizens’ involvement. However, this Masters’ Thesis will not examine the democratic deficit or to EU’s legitimacy crises as such but will rather observe the democratic quality of the ECI and what kind of participation the ECI has produced in practice.

One of the key aspects in studying the quality of democracy is examining inclusiveness. In this thesis it means observing the participatory aspects of democracy, such as citizens’ committees and topics of the initiatives. It must be noted that although the ECI mobilizes

¹⁰ In the autumn 2012, Standard Eurobarometer survey (EB78) only one in five Europeans would consider using the European Citizens’ Initiative, and this when reminded of the principle of the European Citizens’ Initiative. This means more than two-thirds of Europeans are not considering using the ECI [“not very likely” or “not at all likely” that they will use it (69%)].

http://ec.europa.eu/public_opinion/archives/eb/eb79/eb79_citizen_en.pdf

¹¹ Flash Eurobarometer survey on European Union Citizenship 2016, p. 5, 17. The question Q4 asked ‘In fact, all citizens of the EU Member States are “citizens of the European Union” since 1993. In your opinion, which of the following rights does an EU citizen have? (MULTIPLE ANSWERS POSSIBLE):

- The right to make a complaint to the European Commission, European Parliament or European Ombudsman
- The right to reside in any Member State of the European Union, subject to certain conditions
- When residing in another Member State, the right to be treated in the same way as a national of that State
- When outside the EU, the right to seek help from the embassy of any other EU Member State, if your country does not have an embassy there
- The right to participate in a Citizens’ initiative, a request signed by at least 1 million EU citizens inviting the European Commission to propose a new measure
- None (SP.)
- Don’t know’

¹² Setälä & Herne 2014, p 1.

¹³ See e.g. Dalton 2004; Norris 2011 in Leino-Sandberg et al. 2016, p 11.

¹⁴ Leino-Sandberg et al. 2016, p 11.

individual citizens, already the legislation which it is based upon implies organisation as forming a citizens' committee, which is composed of citizens coming from at least seven Member States is one of the prerequisites for registering the initiative. Putting forward a legislative act requires one million signatures to be collected and this alone demonstrates that organisational strategy is crucial to mobilisation. It is important to understand the central actors behind the initiatives.¹⁵

On a more fundamental level, to use the ECI requires profound knowledge of the EU's institutions and legislative system. Also, financial capital and foreign-language skills can be seen as necessities to overcoming the hurdle of registering the initiative. It is more than relevant to ask whether an 'average European' has the opportunity to participate in the EU's decision-making through the ECI. A recent study by Conrad & Steingrimsdottir states that the ECI should be examined as a tool for individual citizen participation as it has been shown in many previous studies that participation is highly connected to socio-economic status. The writers distinguish individual citizen participation from average citizen participation. In doing so they note that benchmarking the use of the ECI to an average citizen is problematic, as those citizens less active in political participation will also be highly likely not to use the new instrument, even if the opportunity is given.¹⁶ It is important to the functioning of democracy to look at who participates, as exclusion in participation leads also to exclusion in decision-making.¹⁷

1.2 Research questions

From these observations of the previous chapter the following research questions emerged; *what kind of participation has the ECI produced in practise?*

The questions will be analysed by a review study of the ECI. Firstly, previous studies in the field will be presented alongside the historical background of the ECI and within it the reasons to why and how the ECI rose to the political agenda and was created. Hence,

¹⁵ Hedling & Meeuwisse 2015, p. 212.

¹⁶ Conrad & Steingrimsdottir 2016.

¹⁷ Christensen et al. 2016, pp. 445–446.

I will later discuss why democracy theorists consider a well-functioning civil society as an important prerequisite to a democratic regime. My hypothesis is that even though some consider the ECI as a weak tool for democratic participation, it could still have added value in developing the democratic functioning of the EU as the ECI empowers European civil society organisations.

This thesis gathers and reviews research results from the interviews already conducted within previous studies and the research questions will be analysed through qualitative classification of the background information of all the 66 initiatives made during the first five years. This will be done by benchmarking to information provided by the European Citizen Action Service (ECAS).¹⁸ The data has been updated by the author of this thesis and new data has been added to provide an overview of all the initiatives. The data has been examined by typology and the chorological scrutiny of the citizens' committees and of the initiatives' policy areas. The studies of democratic quality will build a theoretical background for this thesis, with Graham Smith's framework on democratic innovations in particular being implemented later during the study.

The next chapter elaborates on previous studies of the ECI in more detail, showing the importance of research on this new democratic innovation. The next chapter also gives a broader overview of the history of the ECI, and elaborates its legislative framework. Also, a currently ongoing review process of ECI regulation and the role of the Commission in the registration phase of the initiatives will be discussed next.

¹⁸ ECAS is an international, Brussels-based non-profit organisation with a pan-European membership. See more: <http://ecas.org/> Annex II.

2 INTRODUCING THE EUROPEAN CITIZENS' INITIATIVE

2.1 A brief history of the ECI

The ECI was never a political project of the European Commission or any specific politicians. The EC and other European institutions have certainly been interested in and troubled over how to engage citizens, but the ECI was not part of an explicit action plan for the EU's democratization. Rather, it was lobbied by a small group of NGOs and members of the Convention on the Future of Europe (2003–2004).¹⁹ This small group of direct democracy activists was in the end of the Convention cooperating with the German-based organization Democracy International, with the aim of introducing the new direct participation instrument to the new EU constitution. However, there were also politicians participating in the Convention, meaning that the process was not entirely apolitical²⁰. It was a surprise to many of those lobbying for the ECI that the proposal for the ECI was taken to the agenda of the Convention²¹. The ECI tends to be portrayed by politicians as a cure to the EU's democratic deficit.²² During the Convention the debate was, however, centred on the question of how to increase the EU's democratic legitimacy. The views of what a citizens' initiative would imply differed among the participants, with some suggesting it was a step forward to a form of direct democracy, and others viewing it as a new feature of a participatory democratic regime.²³

After the Convention the ECI was included in the proposal for the EU's new Constitutional Treaty in 2005. Although the EU failed to ratify the Constitutional Treaty, the ECI was retained and adopted in the Lisbon Treaty.²⁴ The preparation of the ECI on the EU level continued with the Commission's *Green paper on a European Citizens' Initiative* where the practical and administrative arrangements required were presented with many questions that citizens and stakeholders were invited to answer. This was carried out via

¹⁹ Smith 2012, p. 277-278.

²⁰ De Clerk Sachsse, 2012; Kaufman, 2012 in Greenwood 2015, pp. 200-201, Hedling & Meeuwisse 2015, p. 216.

²¹ Smith 2012, p. 277-278.

²² Smith 2012, p. 277-278.

²³ De Clerck-Sachsse, 2012 in Hedling & Meeuwisse 2015, p. 216.

²⁴ Hedling & Meeuwisse 2015, p. 216.

broad public consultations from November 2009 to January 2010.²⁵ These Commission-sponsored consultations were deliberative in nature and a response to the failure to agree on the Constitutional Treaty. Also, the demand for new forms of supra-national democracy to cure the ‘democratic deficits’ in international organizations was increasing.²⁶ On the grounds of these consultations the Commission adopted a *Proposal for a Regulation of the European Parliament and the Council on the citizens’ initiative* in March 2010.²⁷ The more specific regulations on the ECI were defined in the *Regulation of the European Parliament and of the Council in 2011*²⁸.

The Commission, the Parliament and the Council of Ministers were negotiating on the regulations of the ECI and disagreeing on certain questions such as: how many member states constitute “a significant number” for the initiative to be legal, how to check the admissibility of the initiatives, and what should be the time limit given to the organisers of the initiative to collect support for the initiative. The Commission proposed, and the Member States agreed, that signatures should come from at least nine Member States, whereas the EP wanted to set the bar lower, to five Member States. The Commission proposed that the signatures for the initiatives could be collected during a 12-month period, but the EP disagreed in this regard also and suggested extending time limit to 18 – 24 months. The Council was pushing for a proposal that would allow the Member States to have the right to verify the identity of those who sign by asking for identity card numbers, but Members of the European Parliament (MEP) rejected the idea. MEPs were also active in proposing additional regulations to the proposal of the ECI. For example, mandatory public hearings for each initiative were proposed by Gerald Häfner, a German Green MEP, along with Gurmai Lamassoure and Diana Wallis, the UK Liberal MEPs, yet this idea was opposed by the Commission.²⁹

Nevertheless, when the final decision on the ECI was made at the last plenary session of the EP in December 2010, the proposal for the ECI was approved by 628 votes against 15 votes. The EP succeeded in negotiating and the MEPs proposals passed to include some special features to the registration procedure such as a citizens' committee, wide

²⁵ European Commission 2009, 3-4.

²⁶ Setälä & Schiller (2012), p.9.

²⁷ European Commission 2010.

²⁸ European Parliament and the Council 2011.

²⁹ Brand 2010.

signature-gathering options, and hearing privileges for successful initiatives.³⁰ The Commission managed to preserve its proposals such as the ID requirements in some of the Member States, the wide-ranging financial transparency rules and the requirement to provide initiative texts for all the national languages in which the signatures will be gathered.³¹ The number of signatures required for the initiative to become legal remained the same as in the Treaty, one million, although there were proposals by the Member States for the threshold to be lowered to 100,000 signatures³². However, the EU institutions reached compromise on the question of the minimum amount of Member States from which the signatories should be gathered, a number that was ultimately set to seven Member States.

The ECI is described by the scholars Setälä and Schiller as a new type of *agenda initiative institution*. This term has been used to describe initiative institutions that are handled in a representative body but do not follow a referendum akin to full-scale initiatives. However, the ECI is distinct from conventional agenda initiatives as its initiatives are submitted to the Commission and hence follow a very complex legislative process of the EU. Thus, the ECI entails more steps than conventional agenda initiatives.³³ In the next chapter the legislative restrictions for the ECIs will be discussed in more detail.

2.2 The legislative framework of the European Citizens' Initiative

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

³⁰ Kauffmann 2010.

³¹ Kauffmann 2010.

³² Willis 2010.

³³ Setälä & Schiller 2012, pp. 1-9.

*The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union*³⁴.

The previous citation is from article 11(4) of the Treaty of Lisbon, where the European Citizens' Initiative (ECI) was first introduced. The ECI is designed to be a new form of public participation in the European Union's policy-formation by enabling EU citizens to call directly upon the European Commission to bring forward an initiative in an area of EU competence. Therefore, the Commission is responsible for receiving and handling the citizens' initiatives, which must fulfil the following requirements:

- the initiative must be signed by at least one million EU citizens;
- the signatories must come from at least one quarter of all Member States;
- a minimum number of signatories is required in at least one quarter of Member States.³⁵

The initiatives can be signed to any EU citizen that is of the age to vote in European Parliament elections. According to Article 4(2) (Regulation 2011/2011) the signatories must have a link of nationality or residence with a given Member State and provide a personal data to the Member States to verify the statement of support. The verifying process varies between Member States. Initially, the Commission proposed that unified requirements for all Member States, so that any European citizen who would meet the age requirement could have signed the initiative. However, the interinstitutional negotiations on the Regulation (which was discussed in the previous chapter) brought about the outcome that the requirements differ between the Member States.³⁶ The minimum number of signatories is demanded in Cyprus, Estonia, Luxembourg and Malta with 4500 signatories and the highest number, 72000, in Germany.³⁷ The signatories can be collected on paper form or online. If the statements of support are collected online the citizens committees can build an online collection system or can use the Commission provided open

³⁴ Consolidated version of the Treaty on European Union (11/ 4).

³⁵ European Parliament and the Council 2011.

³⁶ European Commission 2015, p.6.

³⁷ European Citizens' Initiative's official register.

source software.³⁸ The open source software has been provided by the Commission since 22 December 2011 free of charge, as foreseen in the ECI Regulation.³⁹

After the initiative has been registered to the Commission the citizens have 12 months to collect the needed support. When the threshold of one million signatories has been reached, and the signatories have been verified, the organizers can submit the initiative to the Commission. From that point onwards, the Commission has three months to respond to the initiative in written form. During that time, the representatives of the Commission and of the initiative will hold a meeting, and an opportunity for the organizers to present their ideas on the initiative at a public hearing of the European Parliament will be offered. The Commission has no obligation to take the initiative further, but if it considers the initiative as a useful addition to EU legislation, it must submit its proposal based on the citizen's initiative to the European Parliament and the Council (or in some cases solely to the latter).⁴⁰

Before the signatures can be collected, a citizens' committee must be formed. The committee must be composed of Union citizens that are entitled to vote in the EP elections. The committee can then register their proposal for the initiative with the Commission. Within two months from that the Commission registers the requested proposal if the specific criteria in Regulation 211/2011 on the ECI are fulfilled. In case they are not, the Commission will refuse to register the proposal and will inform its organizers of the reasons that led to the rejection.⁴¹ According to Article 4(2) (Regulation 2011/2011), the Commission shall register a proposal provided that the following cumulative conditions are fulfilled:

- a) the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2);
- (b) the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;
- (c) the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious;

³⁸ European Citizens' Initiative's official register.

³⁹ European Commission 2015, p.8.

⁴⁰ European Parliament and the Council 2011.

⁴¹ European Parliament and the Council 2011.

(d) the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Article 2 TEU.⁴²

The organizers can appeal the negative decision of the Commission before the General Court of the European Union and this has been done by six (6) initiatives.⁴³ In four of the cases the Court did not change the Commission's ruling to refuse registration. However, in two cases, namely the initiatives "*STOP TTIP*" and "*Minority SafePack – one million signatures for diversity in Europe*" the Court annulled the Commission's decision. In both cases the Commission has not appealed the judgements of the Court and adopted the Court decisions on the registration of the initiatives.⁴⁴

In addition, the organizers may appeal to the European Ombudsman. The Ombudsman has so far received two complaints from organisers of initiatives. The first complaint was submitted by the organising committee of "*One of us*", which contested the Commission's answer after having collected one million signatures to support the initiative.⁴⁵ The second complaint was filed by the organizers of the ECI "*Stop Vivisection*" and was seeking to discover whether the Commission's decision to refuse the organizers' petition to extend the 12-month period of collecting online signatures was maladministration. The Ombudsman's decisions for both complaints stated that there was no maladministration in the Commission's conduct and thus closed the cases.⁴⁶

2.2.1 The role of the Commission in the registration phase

The registration phase has a key role when it comes to the power of the Commission. The Commission can be said to have a gatekeeper role, or even a monopoly over initiatives,

⁴² European Parliament and the Council (2011), Regulation No 211/2011 Article 4(2).

⁴³ The cases were: STOP TTIP (T-754/14), Ethics for Animals and Kids (T-361/14), Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right! (T-44/14), Cohesion Policy for the Equality of Regions and Stability of the Regional Cultures (T-529/13), Minority SafePack – one million signatures for diversity in Europe (T-646/13), One Million Signatures for a Europe of Solidarity (T-450/12). The cases were gathered by the ECI Campaign and are available at: <http://www.citizens-initiative.eu/legal-section/>. The ECI Campaign is a network of "concerned citizens, pro-democracy activists and over 100 European NGOs dedicated to the creation and campaigner-friendly implementation of a European Citizens' Initiative right."

⁴⁴ European Commission 2017, p. 19.

⁴⁵ European Commission 2015. The initiative "One of us" has also filed a case in the General Court of the European Union and the case (T-561/14) is still in process.

⁴⁶ European Ombudsman 2013, European Ombudsman 2014.

as it can influence their selection. Although there are some cases where the initiative is clearly contrary the Union's values, there are now two rulings of the European Court of Justice that have annulled the Commission's decisions to not register the initiatives.⁴⁷ In these cases, the decision can be said to be a political rather than a legal one. Researchers tend to agree that the Commission has left with relatively great powers, For example Dougan notes that the Regulation 211/2011 Article 4(2), which states that the proposed citizens' initiative cannot be manifestly abusive, frivolous or vexatious 'do seem to reserve to the Commission a broad and / or vague degree of discretion'⁴⁸ Also Bouza García argues that the Commission should, in order to "*keep the door to direct democracy open relatively wide*", reject initiatives only on strictly legal grounds and leave those politically debatable to be dealt with only after submission ⁴⁹. Already before the ECI was introduced, research on this new institution posed the question of whether the admissibility test and the EC's strong role in it would lead to a situation where some issues are excluded already at the registration phase of the initiatives. It has been reported that the strict rulings of the Commission might play a significant role in how actively the citizens will use the ECI ⁵⁰. This question, how the Commission *de facto* implements regulation insofar as whether it favours certain policy areas and excludes others, has also been the starting point for this Master's Thesis. However, the aim of this thesis is not to evaluate the functioning of the Commission, but to clarify how to the new instrument has been used.

One ought to be aware of the fact that even if the initiatives do pass the registration phase and are successful in terms of collecting a sufficient number of signatures, it is entirely in the hands of the Commission to decide whether the initiative results in a concrete legislative proposal ⁵¹. In other words, the Commission can decide "*the action it intends to take, if any, and its reasons for taking or not taking that action*"⁵². This means that the ECI legislation does not define how the initiatives should be legislated if the Commission decides to act based on a certain initiative. However, should the initiative become a law, it would have to follow the appropriate legislative procedure regarding the policy that the

⁴⁷ The General Court of the European Union annulled the decision of the EC to not to register the two initiatives, namely "STOP TTIP" and "Minority SafePack – one million signatures for diversity in Europe". <http://www.citizens-initiative.eu/ecj-contradicts-commissions-interpretation-eci-admissibility/>

⁴⁸ Dougan 2011, p. 1841.

⁴⁹ Bouza Garzía & Cuesta-López et al. 2012, p. 15.

⁵⁰ See e.g. Kaufmann & Schiller 2004, p. 6.

⁵¹ Conrad & Knaut 2016

⁵² Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011, Article 10 paragraph 1cs.

initiative concerns. Generally, this would mean processing the law in the European Parliament and the Council or in some cases only the Council.⁵³ However, the complex legal processes of the EU will not be further discussed by this thesis since, as mentioned, the legislative process may vary according to the issue and legislative acts that the Commission in planning to implement. Also, there have only been four successful initiatives with regard to collecting one million signatories, and only one initiative (“The Right to Water”) can be said to have had some legal effect on the EU legislation.

2.2.2 The revision of the ECI legislation

The Commission has recently reviewed the Regulation of the ECI and on September 13th, 2017 adopted a "*Proposal for a Regulation of the European Parliament and of the Council on the European citizens' initiative*". The Proposal was accompanied by a "*Commission Staff Working Document*". The intention to revise regulation was announced by the Commission in April 2017, and the review process was extensive.⁵⁴ The first review of the application of regulation concerning the ECI was done already in 2015⁵⁵, as this review was set by the initial regulatory framework [Regulation (EU) No 211/2011] of the ECI. Already in that report the Commission listed several problems that would have to be solved for improving the functioning of the ECI. Following the 2015 report, the regulation has been in a constant review process as the Commission has conducted several technical studies to analyse the online collection system, and for the simplification of the data requirements for signatories⁵⁶. In addition to that, many other reports have been conducted by other EU institutions, bodies and civil stakeholders.⁵⁷ These studies have

⁵³ European Citizens' Initiative's official register.

⁵⁴ European Citizens' Initiative's official register.

⁵⁵ Commission 2015.

⁵⁶ These studies were "*Study on the use of electronic identification (eID) for the European Citizens' Initiative*" and "*Study on online collection systems and technical specifications pursuant to ECI Regulation (EU) No 211/2011 and Implementing Regulation (EU) No 1179/2011*".

⁵⁷ By the ECI official pages the following studies have contributed to the review process:

- European Ombudsman Strategic Initiative of 11 July 2017 - Suggestions to improve the European Citizens Initiative procedure
- Opinion of the European Economic and Social Committee of October 2016
- REFIT Platform Recommendations on the citizens' initiative of June 2016
- Resolution of the European Parliament of October 2015, including Commission replies
- Opinion of the Committee of the Regions of October 2015

evaluated and assessed the ECI, and have named operational shortcomings of the ECI and the obstacles that the organizers encounter when launching citizens' initiatives. Particularly the European Parliament called the revision of the ECI legislation in its resolution on October 2015.⁵⁸

There was also active involvement of the civil society organizations (CSO), such as the ECI Campaign, Democracy International, WeMove.EU, Mehr Demokratie and ECAS, lobbying for the Commission to take the revision to its agenda. The previously mentioned CSOs called upon revision of the ECI legislation in a petition ('Save the ECI') which, collected 40,000 signatures⁵⁹. The petition was handed to the Commission in October 2016 but in its answer to the petition organizers the Commission's Deputy Secretary-General Jean-Eric Paquet stated that "[o]nly four years after its date of application, the Commission does not plan to propose a revision of the ECI Regulation at this stage"⁶⁰. In December 2016 the Commission refused to include the revision of the ECI legislation as part of its working programme for the year 2017. It is hard to say why suddenly on April 2017 the Commission changed its mind and launched the revision process. It may be that the two rulings of the General Court of the European Union that annulled the Commission's decision to not register the two initiatives ("STOP TTIP" and the "Minority SafePack – one million signatures for diversity in Europe") had an impact on the Commission's agenda.

Broad public consultations then followed the Commission's announcement to amend ECI regulation. It seems that the CSOs, stakeholders and the many previous studies did influence the Commission's proposal for new regulation as it states:

The aim of this proposal is to improve how the ECI functions by addressing the shortcomings identified over the past years with the main policy objectives of: (i) making the ECI more accessible, less burdensome and easier to use for

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- Commission study on ICT impacts of the Regulation on the citizens' initiative of June 2015
 - Council Presidency note of June 2015
 - Commission Report on the application of the Regulation on the citizens' initiative of 31 March 2015
 - Conclusions of the "ECI Days" of 13 April 2015, 20 April 2016, 11 April 2017
 - European Parliament studies "European Citizens Initiative - First lessons of implementation of 2014" and "Implementation of the European Citizens Initiative of 2015"
 - European Ombudsman own-initiative inquiry of 2013, including Commission replies

⁵⁸ European Commission 2017b, p. 2.

⁵⁹ The ECI Campaign 2017.

⁶⁰ Paquet 2016.

organisers and supporters; and (ii) achieving the full potential of the ECI as a tool to foster debate and participation at European level, including of young people, and bring the EU closer to its citizens ⁶¹.

The proposal paper of the regulation calls upon increasing the EU's democratic legitimacy through enhanced citizens' involvement and participation. It also states that this aim is part of the Jean-Claude Juncker-led Commission's political guidelines and part of the 10 priorities of the Commission (priority no 10: A Union of Democratic change).⁶² The Commission staff's working document accompanying the proposal for new regulation summarizes the elements that have been suggested to be amended:

- The provisions regarding the group of organisers -which remains at least seven natural persons in size - are clarified and improved
- Support to organisers is enhanced through information and assistance.
- Improvements in the registration procedure
- The minimum age to support an initiative is harmonised at 16.
- The personal data to be provided by signatories is simplified via a unified approach based on nationality and on the basis of two options covering all Member States.
- As regards the collection period, the organisers can choose the starting date of the 12-month collection period within three months from the date of registration.
- Organisers should report to the Commission at least every two months their sources of support and funding above EUR 500 per sponsor and the number of statements of support they have collected, for publication in the register.
- The organisers and the Commission can collect the email addresses of the signatories of citizens' initiatives, subject to their consent, for the purposes of communication and information activities.
- The Commission will set up and operate a central online collection system for the ECI. Organisers remain free to build their own system and can have it certified by the competent national authority if preferred.
- After the end of the verification of the statements of support by the Member States' competent authorities, organisers have three months to submit their initiative to the Commission.
- Improvements are brought to the examination phase, including:

⁶¹ European Commission 2017b, p. 3.

⁶² European Commission 2017b.

- (i) Extension of the examination phase from three to five months to allow more time for citizen participation and debate and for the preparation of the Commission's response.
 - (ii) Publication and public hearing at the European Parliament within three months from the submission of the initiative with explicit provision on balanced representation of all stakeholders and representation of other EU institutions and advisory bodies;
 - (iii) The Commission meets the organisers at an appropriate level within one month from the submission of the initiative and adopts a Communication in response to the initiative, explaining its reasons for taking or not taking action within five months; it also notifies the Communication to other EU institutions and bodies at the end of the procedure.
- A provision on communication activities is added to raise the awareness of citizens with respect the European citizens' initiative.⁶³

To enter into force, this proposal for new regulation must next to be adopted by the European Parliament and Council through the ordinary legislative process. The aim of the Commission is that the regulation should be adopted and enter into force before the European elections in 2019.⁶⁴ Hence the proposal for new regulation will not be further discussed as many amendments to it may still occur. Also, these proposed amendments will be beyond the analytical scope of this thesis. However, the conclusions section will briefly address the impact of the new proposal upon the results of analysis.

The current legislative restrictions will be assessed in greater depth at a later point in this study, but there have been several studies on the impact of the legislative framework of the ECI already before the tool was introduced or shortly after its implementation. In the next chapter, the previous studies on the ECI will be presented. The extent to which the legislative framework has been addressed in these studies varies. Thus, the chapter does not separate the extent to which the legislative regulations have been researched in these studies, but concentrates on giving an overview of the previous research

⁶³ European Commission 2017, p. 46-47

⁶⁴ European Commission 2017c.

2.3 Previous studies

The ECI is a relatively current topic of studies as it entered force in 1st of April 2012. Extensive amount of research conducted on the ECI is mostly published before its implementation. However, rising number of studies has emerged after its introduction on 2012. In his article Luiz Bouza García summarizes well the discourse on democratic EU in the recent research⁶⁵. Until the Convention (during the years 2000-2003) some theorists considered that EU did not fulfil the prerequisites for democracy and thus saw that it could not function as a legitimated political will formation and political participation arena, and should not thus considered nor studied as a democratic institution (the most know theorist of this scholar are Scharpf Majone, Moravcsik)⁶⁶. Bouza García takes as an example the scholars Habermas and Weiler who have counter argued and pointed out that the EU should be perceived as a regular political system suffering from democratic deficit⁶⁷. In addition, Follesdal and Hix have elaborated the democratic deficit of the EU and point out that it is related to its institutional design⁶⁸.

By its legislative framework, the ECI's purpose is to *reinforce citizenship of the Union and enhance further the democratic functioning of the Union*⁶⁹. Indeed, before its adoption in the Treaty of Lisbon direct democracy performed a negligible role in the functioning of the European Union *per se*⁷⁰. If one takes the previously mentioned approach in studying the EU, one could consider the ECI as a remedy for the democratic deficit, considering that it should then have power to change the institutional design of the EU. However, according to Bouza García, the discourse on EU's democratic deficit has shifted from the discussion of the democratic deficit to the debate on its legitimacy crises, which seems to be due to the rejection of the constitutional Treaty. For example, democracy theorist, such as Kohler-Koch and Rittberger; Bertoincini and Chopin, include institutional democratic deficit, and a structural lack of communication, trust and accountability to the

⁶⁵ Bouza García 2015a.

⁶⁶ See Scharpf 1999; Majone 2002; Moravcsik 2006 in Bouza García 2015a.

⁶⁷ See Habermas 2001; Weiler 2003 in Bouza García 2015a.

⁶⁸ See Follesdal and Hix 2006 in Bouza García 2015a.

⁶⁹ European Parliament and the Council 2011.

⁷⁰ Dougan 2011, p. 1808.

political legitimacy debate⁷¹. Closely linked to the discourse of the EU's democratic deficit or legitimacy crises is the discussion on the Europe-wide public sphere. Some of the recent studies have suggested that the effect of the ECI on EU's political system is relatively low, and these studies are sceptical on the EU's and ECI's capability to form a functioning public sphere where the EU-wide public debate on political matters could take place⁷². However, for example Annette Knaut points out that the bar for a European public sphere has set too high and that democratic function of the EU can be well performed also in segmented and/or Europeanised national public spheres⁷³.

Another stand point on the research of the ECI has been focusing in studying the ECI *per se*. Although, “[t]he ECI is explicitly meant to engage other actors than the professional and institutionalised set of CSOs, namely ‘all citizens’” in terms of citizens’ participation, collective action and resources are needed to full fill the criteria of collecting the 1 million signatures for the initiative to be successful and to be handled by the Commission⁷⁴. Thus, one of the approaches taken by the researchers is to study the ECI within the EU's civil society sphere. For example, in one of his studies, Bouza García takes the stance where the ECI is not studied as a tool for direct participation of individuals rather than as tool for organized civil society participation⁷⁵. Also, the empirical findings of the study by Johansson and Kalm show that successful initiatives have so far been supported by established movements, such as, trade unions and animal rights movements. Johansson and Kalm have concluded that the established civil society organizations have seen the ECI as an opportunity to promote their favoured issues.⁷⁶ Yet, Johansson and Kalm believe that the ECI is more direct form of participation and less elite-driven in comparison to EU's civil dialogue for civil society organizations.⁷⁷ Bouza García also makes a hypothesis that there is a potential in the ECI to transform the field of EU civil society⁷⁸.

Also, in regards of the civil society of the EU, the study by Hedling and Meeuwisse has applied the methodology of studying the ECI as a snapshot of the field⁷⁹. In their research

⁷¹ See Kohler-Koch and Rittberger 2007; Bertoincini and Chopin 2010; Chopin 2010 in Bouza García 2015a.

⁷² See eg. Bejstrup 2014, Johansson & Kalm 2015.

⁷³ Knaut 2016.

⁷⁴ EurActiv 2011 in Johansson & Kalm 2015, p 7.

⁷⁵ Bouza García 2015b, p. 176.

⁷⁶ Johansson & Kalm 2015, p 7-8.

⁷⁷ Johansson & Kalm 2015, pp 7-8.

⁷⁸ Bouza García 2015b, p. 17.

⁷⁹ Hedling & Meeuwisse 2015

the scholars interviewed the citizens' committee members of 16 ECIs, which were accepted to collect the signatures by the Commission. The researchers focused to on the ECI as a momentary "stage" with a "cast", a "script" and "props". This approach links Bourdieu's structuralism to a Goffmanesque dramaturgical sociology. The study concluded that the ECI is a single cause campaign aimed directly at agenda setting and a channel for mass mobilisation which is organized around specific legislative proposal⁸⁰. This study was the starting point for this thesis, and the initial idea was to extend the sample of that previous study to cover also the ECIs which were refused for registration by the Commission. However, due to the extensive amount of new and refused initiatives and personal time limitations, the focus of this thesis sifted. Also, during the writing process a considerable number of new research on the ECI has emerged, and for example the study by Maximilian Conrad and Freyja Steingromsdottir had already conducted interviews to the larger sample which included citizens committee members also from the initiatives refused for registration⁸¹. The research of Conrad and Steingromsdottir created a typology of the stakeholders of the ECI (from 2012 to 2015), and made an analytical distinction between citizen-driven, organization-supported and organization-driven initiatives. This typology was seen by the researchers as 'a contribution to the discussion about the extent to which the ECI *can* and *ought* to become a tool for what is vaguely constructed as 'average' citizens in the EU'⁸². The previously mentioned study poked this thesis forward in methodology wise, but as the theoretical framework of the thesis gelled, the typology of the stakeholders was not used as such.

In studying the ECI *per se*, there is also a group of studies assessing the effectiveness of the ECI in terms of how successful the initiatives have been in affecting the legislation of the ECI. While these studies have been disappointed to the effectiveness of the ECI, many researchers argue that the "success" of the tool cannot merely be assessed in terms whether the citizens' initiatives have led to legislative processes. These studies emphasize that even though the citizens' initiative would not have any legislative impact, ECI should be viewed also in broader terms.⁸³

This thesis associates with the latter category of studies and will contribute to researching the ECI as a participatory instrument *per se* rather than supposing that the ECI could be

⁸⁰ Hedling & Meeuwisse 2015, p. 212.

⁸¹ Conrad & Steingromsdottir 2016.

⁸² Conrad & Steingromsdottir 2016, p. 112.

⁸³ See e.g. Leino-Sandberg et al. 2016, pp.2–3; Hatton 2016; Conrad & Steingromsdottir 2016.

a remedy for legitimacy crises (if there are such) or presuming that the ECI would be a pure form of direct democracy, as already the legislative foundation of the ECI implies collective action. The thesis will add to those studies by observing the use of the ECI and stakeholders. Thus, the thesis contributes to already existing research on the ECI by giving an overview of its current situation. However, the thesis will not assess the “success” or “failure” of the tool by the results of the initiatives’ legislative achievements, but will rather review the ECI as a complementary form of democratic participation in the EU’s decision-making processes. To do so, the theoretical framework of the thesis will be discussed next.

3. THEORETICAL FRAMEWORK OF THE STUDY

3.1 The fundamental features of democracy

*For the Greeks, political participation defined democracy*⁸⁷.

In this chapter, various perspectives of democratic theories will be assessed. One could say that there are as many democratic theories as there are writers about it. However, democracy theorists have distinguished some basic prerequisites for the democratic process to function. For example, Robert Dahl's polyarchic theory is widely considered as a minimal requirement for a functioning modern democracy where citizen participation plays a significant role. According to Dahl, one of the key factors of citizen participation is that the "[c]itizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups"⁸⁸. Participation is recognized as one of the building blocks of democracy, maybe even a defining element of it.⁸⁹

Philippe Schmitter and Terry Karl recognize *citizens* as "*the most distinctive element in democracies*"⁹⁰. The scholars point out that none of the nineteenth-century democracies in Europe attempted to formally restrict the effective exercise of citizenship rights (which means restricting citizens to vote or taking part in the political associations' activities by criteria such as gender, age, class, race, etc.), and the inclusion of citizens was a standard. However, when looking at the informal restrictions of the effective exercise of citizenship it is of vital importance to study the *procedures* of democracy.⁹¹ Hence, a more detailed description of who has been using the ECI will follow in the next chapters. The most relevant features of democracy with regard to the ECI will be reviewed in the following paragraph, namely the cooperation of citizens, civil society, political participation and

⁸⁷ Moller & Skaaning 2013, p 18.

⁸⁸ Dahl 1982, p. 11.

⁸⁹ Moller & Skaaning 2013, p 18.

⁹⁰ Schmitter & Karl 1991, p. 77.

⁹¹ Schmitter & Karl 1991, p. 77.

equality. Secondly, the theoretical framework of Graham Smith will be introduced as it will be used as an analytical framework in this thesis.

3.1.1 Cooperation and civil society

Cooperation has always been a central feature of democracy, even though contemporary theorists do not emphasize the virtues of cooperation as much as classical democracy theorists do. When cooperation and deliberation are acted out via autonomous groups in policy making, contemporary political discourse calls the phenomenon *civil society*. A diverse civil society can contribute to forming better citizens as they are more aware of the preferences of others, more civic-minded and willing to contribute to the common good, and more self-confident in their actions. By remaining independent of the state (or even of party politics) civil society can restrain the arbitrary actions of rulers. A viable civil society can reduce conflicts and improve the quality of citizenship, and at its best can act as an intermediate layer of governance between the individual and state in which public coercion would be unnecessary.⁹⁴

In addition, a well-functioning civil society reduces the overloading of decision makers with increased demands as citizens can resolve their differences without relying on a supreme central authority. In the most stable democracies the extensive growth of government (by product of popular demand) has increased the number of agencies which are making public decisions but are not subject to elections. In these democracies, specialized interest associations based on functional interest, not territorial constituencies, have become the primary expression of civil society, in addition to occasional interventions by social movements. The importance of independent groups for democracy is maybe best described by Alexis de Tocqueville in his well-known work *Democracy in America*. His viewpoint inspires all who consider democracy to be more than just a struggle for election and re-election among competing candidates. Some democracy theorists (see e.g.

⁹⁴ Schmitter & Karl 1991, p. 79–80.

Schmitter & Karl; 1991) believe that democracy's freedoms should encourage citizens to deliberate among themselves to discover their common needs.⁹⁵

Because of these key aspects of democracy; cooperation and deliberation, it is important to examine and identify the stakeholders that participate and utilize the ECI. Thus, the participation of different civil society representatives will be reviewed in the analysis chapter of this thesis. For analysing political participation, one must also consider another defining element of democracy, namely political equality, which will be briefly discussed in the next paragraph.

3.1.2 Political participation and equality

The scholars Larry Diamond and Leonardo Morlino observe democracy through the dimension of *participation*, stating that participation is closely related to political *equality*. Diamond and Morlino point out that even though the formal rights of all citizens to participate are upheld, inequalities in political resources can exclude lower-status individuals and make it more difficult for them to participate in political decision-making. Hence, a well-functioning democracy should make sure that every citizen has in, addition to the same rights and legal protection, also a meaningful, reasonably prompt access to justice and power. Nevertheless, equality is an ideal that might never be perfectly achieved. According to Dietrich Rueschemeyer, public debate preferences are shaped by those individuals and groups with better access to education, information and resources⁹⁹. Hence, in practice democracy means that the distribution of wealth and status inequalities should not become too extreme and a certain set of substantive and economic policies should ensure that.¹⁰⁰

It can be argued that in the case of the ECI a well-organized group is needed to mobilize a large amount of people from several different countries in order for the initiative to be successful. Maija Setälä and Theo Schiller have also pointed out in their research that it is obvious that not all citizens have equal opportunities in taking advantage of the initia-

⁹⁵ Schmitter & Karl 1991, pp. 79-80.

⁹⁹ See Rueschemeyer in Diamond & Morlino 2004, pp. 24-27.

¹⁰⁰ Diamond & Morlino 2004, pp. 24-27.

tive institutions, as making this kind of an initiative depends on collective action. To organize such action demands resources that are not equally distributed in society. Setälä and Schiller suggest that especially marginalized groups might lack such resources¹⁰¹. The authors introduce a study by Bowler and Donovan (2002) in which the previously mentioned scholars found that the availability of an initiative institution may have a negative impact on political efficacy among ethnic minorities¹⁰². Even though the ECI would not function perfectly with regard to equality of participation, it could still have positive “side-effects” on democratic participation. Particularly, participatory democracy theorists emphasize the development of citizens’ civic skills, such as political knowledge and the understanding of alternative viewpoints.¹⁰³

3.2 The analytical framework of the thesis

As the previous discussion shows, there is an array of variables to consider when assessing the democratic functioning of the ECI. The result of how well the ECI functions depends extensively on what kind of a democratic tool the ECI has been perceived to be. Some theorists consider all citizens’ initiatives as forms of direct democracy.¹⁰⁶ Others see them as a tool for organised civil participation rather than a direct form of democracy.¹⁰⁷ In the concept of direct democratic participation decision-making by popular votes has been emphasized, whereas participatory democracy stresses a broad participation of citizens in politics. Then again, authentic deliberation before political decision-making would be a prerequisite for deliberative democracy¹⁰⁸. Thus, the ECI can be interpreted and assessed in very different ways as these concepts of democracy may imply different meanings to the ECI.¹⁰⁹ A good example of how opinions vary on the form of democracy that the ECI represents has been presented in Elsa Hedling’s and Anna Meeuwisse’s empirical study on the ECI. Their study shows that the ECI has been referred to

¹⁰¹ Setälä & Schiller 2012, p. 10.

¹⁰² Bowler & Donovan 2002, p. 371-390.

¹⁰³ Setälä & Schiller 2012, pp. 1-2.

¹⁰⁶ Setälä & Schiller 2012, p. 1.

¹⁰⁷ Bouza García 2015, pp.177-178.

¹⁰⁸ Kohler-Koch and Rittberger, 2007a in Hedling & Meeuwisse 2015

¹⁰⁹ Hedling & Meeuwisse 2015, pp. 220–221.

as an instrument of direct democracy, participatory democracy, and even a form of deliberative democracy by the stakeholders themselves, i.e. according to the answers of the members 16 ECI citizens committees, who were interviewed by the researchers.¹¹⁰

There exists also a division between democracy theorists, and this has been noted by Graham Smith whose analytical framework will be used in this thesis. He points out that most of the contemporary democratic theories “emphasize the increasing and deepening citizen participation in political decision-making. Smith displays as an example of the theories and the most significant scholars in those fields; “participatory democracy (Pateman 1970), deliberative democracy (Bohman 1998), direct democracy (Saward 1998), difference democracy (Young 1990) and cosmopolitan democracy (Held 1995)”¹¹⁶. However, these theories tend to focus on the instrumental value to citizen participation and deal with a high level of abstraction.¹¹⁷ Smith continues that there seems to be a gap in discipline as there is a lack of comparative studies on democratic innovations that would be theoretically informed. There are a number of scholars (Smith refers to Beetham 1999, Shapiro 2003 and Fung 2007) who also identify between two types of studies, normative theories and empirical political analysis. As these approaches may offer explanations for the limitations of democratic practises and reasons for deepened citizen participation, it remains open what kind of an approach should be chosen for the study of democratic innovations. Thus, the systematic evaluation of democratic innovations has been under relatively little attention.¹¹⁸

For the previously mentioned lack of sufficient research on democratic innovations, Smith has developed an analytical framework for analysing the democratic innovations in a comparative manner. This framework allows for an analysis of the innovations without a comparison of certain ideals of different forms of democracy, and offers a tool for comparative assessment and evaluation of different democratic innovations.¹²² In his research Smith has utilized the analytical framework for a comparison of four types of democratic innovations, namely popular assemblies, mini-publics, direct legislation and e-democracy. Although this thesis does not assume a comparative approach to studying the ECI, the framework by Smith allows for an examination of the ECI without the restrictions of certain democratic theories. In some of the examples given later, the analysis

¹¹⁰ Hedling & Meeuwisse 2015.

¹¹⁶ Smith 2009, pp. 5.

¹¹⁷ Smith 2009, pp. 5.

¹¹⁸ Smith 2009, pp. 5–9.

¹²² Smith 2009, p. 12.

of innovations of direct legislation have been taken for reference to studying the ECI as it has the most common features with the analysis of the ECI. This approach will also contribute to future studies of democratic innovations as it enables the research of the ECI in a comparative manner.

The analytical framework of Graham Smith utilizes four democratic goods, namely *inclusiveness*, *popular control*, *considered judgement* and *transparency*. These four goods are commonly accepted and used in conceptualizing democracy, and “*are fundamental to any theoretical account of democratic legitimacy of institutions*”¹²⁴. Hence, these goods are particularly suitable for evaluating democratic innovations. As these goods are theory-driven and explain the democratic qualities of democratic innovations, Smith considers that it is also important to examine the institutional feasibility of democratic innovations. Smith emphasizes that without considering the practicality of democratic institutions the analysis will be left in the abstract world of pure theory, which one will want to avoid when considering the previous discussion on the gap between democratic theorists. Thus, moving from the abstraction of theory to practicality, Smith adds two institutional goods to the framework, namely *efficiency* and *transferability*. These goods allow us to analyse the “potential for democratic participation to be institutionalised.”¹²⁵

In this study, the assessment of the ECI in regards of the analytical framework of the six democratic goods will be conducted on inclusiveness, popular control, efficiency and transferability. The remaining two goods, considered judgement and transferability are not seen relevant in regards of the research question of the study, as the analysis of these goods would not contribute to the question on what kind of participation the ECI has produced in practice. Also, the data of this thesis was not seen sufficient to address these two dimensions of the analytical framework. However, to give an overview on the overall analytical framework of Graham Smith, all the six democratic goods have been presented on the next chapter. Considered judgement and transferability will be briefly discussed in chapters 3.2.3 and 3.2.6. and in connection to that the limitations for not using these goods in the analytical framework of this thesis will be addressed.

¹²⁴ Smith 2009, p. 12.

¹²⁵ Smith 2009, p. 13.

3.2.1 Inclusiveness

The first good that one must consider when using Smith's analytical framework is *inclusiveness*. By analysing this feature, one will try to answer the following question: '[can] democratic innovations buck the trend and institutionalise effective incentives for participation by citizens from across different social groups?'"¹²⁸. The analysis of inclusiveness means that one needs to study the different institutional characteristics of the democratic innovations, which means observing the fairness of selection of rules and procedures. This again takes us back to the question of who has the right to participate, i.e. who counts as a "citizen". Smith refers to Robert Goodin, who has identified the question of citizen as the "problem of constituting the demos". Smith formulates this observation to a question, which must be addressed when studying inclusiveness: "how do democratic innovation constitute their demos?"

When the establishment of demos has taken place, institutions manoeuvre in a variety of selection mechanisms. Some designs of democratic innovations are open to all, some operate through more restricted mechanisms such as election, random selection or appointment. One might consider the institutions that follow the open design as best serving inclusiveness. However, as already previously mentioned in this study, and as Smith points out, the opportunity to participate in political activities does not correlate with participation across social groups. We know already that certain groups do not participate as much as others, thus "self-selection may well simply replicate existing inequalities".¹³¹ Therefore, when assessing democratic innovations, special attention should be paid not only to the formal characteristics of the selection mechanism, but also to how the innovations motivate the engagement of citizens from across social groups in practice ¹³².

Different theorists have recognized broadly and highlighted that if a certain group has been excluded or marginalized from participation, it is highly likely that the decisions will not fully respond to their concerns. However, the presence of participants from different social groups alone is not sufficient when observing inclusiveness, as it is well known that citizens have different political skills, confidence and efficacy to affect the political output. Thus, the presence of diverse groups does not equate to equality of voice.

¹²⁸ Smith 2009, pp.20-21.

¹³¹ Smith 2009, p. 21.

¹³² Smith 2009, p.20-21.

Hence, one should pay attention to whether the design of democratic innovations enhances the citizens' opportunities to voice their views and whether "that formal right is given substance by the provision of resources to support those less experienced and confidence"¹³⁵. Inclusiveness in the democratic innovation would also mean that the citizens have an equal opportunity to affect the output of the institutions, and that the procedures and rules governing the output are fair. Inclusiveness is eventually as matter of "[c]an democratic innovations be designed so that differentials that traditionally affect levels of engagement across social groups are reduced or even neutralised"¹³⁶.

According to Smith's findings from the study of various of democratic innovations, the only innovation that guarantees the equality of voice for all participants with regard to the final decision-making is direct legislation. The innovations designed to follow direct legislation ensure that every citizen that participates has equal influence on the final decision. However, the downside of direct legislation is that if there is an inequality of presence of different social groups, it directly translates into an inequality of voice and hence to the differential impact on decisions across social groups.¹³⁹ Smith's research suggests that "effective facilitation or moderation can be crucial to ensuring that marginalised voices are heard"¹⁴⁰.

One can see already from the description of this good that the analytical framework really is based on the broadly accepted fundamental democratic features regardless of democratic theory. Inclusiveness is closely linked to political equality, which was already discussed in the previous chapters of this thesis, and inclusiveness of the ECI will be partly analysed through the data collected for this thesis and partly based on previous research conducted on the ECI. But first the second good, namely popular control, will be introduced.

¹³⁵ Smith 2009, p.20-21.

¹³⁶ Smith 2009, p.22.

¹³⁹ Smith 2009, p.167.

¹⁴⁰ Smith 2009, p.167-168.

3.2.2. Popular control

As mentioned earlier, inclusiveness is a broadly applied term in democratic theory and in empirical studies, but much less attention has been paid to how democratic innovations realize popular control. Popular control audits whether the citizens decide on politically salient matters (such as budget) or restricts the participation of citizens to certain areas or policies. To put it more simply, popular control observes how much citizen participation affects the decision output. With regard to democratic innovations there is often a concern that participation is manipulated by political elites. Graham Smith states that the design of democratic innovations should be judged to “the extent to which the citizens are afforded increased influence and control within the decision-making process”¹⁴³.

When examining popular control, one needs to distinguish the various stages of the political decision-making process, which in Smith’s framework are problem definition, option analysis, option selection and implementation. Smith acknowledges that the political decision-making process is far more complex and not as linear as in reality, but defining the process roughly like this will serve its purpose in this analytical framework.¹⁴⁵ Firstly, with respect to problem definition, the democratic theorists recognize how powerful interests are capable of agenda-setting: defining problems to the advantage of certain interests, or sidelining disputed issues is one of these ways. Smith notes that often participation has been limited to ‘safe’ issues in order to suppress conflict. Another way to influence problem definition is power-sharing between different institutions, meaning that the agenda-setting can be done by “division of labour across political institutions: the scope of participation will be limited by the powers of relevant public authority”¹⁴⁶. In the case of democratic innovation, it could mean that the innovation could be established by a local authority and thus participation constrained to the limits that the authority has competence to act upon. According to Smith, it is typical that democratic innovations are established by public authorities, hence it is crucial to pay attention to the process ‘by which problems are defined and options analysed through forms of citizen engagement.’¹⁴⁷

¹⁴³ Smith 2009, pp.22-23.

¹⁴⁵ Smith 2009, p.23.

¹⁴⁶ Smith 2009, p.23.

¹⁴⁷ Smith 2009, p.23.

3.2.3. Considered judgement

Graham Smith argues that the two previously mentioned goods, inclusiveness and popular control, are stressed in the definitions of democracy, but the discussion on the legitimacy of citizen participation is connected to the citizens' ability to make thoughtful and reflective judgements in political decision-making. This means that the citizens should be given the chance to make informed and reflective assessments of the matters at hand, so that their political decision-making would not be based on raw preferences. Raw preferences refer to citizens' narrow private interests and pre-existing knowledge. To enhance citizen participation in political decision-making, considered judgement must be enhanced. However, considered judgement does not only mean that people have more information but also the fact that they need to consider other peoples' views on the matter. Smith mentions Hannah Arendt's definition of "enlarged mentality" to best describe this aspect of considered judgement.¹⁵¹

The way in which considered judgement is realised in democratic innovations varies according to their design. When talking about making judgements, the citizens may deliberate the judgements individually or collective judgements may be made. However, Smith points out that Warren believes considered judgement to be an "unfamiliar requirement in contemporary polities"¹⁵³. Smith continues that there are several ways to support the formation of the "enlarged mentality", but the design of the democratic innovations cannot be planned to *ensure* that citizens achieve such considered judgement.¹⁵⁴ Smith refers to Claus Offe and Ulrich Preuss in explaining that it can be challenging to design democratic innovations that would enhance considered judgement: "It appears to be a largely novel task to think about institutional arrangements and procedures which could generate a selective pressure in favour of this type of reflective and open preference-learning, as opposed to fixed preferences that are entirely derivative from situational determinants, rigid beliefs or self-deception"¹⁵⁵. In his analysis, Smith concludes that when comparing the democratic innovations, direct legislation has arguably the design where citizens are least prepared to make a considered judgement.¹⁵⁶ Although, the comparative study by

¹⁵¹ Smith 2009, p.24.

¹⁵³ Warren 1996:242 in Smith 2009, p.24.

¹⁵⁴ Smith 2009, p. 25.

¹⁵⁵ Offe and Preuss 1991, p. 168 in Smith 2009, p. 25.

¹⁵⁶ Smith 2009, p.173.

Smith solely considers referendums or initiatives that are *binding* to represent direct legislation¹⁵⁷. Unfortunately, these beforementioned aspects of considered judgement cannot be studied in regards of the data of this study, as the quantitative classification of the information on the launched initiatives does not answer the question on whether the stakeholders of the ECI have has a chance to deliberate amongst each other while launching the initiative. However, the question on considered judgment of the ECI should be studied in further research.

3.2.4. Transparency

*The ability of citizen to scrutinize the activities of institutions is crucial to any democratic system and is fundamental to building trust and confidence to political process*¹⁶⁴.

In the context of democratic innovations, transparency can be viewed in two regards. Firstly, transparency regarding the citizens who take part in the process and secondly, the external transparency of the innovations, which is often called “publicity”. In the first case, transparency should be realized in ensuring that citizens have a clear understanding on the conditions under which they are participating. To enable this the citizen should have a clear understanding of, for example, - “how has the issue under consideration been selected, who is organizing the process, how will the outputs of the process affect political decisions?”¹⁶⁵. What comes to the publicity of the innovations, it is important to realize external transparency when the innovations engage a wide public or all citizens, and has a significant effect on public decisions. Publicity serves to judge if the institutions and their outputs are legitimate and trustworthy.¹⁶⁶ In the case of the ECI both aspects of transparency should be considered as the ECI involves all citizens of the EU member

¹⁵⁷ Smith 2009, p.112.

¹⁶⁴ Warren 1999 in Smith 2009, p.25.

¹⁶⁵ Smith 2009, p.25.

¹⁶⁶ Smith 2009, p.26.

states. The data of this study answers partly the question on the internal transparency, thus it is only shortly discussed in the analysis chapter of the thesis.

3.2.5. Efficiency

When assessing democratic innovations one of the goods to be examined is efficiency. Smith elaborates that this means examining the demands that the innovations place on citizens and institutions. Doing so, one needs to consider if these demands are worth bearing individually and socially. It is also notable that it is not only the costs and benefits of the innovation that should be considered when assessing efficiency, but also the costs and benefits of not embedding participation within the decision-making process.¹⁷⁰

The demands that different innovations place on citizens vary. If, once again, direct legislation is taken as an example, it is shown in Smith's research that it places the fewest demands on citizens with regard to time and engages an impressive level of citizens in terms of numbers. However, if citizens are trying to qualify a proposition (which is the case of the ECI) the costs are much higher. One also has to note that although the cost for citizen participation in direct legislation might be low, the differential turnout across social groups can be high and direct legislation has a relatively poor track record of reversing this. The demand that direct legislation places on institutions varies with the form that direct democracy takes. Also, Smith notes that in direct democracy resistant bureaucracies might occur, and this raises concerns pertaining the effective implementation of decisions.¹⁷² Hence, "[t]he capacity of citizens to use the court system or ombudsmen to challenge implementation deficit thus becomes a crucial aspect of the effectiveness of direct legislation"¹⁷³.

It is hard to determine what is too high of a cost of a democratic innovation for the citizens or institutions. In his studies, Smith has found that citizens are willing to engage and

¹⁷⁰ Smith 2009, p.26.

¹⁷² Smith 2009, p.179.

¹⁷³ Smith 2009, p.124.

devote a significant amount of their time to political participation under certain circumstances.¹⁷⁶ In these cases the design of the innovation has enabled the citizen to participate in decision-making tied to the citizen's areas of personal interest and/or matters that are in direct contact with their lives. Example are popular assemblies in Porto Alegre, Brazil, where citizens could impact through participatory budgeting the city's budget with respect to their neighbourhood. Although the cost for institutions has been high, it has been seen as worth paying.¹⁷⁷ Efficiency of the ECI will be assessed later in the analysis chapter. However, as Smith reminds, the calculations on efficiency are unfortunately not clear-cut¹⁷⁸.

3.2.6. Transferability

The second institutional good for assessing democratic innovations, in addition to efficiency, is transferability. This good can be described to examine transferability from at least three angles. First, whether the innovation can be implemented also on another scale (bigger or smaller). Second, transferability considers whether the innovation only functions effectively in certain types of political systems, and third, whether the design of the innovation limits its use to particular types of issues.¹⁸²

When considering transferability of the ECI one can say that it is *sui generis* at least in its procedural design for collecting the statements of support. At least in 2012 it was the only innovation that had transnational e-gathering of signatures on such a large scale¹⁸³. Thus, transferability of the ECI cannot be examined fully in this study as the data of this study does not answer all the questions pertaining to transferability, nor does the study on transferability add to the research question on what kind of participation the ECI has realised in practise. However, the study on transferability would make a great research question for further studies.

¹⁷⁶ Smith 2009, p.180.

¹⁷⁷ Smith 2009, pp. 62-64, 179.

¹⁷⁸ Smith 2009, p.180.

¹⁸² Smith 2009, p.26-27.

¹⁸³ Kauffmann 2012, p. 228-229.

4 RESEARCH DESIGN

4.1 The research questions

The research question of this thesis is *what kind of participation has the ECI produced in practise?* For understanding and studying political participation with regard to democratic innovations this thesis will implement the analytical framework of Graham Smith presented in the preceding chapter. Smith has distinguished six democratic goods which function in conceptualizing democratic innovations. However, only four of these goods are in line with the research question and can be answered by the data employed by this study. Hence, this thesis concentrates on examining *inclusiveness, popular control, efficiency* and *transparency* of the ECI, and the following questions will be addressed:

1. *How does the ECI ensure equality of voice, i.e. inclusiveness?*
2. *What kind of popular control does the ECI realise?*
3. *What are the costs and benefits, i.e. efficiency of the ECI?*
4. *Does the ECI act in a transparent manner?*

The first research question on inclusiveness can be examined by observing the *stakeholders* that have been the initiators of the ECIs. Also, inclusiveness means observing whether the ECI motivates the engagement of citizens from across social groups. However, the data of this study can only answer the question on the variety of stakeholders, and will have to set aside the analysis of the participants' social groups for future studies.

The next question on popular control will be addressed by assessing the policy areas that the citizens have launched initiatives on. The assessment of popular control demands a

discussion on whether the policies that the stakeholders have initiated have been politically salient. This includes examining whether the initiatives that the Commission has agreed to register have been salient issues. Also, in the analysis of popular control it has been observed how the initiatives have been handled by the appropriate institutions, namely the Commission and European Parliament, and whether the institutions have proposed follow-up measures of the initiatives.

The third question on efficiency deals with the questions of what is the cost for a successful initiative with regard to getting proposed as an initiative to change EU legislation, and what is the cost that the ECI places on other institutions. Considering the data used in this study, efficiency has been observed by the number of initiatives launched during these five years, and by viewing the distribution of the initiatives accepted and rejected to collect the statements of support by the Commission.

The fourth question on transparency examines whether the citizens have had the proper knowledge on the conditions of the decision-making under the ECI. Hence the design of the ECI has been discussed in regards of the admissibility test that the Commission has applied in registering initiatives. This question has been discussed in the light of the chronological data on the number of refused and accepted initiatives by the Commission.

The previously mentioned four research questions will be examined in the light of the data that utilizes qualitative classification of the information on all the citizens initiatives initiated during its first five years of implementation. The data of this thesis will be presented in more detail in the following chapter.

4.2 Data

The data of this study includes information on all the initiatives made from 9th of May 2012 to 18th of October 2017. Part of the data has been illustrated in the infographic table seen in the annexes of the thesis.¹⁸⁶ The data has been collected based on the information

¹⁸⁶ See infographic table in Annexes I-VI.

provided by the ECI Support Centre and the European Citizens' Initiative official register.¹⁸⁷ The classification of the data is based on the infographic table provided by the ECI Support Centre, which included information on all the initiatives made during 2012-2014 and the first initiative launched in the year 2015. The original table classified the information on the initiatives into the following 11 categories: date of registration/ refusal, registration number, name, accepted/ refused/ withdrawn, policy area, type of promoter [i.e. stakeholders], origin, languages, funds, stage of the process, signatures collected & method of collection of the initiative.¹⁸⁸ As the table included only the initiatives made during the first two years of ECI, additional data on the initiatives in the time period of 1st of January 2015 to 18th of October 2017 was collected for this thesis by the author. The information provided by the ECI Support Centre was then standardized with the classification of the additional information collected for this thesis.

The aim of the study was to collect data from the first five years of implementation of the ECI. To be exact, the data collection should have stopped in May 2017, but the author of this thesis saw it necessary to also include the initiatives made during June- to mid-October 2017 in order to ensure accurate information on the current situation of the initiatives. During the year 2017 exceptionally many initiatives were launched, and therefore it was relevant for the analysis of the ECI to include the initiatives made after May 2017 as well. Thus, the collection period was extended until the 18th of October. This date was determined because of the practical reasons of the study and the last changes that occurred in the initiatives, namely the submission of the fourth citizens' initiative (on October 6th, 2017) that had succeeded in collecting over 1 million statements of support.

The data has been analysed by classifying the different stakeholders and elaborating the policy areas that the launched initiatives have touched upon. Within these two aspects the chronological process of the initiatives has been observed. In the next chapters the data is introduced in more detail. First, the current state of the citizen's initiatives is discussed, second, the classification of the stakeholders is presented, and third, the data on the policy areas of the initiatives is introduced.

¹⁸⁷ The ECI Support Centre is a joint initiative of the European Citizen Action Service, Democracy International and Initiative and Referendum Institute Europe. The ECI Support Centre is a not-for-profit service, whose purpose is to provide advice and information to ECI organisers before and during the process of launching and implementing an ECI.

¹⁸⁸ ECI Support Centre 2015.

4.2.1 The current state of the citizens' initiatives

The current state of the citizens' initiatives can be seen in table 1. By the 18th of October 2017 there have been altogether 66 requests for the registration of proposed citizens' initiatives. From these 66 initiatives, over two thirds (47) have been accepted for registration by the Commission, and 19 (originally 21) initiatives refused by the Commission as the initiatives fell outside the framework of the Commission's powers. Currently only four initiatives have reached the threshold of 1 million signatories and have been submitted to the Commission, namely "*Right2Water*", "*One of us*", "*Stop vivisection*" and "*Ban glyphosate and protect people and the environment from toxic pesticide*". Three initiatives have already been answered by the Commission, but as the fourth initiative (*Ban glyphosate and protect people and the environment from toxic pesticides*) was submitted on 6th of October 2017, the Commission is still in the process of answering the initiative and its reply is due on 8th of January 2018.¹⁹²

The number of initiatives is relevant for this study as the analysis of efficiency of the ECI leans towards this quantitative data. In the analysis of the study, the number of initiatives has been refined and analysed in chronological order and with regard to accepted and rejected initiatives. In the next chapter the classification of the stakeholders of the ECI will be presented.

¹⁹² European Citizens' Initiative's official register.

Registered						Not registered
Collection ongoing	Withdrawn by its organisers	Collection closed (not yet submitted to EC)¹⁹⁷	Closed initiatives without the required support¹⁹⁸	Submitted to the Commission – answer pending	Answered by the Commission	Registration refused
8	14	1	20	1	3	19
47						
66						

Table 1 The current situation of the European Citizens' Initiatives¹⁹⁹

4.2.2 Classification of stakeholders

In the previous studies, researchers have used diverse classifications of the stakeholders of the ECI. For example, Luis Bouza García has studied the signature collection campaign which was launched to test the ECI before its implementation in 2012. He divided the stakeholders into five groups; officials (MP's, MEP's etc.), national civil society or-

¹⁹⁷ The Commission formally does not have any information about whether the organisers managed or failed to collect the required number of statements of support of these initiatives.

¹⁹⁸ The Commission does not have official information regarding the exact number of collected statements of support for these initiatives.

¹⁹⁹ The table is an updated version of the table at the "Report from the Commission to the European Parliament and the Council - Report on the application of regulation (EU) No 211/2011 on the Citizens' Initiative". See European Commission 2015. The information on the table is based on the information at the European Citizens' Initiative official register in October 18th, 2017.

ganizations, EU civil society organizations, business, new and undisclosed organizations.²⁰⁰ The study by Hedling and Meeuwisse created a typology which classified the stakeholders into three groups²⁰¹. Then again, the report by the European Citizen Action Service has divided the stakeholders into nine diverse groups²⁰².

In this study the stakeholders have been classified into ten separate groups, including the not known stakeholders (N/A). This classification follows the structure of the infographic by the ECI Support Centre. This classification was chosen as in comparison to other studies, it gives the broadest view on the actors that have launched initiatives. The ten categories for stakeholders in this study are: *national organisation*, *European organisation*, *NGO group (Industry and NGO partnership/ Transnational NGO's)*, *political party*, *informal group*, *informal group (young people)*, *new organisation*, *new organisation (European network)*, *new organisation (young people)*. Also, a considerable number of stakeholders were not known (N/A). The group of not known stakeholders was included into the classification as keeping the group in the sample was essential to assessing transparency of the ECI.

The classification of the stakeholders has been important to the analysis of the ECI's inclusiveness. Inclusiveness of the ECI has been analysed in the analysis chapter where the classification of the stakeholders has been further elaborated into established organizations and new stakeholders. In the next chapter the policy areas of the launched initiatives have been introduced.

4.2.3 The policy areas of the initiatives

The policy areas of the launched ECI's were classified into 12 different categories following the structure of the ECI Support Centre table. The policy areas are: *justice*, *environment*, *social*, *constitutional*, *animal welfare*, *education*, *transport*, *telecommunications*, *civil society*, *youth*, *health*, *international agreements*. The policy areas have been examined by comparing the three sample groups; all 66 initiatives to the

²⁰⁰ Bouza García 2013.

²⁰¹ See eg. Hedling & Meeuwisse 2015

²⁰² See eg. ECAS 2014.

19 initiatives refused for registration and to the 47 initiatives accepted to collect signatures by the Commission. In the table by the ECI Support Centre some of these policy areas were also divided to sub-areas such as: environmental issues to environmental energy or environmental social issues, and justice matters to social or privacy issues.²⁰⁶ However, in harmonizing the data of the ECI support Centre with the data collected by the author, only 12 previously mentioned main categories were kept. Later, the 12 policy areas of the initiatives have been compared to the nature and extent of general EU policy involvement. The classification of the policy areas of the ECI has a significant role in analysing popular control of the ECI. The next chapter on the methodology of this thesis elaborates how the classification has been applied utilizing the analytical framework with regard to popular control, efficiency and inclusiveness.

4.3. Methodology -applying the analytical framework

This study utilizes the quantitative data presented previously and the data has been analysed through analytical framework of Graham Smith. The framework introduces six democratic goods through which the democratic innovations can be analysed. However, the data of this study sets certain realms of possibilities to the use of the analytical framework. For example, the data would not answer the question on ECI's transferability nor on how considered judgement has been realized in regards of the ECI. Therefore, only four democratic goods of the framework have been addressed, namely inclusiveness, popular control, efficiency and transparency. Hence, the data has been classified so that it would answer the four sub-research questions, which are connected to these four goods. It is important to note that as this thesis takes a very narrow approach in terms of data, these previously mentioned goods are only partly examined, and further research would be needed to fully answer the state of play of these goods. Hence the results of the analyses chapter are not conclusive in nature, but may suggest and bring forward some aspects of these goods and how have they been realized when reviewed through this quantitative data.

²⁰⁶ ECAS 2014.

Inclusiveness of the ECI has been examined in classifying the data to show the variety of stakeholders who have launched initiatives and has been further analysed with the comparison of established stakeholders and new organizations. Popular control of the ECI has been through the classification of the policy areas that the launched initiatives have touched upon. Finally, efficiency of the ECI has been discussed in observing the chronological process of the initiatives, and comparing the emergence of accepted and initiatives refused for registration by the Commission. The results of the analysis have been then compared to the suggestions of previous research.

5 ANALYSIS

5.1 How does the ECI realize inclusiveness?

Inclusiveness of political innovations can be studied in examining the fairness of selection of rules and procedures. The rules and procedures lays a question on who has the right to participate. The analysis of ECI's inclusiveness means observing who counts as a citizen and what kind of participation the ECI has enabled in practice. The legislative framework of the ECI (Regulation No 211/2011 of the European Parliament and of the Council) sets the limitations on who is considered as a citizen in regards of the ECI. The regulation on ECI will be thus discussed later in this chapter.

By the analytical framework of Graham Smith, the assessment of inclusiveness of the democratic innovations should also include the examination on how the innovations motivate the engagement of citizens across social groups in practice. Smith points out that the study of inclusiveness of the democratic innovations should observe if the innovation excludes or marginalizes certain social groups.²⁰⁸ Unfortunately, the data of this study does not include information on the social groups of the citizens who have launched or signed the initiatives. Here it is important to understand that social groups and stakeholders do not mean the same thing. By social groups I understand groups that are defined e.g. by gender, age or ethnicity etc. The stakeholders are the possible organizations or groups that the citizens' committees are connected with. Thus, in this study inclusiveness will be discussed in the level of which organizations or groups has the ECI mobilized to launch initiatives. Hence, this analysis reviews the classification of the stakeholders of the ECI.

The question on how the ECI constitutes its demos can be first observed by returning to the Regulations on the ECI. There are at least two aspects of inclusiveness that one should note in regards of the Regulations of the ECI. Firstly, who the ECI counts as a citizen and what kind of design (open vs. closed group of participants) the ECI follows. The Regulation (No 211/2011) of the European Parliament and of the Council states that:

The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing,

²⁰⁸ Smith 2009, 21.

*inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative*²⁰⁹.

The TEU calls upon reinforcing the citizenship of the Union and the participation of every citizen of the Union. What stands out is that even though the aim is to include everyone, the Regulation limits the usage of the tool to EU citizens²¹⁰. This leaves out the citizens that are residents of the EU Member States but are non-EU citizen by nationality. Hence, the ECI reinforces the position of the EU citizens but not all its residents. In addition, in his study Graham Smith notes that the lack of universal documentation to identify European citizens when verifying the signatories leads to a varying definition of the 'citizens of the Union' depending on national polities²¹¹. This means that the procedure on how the Member States verify the signatories vary. Some Member States demand a personal identification, which limits the use to nationals of the Member State. Also, some of the Member States do not require such identification, but the member states might not allow the expat citizen of the Member State to sign the ECI if the citizen is residing in another state. As Smith conducted his study in 2012 when there was no empirical data on the use of the, he suggested that the formulation of the Article 3 (4) of the Regulation 'generates potential inequalities of participation'²¹². As many of the further research, also the Commission's own assessment on the ECI from the first three years show that this part of the Regulation has realized as an issue of concern and to exclusion of some EU citizens²¹³. However, as mentioned earlier in this Thesis the Regulation of the ECI is to be reviewed and one of the suggestions of it is "*The personal data to be provided by signatories are simplified via a unified approach based on nationality and on the basis of two options covering all Member States*"²¹⁴. Keeping in mind these limitations of the design of the ECI, inclusiveness of the ECI will be next observed through the classification of the stakeholders that have participated in launching the initiatives. The classification of the stakeholders has been illustrated in Figure 1.

²⁰⁹ European Parliament and the Council 2011.

²¹⁰ The Article 3 (4) of Regulation No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative states '*In order to be eligible to support a proposed citizens' initiative, signatories shall be citizens of the Union and shall be of the age to be entitled to vote in elections to the European Parliament*'.

²¹¹ Smith 2012, p. 283.

²¹² Smith 2012, p. 281.

²¹³ European Commission 2015, p.14.

²¹⁴ European Commission 2017, p. 46.

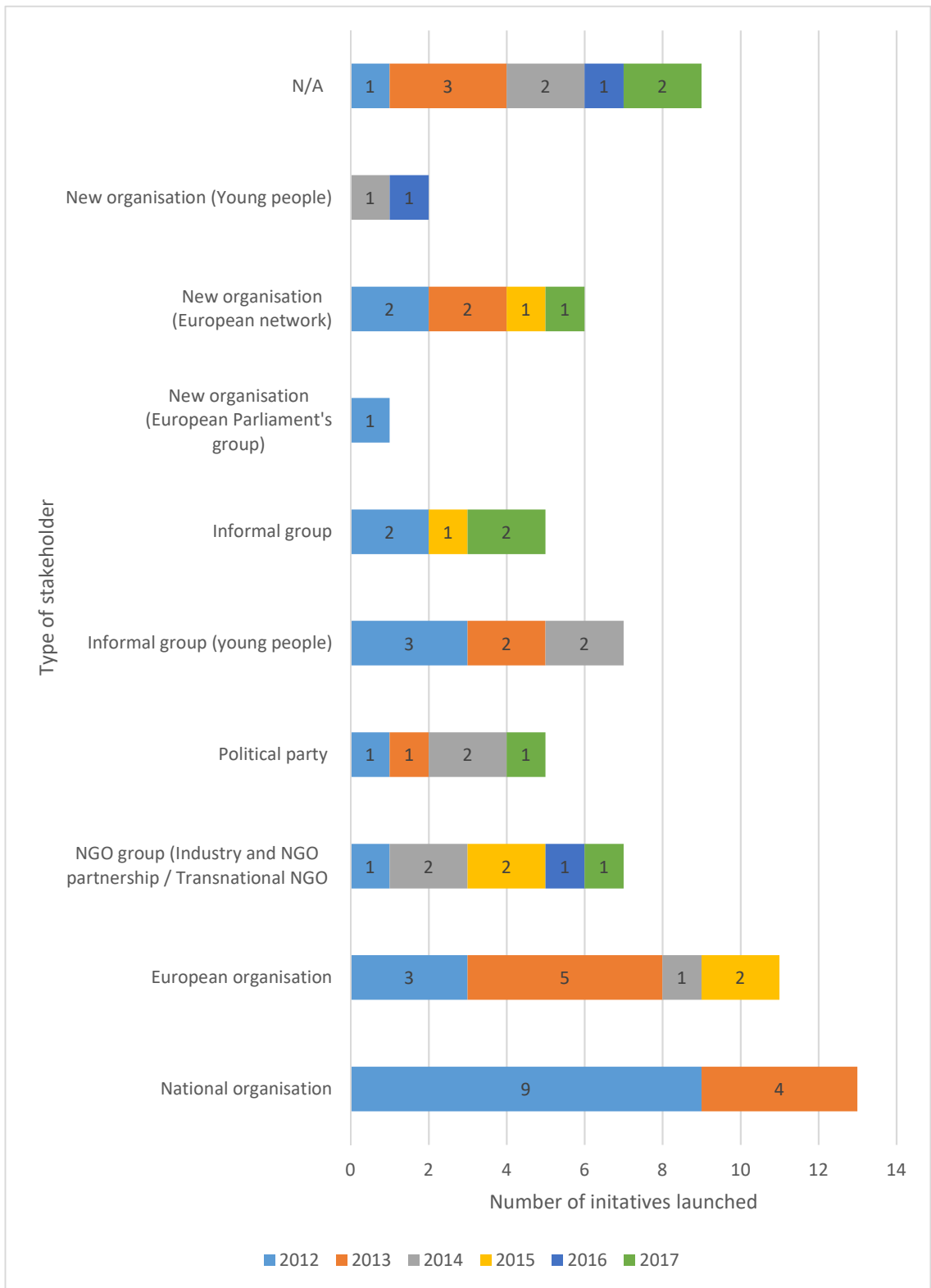


Figure 1 Classification of the stakeholders of the ECI

Figure 1 provides an overview on the number of initiatives that each group of stakeholders has launched yearly. It also shows the chronological activity of the stakeholders from 9th of May 2012 until 18th of October 2017. As seen in Figure 1, in terms of sheer numbers, the *national organizations* have initiated the most initiatives (13 initiatives) during the review period. It can be noted that the national organizations were only active the first two years after the ECI was implemented. The second highest number of initiatives (11 initiatives) have been launched by the *European organizations*, which have not been active in the past two years. The stakeholders coming from national or European organizations include for example national or European level civil society organizations, trade unions, religious movements, or unions of certain policy areas such as environmental issues. If the stakeholders from *informal group* and *informal group of young people* are combined, the number of initiatives launched by this group (12 initiatives) would raise this group as the second most active group of stakeholders.

The classification of *new organizations* has been separated to three distinct groups, distinguishing *European Parliament's group*, *groups of young people* and *European networks*. In comparison of the activity of the stakeholder's in numbers, it would be logical to combine also these three groups. By doing so the new organizations are the fourth most active groups of stakeholders as they have launched altogether 9 initiatives. The *NGO's (or industry and NGO partnership)* have launched seven initiatives and *political parties* five initiatives. The stakeholders of nine initiatives could not be identified, mainly because six initiatives were refused for registration by the Commission, and the information provided on the refused initiatives is much narrower than on the accepted initiatives.

When the classification of the stakeholders is observed in regards of connections to stakeholders from the representative politics, the group of *political parties* was one of the smallest groups in terms of launching initiatives. From the five initiatives launched, the Commission refused for registration of four initiatives. From these four refused initiatives three can be traced back to a German politician Michael Berlin, who is leading a small and relatively new political party, Partei GMD (Gesunder Menschenverstand Deutschland). His initiatives were driving for referendums and direct democracy as a tool for legislative and executive power in the EU and was asking a self-abolition of the European Parliament and its structures. All his initiatives were launched before the 2014 European Parliament elections, which can explain the purpose of these initiatives in trying to reach the local voters and presenting the agenda of the new party. The fourth refused initiative

was launched by the European Parliament group and was called ‘*Création d'une Banque publique européenne axée sur le développement social, écologique et solidaire*’²¹⁶. The only initiative by the political parties that was registered, was launched in May 2017 and is called: “*Let us reduce the wage and economic differences that tear the EU apart!*”. This initiative was launched by coalition of national political parties from Bulgaria, Croatia, Estonia, Hungary (e.g.. Jobbik), Latvia, Poland, Romania, Slovakia.

In regards of political parties, the classification of the data is somewhat overlapping as also one of the groups classified of *new organization* consisted of *members of the European Parliament*. This group of new organization which consisted of stakeholders from political background acted only once 2012 and launched the initiative “*Suspension of the EU Climate & Energy Package of the EU*”. This initiative was registered by the Commission, but did not manage to collect sufficient number of statements of support. One can conclude that even though there have been initiatives launched by political parties or coalitions, the ECI has not been used extensively as an arena for politicians or political parties. Although Michael Berlin and his three initiatives can be described as anti-establishment in nature, the Eurosceptic-groups or anti-establishment movements have not activated in the use of the ECI. In this sense the ECI has managed in its goal to function as a platform of citizen participation and not for political elite. However, it cannot be ruled out that the participants who would count as political elite, would not be participating beyond their roles as politicians and thus be part of the other stakeholder groups.

Whilst the classification of the stakeholders to 12 groups serves the examination of the variety of the stakeholders, the analysis of inclusiveness of the ECI benefits from comparison between the established groups and new stakeholders (Figure 2). The stakeholders from all new organizations and from all informal groups are combined to represent the *new stakeholders*. Although, the informal groups might include actors from civil society organizations, they can be still classified as non-established as the composition of the group can still mostly be identified as informal. The stakeholders of national and European organizations, NGO groups and political parties have been considered as *established stakeholders*.

As seen in figure 2, over half of the all initiatives were launched by the established stakeholders and 21 initiatives from the new organizations and informal groups. This shows

²¹⁶ In English: ‘Creation of a European Public Bank focused on social, ecological and solidarity development’. Translation by the author.

that the ECI has been able to mobilize not only the already organized civil society organizations, but also citizens' that might have not been involved in EU's decision-making processes before the ECI was launched. This result is in accord with recent studies by Bouza García indicating that the ECI is “fostering the entry of new actors in the field”²¹⁷.

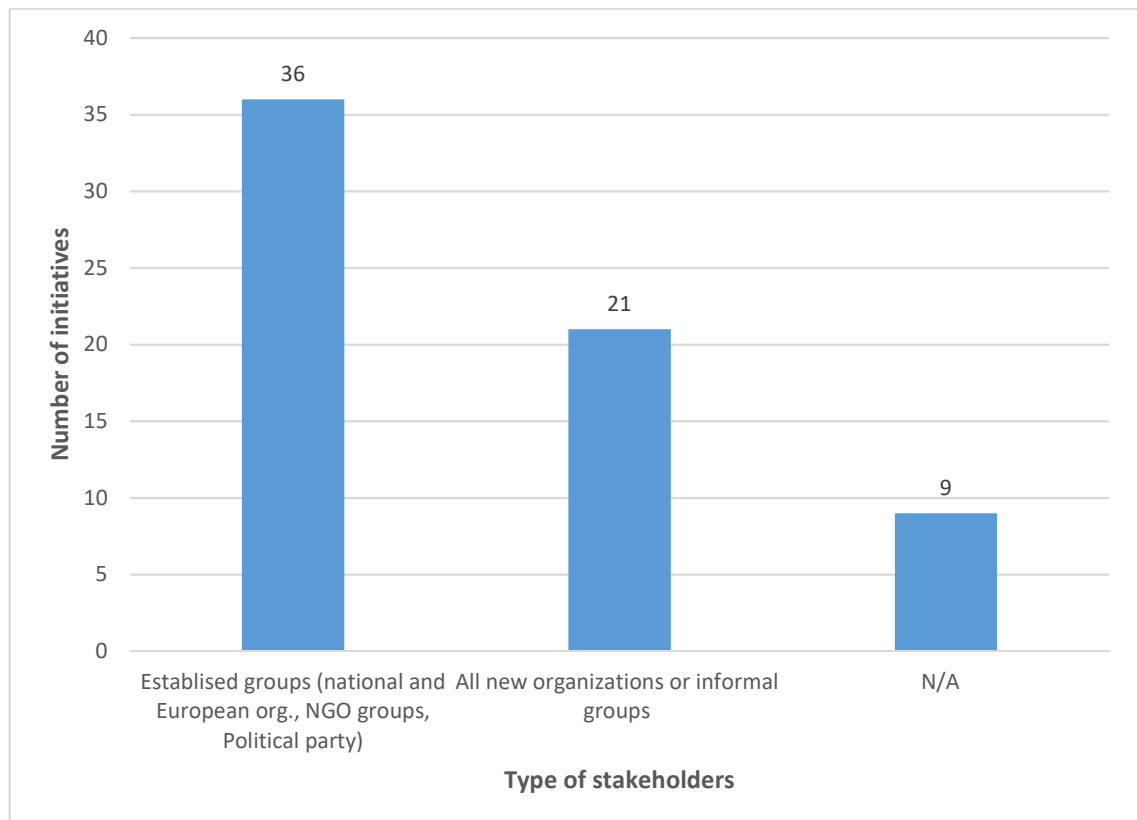


Figure 2 Comparison of established and new stakeholders

Finally, the ECI follows open design in the selection of who has the right to participate. As mentioned earlier, the open design of the democratic innovations does not mean that it best serves inclusiveness. The relatively high number of established stakeholders launching initiatives confirms this notion. Also, for the marginalised voices to be heard an active facilitation or moderation is needed from the democratic innovations. Although

²¹⁷ Bouza García 2015b, p. 187.

the data of this study did not touch upon the composition of the stakeholders by social groups, the role of the ECI in taking care of the equality of voice is discussed briefly.

Provided that the established stakeholders mostly include participants that are not from excluded social groups, the design of the ECI does not offer a special moderation to the voice for politically marginalized social groups to be heard. This is common for the democratic innovations which follow the design of direct legislation that the ECI closely resembles. Some democratic innovations, such as participatory budgeting or some mini-public, foster the voices of marginalized groups much more²¹⁹. The Commission has offered facilitation for citizens to launch an initiative, for example offering the services of point of contact (Europe Direct) and a free open source software for organizing online collection. Although these efforts might facilitate the stakeholders to launch initiatives, the measures are not promoting the voice of the marginalized groups to be heard as such. Even though the assessment of the ECI's role as a moderator and facilitator for equality of voice might sound as a fault of the tool, one must bear in mind that it is unlikely that any particular democratic institution would fully realise all the six democratic goods, and the innovations realise these goods in diverse ways²²⁰. Smith has suggested that the design of the ECI could be further developed by adding "a representative sample of European citizens to consider any proposition that achieved the requisite thresholds"²²¹. Smith proposes this further empowerment of citizens as a solution to the decision-makers problem on how much weight they should put on the voice of the successful initiatives, in other words the voice of the one million citizens, which equates 0.25 per cent of the European adult population²²². This suggestion could also contribute to the lack of support for minority voices to be heard and adding inclusiveness of the ECI. In addition to inclusiveness, a second democratic good, namely popular control, will be analysed in the next chapter.

²¹⁹ See more on these forms of democratic innovations e.g. Smith 2009, Setälä & Schiller 2012.

²²⁰ Smith 2009, p. 20.

²²¹ Smith 2012, p. 288.

²²² Smith 2012, p. 286.

5.2 How does popular control appear in the ECI?

When studying popular control, one needs to pay attention to whether the citizens are deciding on salient matters and whether the extent to which the citizens are granted increased influence and control within the decision-making process. The various stages of political decision-making process need to be distinguished to examine popular control. Smith has detailed the decision-making process to four stages, which are problem definition, option analysis, option selection and implementation²²³. In the analysis of the ECI the data of this study will enlighten the first aspect of the decision-making process, namely the problem definition. As the thesis what kind of participation the ECI has produced in practise, the policy areas that the stakeholders have addressed have taken under scrutiny. Later in the analyses the policy areas of the ECI have been compared to the extent and nature of the general EU policy involvement.

The analysis of the ECI has been conducted in classifying all the launched initiatives by policy areas and comparing whether certain policy areas have passed the admissibility test of the Commission more often than others (Figure 3). As explained in chapter 2.2 on the ECI's legislative framework, the Commission registers the initiative only if:

- “the proposed citizens’ initiative does not manifestly fall outside the framework of the Commission’s powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;
- (c) the proposed citizens’ initiative is not manifestly abusive, frivolous or vexatious;
- (d) the proposed citizens’ initiative is not manifestly contrary to the values of the Union as set out in Article 2 TEU”²²⁴.

The figure illustrates how many initiatives have been launched regarding each policy area, and how many of those initiatives have been registered or rejected to collect signatures. There data shows that there have been initiatives from a wide spectrum of the policy areas. The figure shows that the most commonly proposed policy areas amongst all initiatives

²²³ Smith 2009, p.23.

²²⁴ European Parliament and the Council (2011), Regulation *No 211/2011* Article 4(2).

were *justice, constitutional, environmental, social and animal welfare* matters. The overview of all the policy areas addressed shows that there has not been a clear division to right-wing or left-wing political matters. If there were such division, this could be described as old politics. However, almost all the initiatives could be considered as a form of “new politics”

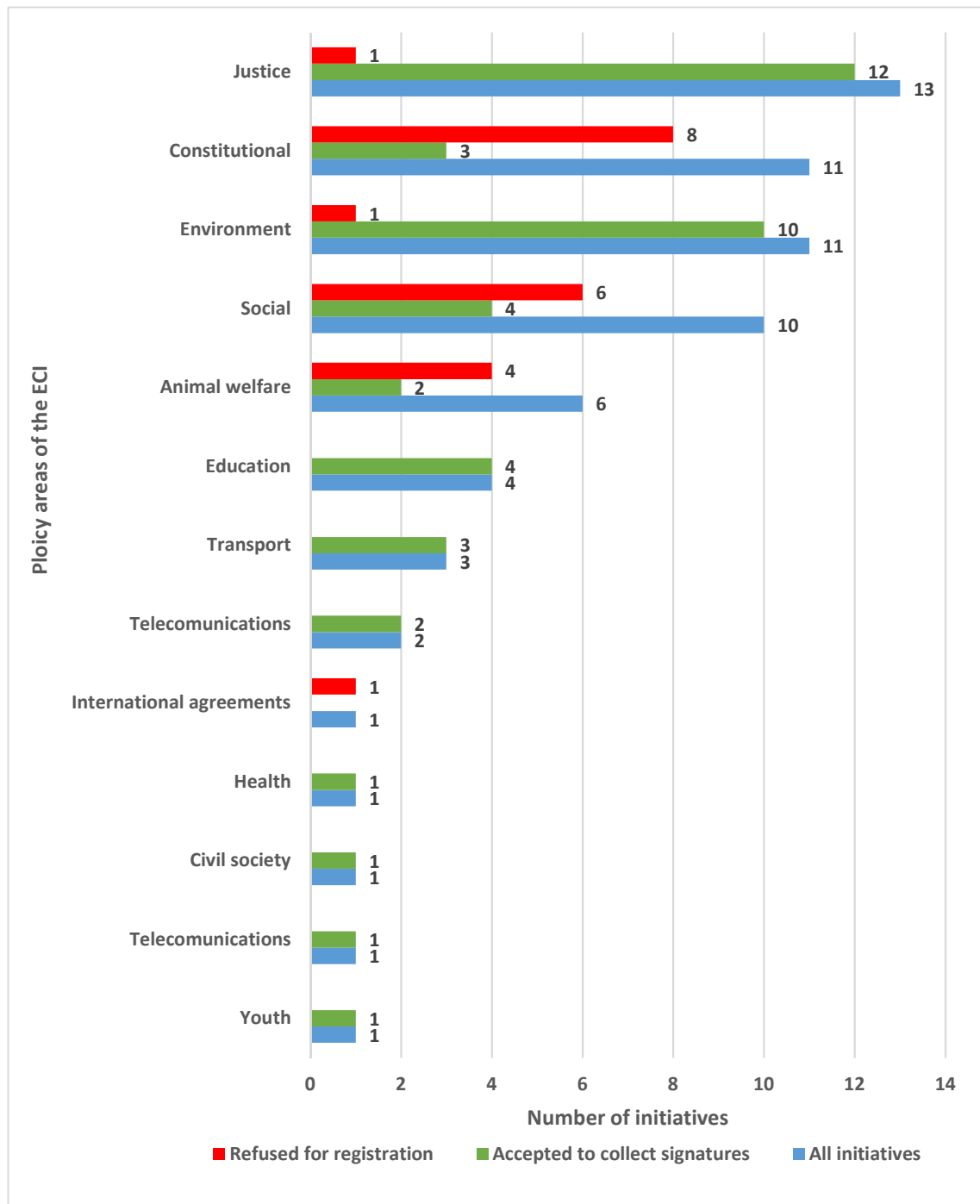


Figure 3 Policy areas of the initiatives

Amongst the most common policy areas, most often accepted for registration by the Commission were *justice* matters (12 initiatives) and *environmental* issues (10 initiatives). The policy areas of the initiatives that were refused more times than accepted by the Commission were constitutional, *social*, and *animal welfare* issues. The highest number of refused initiatives were on constitutional matters, as eight out of 11 initiatives were refused for registration. The second highest number of refused initiatives were regarding social matters, as six out of ten initiatives were not registered. The third most rejected policy area was animal welfare issues, as four out of six initiatives on were refused for registration. These policy areas were amongst the most common policy areas, which might explain also the high number of refused initiatives. However, what stands out is that the most popular policy area was justice, and only one initiative from that policy area was not registered. Hence the popularity of policy area in terms of launched initiatives cannot be the only reason for high number of refused initiatives from these policy areas. For understanding the core of the EU's involvement in different policy areas a brief comparison of the policy areas of the ECIs and the extent and the nature of the EU policy involvement in general has been conducted. The conceptualization of the nature (Table 2) and the extend (Table 3) of EU's policy involvement by Neill Nugent has been used for this comparison ²²⁵.

²²⁵ Nugent 2010.

Heavy reliance on legal regulation	Very considerable reliance on legal regulation	A mixture of legal regulation and inter-state cooperation	Some legal regulation but a considerable reliance on inter-state cooperation	Largely based on inter-state cooperation
Trade Agriculture Fishing	Regional Competition Environmental Consumer protection Working conditions Equal opportunities Market regulation	Industrial Transport Movement across external borders Macroeconomic Energy	Social welfare Energy Defence Law and order Lisbon Strategy issues (mainly concerning economic growth and employment)	Health Education Foreign and defence

Table 2 The nature of EU policy involvement ²²⁶

Extensive EU policy involvement	Considerable EU policy involvement	Policy responsibility shared between the EU and member states	Limited EU policy involvement	Virtually no EU involvement
Trade Agriculture Fishing Monetary (for euro members)	Market regulation Competition	Regional Industrial Foreign Environmental Equal opportunities Working conditions Consumer protection Movement across external borders Macroeconomic (especially for euro members) Energy Transport Cross-border crime Civil liberties (especially via the Charter of Fundamental Rights)	Health Education Defence Social welfare	Housing Domestic crime

Table 3 The extent of EU policy involvement

²²⁶ Nugent 2010, p. 284.

When the policy areas of the most often refused initiatives (namely constitutional and social issues) are compared to the nature of the EU's policy involvement (Table 2) it can be noticed that in these policy areas the EU has some legal regulation, but has a considerable reliance on inter-state cooperation. Also, when the observing the initiatives that were accepted more often than refused for registration, namely environmental and justice policy areas, it can be seen that the EU is considered to have a very considerable reliance on legal regulation on environmental issues. The initiatives in the policy area of justice varied in their nature if compared to table 2. If classified according to the policies shown in table 2, the initiatives on justice issues are scattered to those that the EU has generally very considerable reliance on legal regulation to those that the EU has only some regulation. The initiatives touched upon for example, equal opportunities/social welfare (*'For a socially fair Europe! Encouraging a stronger cooperation between EU Member States to fight poverty in Europe'*), movement (*'European Free Movement Instrument'*) and social welfare (*'Unconditional Basic Income (UBI) - Exploring a pathway towards emancipatory welfare conditions in the EU'*). This comparison shows that the Commission has, at least to some extent, followed the general nature of the EU's policy involvement in deciding the admissibility of the initiatives.

The extent of the EU's policy involvement has been seen in (Table 3 shown below). It can be observed that the so-called core policies of the EU are trade, agriculture, fishing and monetary policies. The most popular policy areas of ECI, namely the initiatives on justice, constitutional, environmental issues, have been compared to the extent to which the EU has generally involved in certain policy areas. The comparison shows that in these policy areas the EU has had limited policy involvement, or it has been shared between the EU and member states. The study by Tapio Raunio and Matti Wiberg in 1999 reported that the citizens tend to demand EU involvement in the policy areas where it does not (or at least did not have at that time) the competence to act. Such issues were at the time employment, environmental problems, the fight against international crime and dealing with international crises.²²⁸ This thesis ascertains the results of this previous study, in regards that the EU citizens are still demanding the EU to act in the policy areas which it does not have competence to act or the nature of its involvement is limited. However, nowadays the environmental policy issues are much salient in the EU than in 1999. After

²²⁸ Raunio & Wiberg 1999, 158.

these comparisons it is important to remember that the EU's policy involvement is developing constantly. As Nugent states, '*If treaty provision is no guarantee of policy development, lack of provision is no guarantee of lack of development.*'²²⁹ It could be that the ECI could be one of the forms to affect the policy development of the EU.

The ECI resembles democratic innovations of direct legislation, namely the initiative and popular referendums, in that sense that the problem definition has granted to citizens. In other words, the power to put forward propositions is in the hands of the European citizens. However, in all democratic innovations the problem definition has been often influenced in limiting the scope of participation to a certain political institution, and thus participation can realize only within the powers of relevant public authority²³⁰. Thus, the citizens might not decide on the politically salient issues. In case of the ECI the policy areas within which the stakeholders can launch initiatives have been restricted to proposals that are in line with implementing the Treaties, and are in the powers of the Commission. However, the results of the comparisons conducted above suggest that the citizens regard different matters as politically salient than what the EU does.

As discussed previously Smith's study demonstrated that citizens are willing to invest their time for deciding on very complex issues if the proper facilitation of the process has been put in place by the democratic innovation. It is important to note that democratic innovations can enhance popular control by granting citizens significant power to influence the decision-making, in for example authority over budgetary matters as has been done in some popular assemblies. Smith reminds that in practice '*the influence of political and economic elites cannot be discounted, particularly when we consider the final investment that is needed to successfully launch a proposition and the capacity of such elites to influence public debate (option analysis)*'²³¹ Also, in respects to problem definition, the democratic theorists recognize how the powerful interest are capable of agenda-setting and there is a common concern that participation is manipulated by political elites²³². Also in the case of the ECI it can be said that the Commission influences significantly to the way popular control can be realized in the ECI by refusing to register initiatives. The role of the Commission has been observed also in the next chapter handling efficiency of the ECI. Democratic innovations place demands for institutions and citizens,

²²⁹ Nugent 2010, p. 280.

²³⁰ Smith 2009, p.23.

²³¹ Smith 2009, p. 170.

²³² Smith 2009, p.23.

and the cost for using the innovation can affect the way the institutions and citizens use the democratic innovation.

5.3 Effectiveness: what are the costs and benefits of the ECI?

Examining efficiency means observing the demands that innovations place on citizens and institutions, and whether these demands are worth bearing individually and socially. The data of this thesis mainly serves to shed light on the state of citizen participation and does not go into detail in regard to the management of the ECI on the institutional level. Thus, the cost and benefits which the ECI grants citizens has been the focus of analysing efficiency of the ECI. This has been done by observing the chronological emergence of the initiatives from May 2012, when the ECI was launched until the 18th of October 2017 (Table 4). The total number of initiatives shows the burden that the Commission must bear when handling the initiatives. The question on the cost of the ECI has first been approached by observing the division of the initiatives to accepted and refused ones, and the threshold of registering the initiative has then been discussed. It must be noted that it is not only the costs and benefits of the innovation that should be considered when assessing efficiency, but also the costs and benefits of not embedding participation within the decision-making process ²³³. This aspect has also been noted while conducting the analyses of the ECI's efficiency.

Table 4 shows that there has been a clear declining trend in the number of the initiatives since the implementation of the ECI in 2012. During the first year there were 23 launched initiatives and during the second year 17 launched initiatives. The enthusiasm for launching initiatives during the first years could be expected as it is natural for of all new innovations to attract attention and interest. After the very active years of 2012-2014, the number of initiatives launched has dropped drastically to 10 or less initiatives per year. However, it seems that this year (2017) the the declining trend will cease as 7 initiatives have already been launched and two initiatives initially refused for registration are currently collecting statements of support. In table 4 these two initiatives have been included

²³³ Smith 2009, p.26.

in the category of refused initiatives and placed under the year when they were originally launched (“Minority SafePack – one million signatures for diversity in Europe” in 2013 and “STOP TTIP” in 2014). Thus, the reason for deviation on current number of initiatives collecting signatures seen in in table 1 and table 4 is a result of this difference in their classification. These two refused initiatives have been shown by their original status to illustrate the chronological order of each year. For the sake of an example, in regards of efficiency, the two initiatives have created double the cost for the stakeholders as well as the EU institutions, not forgetting also the burden for the court system. This example shows well that there is a high cost for in many levels if the initiative is hastily refused to be registered.

When the initiatives accepted and refused (table 4) are observed, one can notice that there have not been any refused initiatives in 2015 or 2016, which might reflect the overall decline in the number of initiatives launched. The reason for the declining interest and eagerness to launch initiatives might be due to the disappointment of the citizens in the high number of initiatives refused for registration in the first three years. The stakeholders might have become more aware of the demands that the ECI places in launching the initiative and do not launch initiatives as eagerly as before.

Year	European Citizens' Initiatives submitted for registration to EC	Accepted	Refused for registration
2012	23	16	7
2013	17	9	8 ²³⁴
2014	10	5	5 ²³⁵
2015	6	6	-
2016	3	3	-
2017	7	6	1
n	66	45	21

Table 4 The European Citizens' Initiatives in chronological order

It is also notable that there have not been any withdrawn initiatives after September 2016. The last initiative to be withdrawn was ‘*Let'sfly2Europe: Enable safe and legal access to Europe for refugees!*’ on September 2nd, 2016 ²³⁷. The development in withdrawn initiatives can reflect the citizens declining eagerness to test the ECI as much as they have done in the first years of the implementation of the tool. The stakeholders might have considered the cost to test their ideas in launching an initiative too high and propose initiatives in the issues which are in the so called ‘safe zone’.

Nevertheless, as the interest in testing the tool for the mere sake of testing has decreased, when it comes to issues that are important enough to citizens they might not consider the burden of using the ECI to be too high. This conclusion can be drawn when looking at the chronological emergence of the initiatives in regards of the crises that the EU has

²³⁴ Includes originally refused initiative ‘Minority SafePack – one million signatures for diversity in Europe’. The European Commission registered the initiative in 2017 after the decision by General Court of the European Union, which annulled the Commission’s decision.

²³⁵ Includes originally refused initiative ‘STOP TTIP’.

²³⁷ See Annexes V.

faced. The previous study on the ECI has found that the moments of crisis for the EU have led to an increase in number of initiatives. The ECI was introduced when the EU faced a major Eurozone crisis and later the Refugee Crisis and both crises were followed by an increase of initiatives.²³⁹ Many of the previous studies have not had the chance to consider one of the biggest crises of the EU, namely Brexit. The data of this thesis shows that in 2017 there were already three citizens' initiatives which were directly connected to Brexit. Two initiatives are urging to retain the citizenship of the EU, and one initiative aims to stop Brexit. The initiative 'Stop Brexit' was however refused for registration. The example shows that the ECI enables citizen participation when citizens feel the matter at hand is salient enough, and the burden to test the initiatives is not seen too high in such cases. This result confirms Smith's finding that citizens are willing to engage and to devote a significant amount of their time to political participation under certain circumstances. The result also suggests that the benefit of implementing the ECI is higher than for not implementing this democratic innovation as, at least in moments of crisis, citizens have a tool through which they can make their concerns heard.

Most of the cost for implementing the ECI has been placed to the Commission. It might be that the unpreparedness and under-resourcing of the Commission play a role in the high number of refused initiatives. The cost of refused initiatives has then again been shown in the active use of General Court of the European Union Court and European Ombudsman by the stakeholders. However, the ECI also places some cost on the European Parliament that is responsible for handling the successful initiatives. On the other hand, there have only been four successful initiatives to collect one million signatures so far, and it therefore cannot be said that the ECI places a very high burden on the European Parliament. There has only been one successful initiative ('Right2Water -for promoting the provision of water and sanitation as essential public services for all') that could be said to have an impact on the legislation of the EU as the Commission has suggested amendments to the Drinking Water Directive. Thus, the cost for EU institutions or Member States to implement new legislation has been minimal. Of course, there are many other administrative costs resulting from the implementation of the ECI, such as now the review of the ECI regulation, which sets some cost to relevant EU institutions and the Member States.

²³⁹ See eg. Böttger et al.2016.

As discussed previously, it is not clear-cut to determine what is too high of a cost for a democratic innovation. The ECI most certainly places an excessive cost for the citizens in achieving a successful initiative. However, even when an initiative has not succeeded to collect the one million signatures and take part in the decision-making process of the EU through that particular path, many of the stakeholders have continued to campaign on the issues of the initiative after the signature collection period has officially ended. A recent study suggests that *'the contestation they [continuing campaigns], generate across national boundaries seems to challenge the premise that the EU has an insulated system of participatory governance unsuitable for democracy'*²⁴¹. This confirms the notion that the benefit of implementing the ECI is probably higher than the cost of not implementing it.

5.4 Does the ECI act in a transparent manner?

Firstly, if a democratic innovation aims to enhance transparency, its design should ensure that citizens are aware of the conditions of decision-making that come with the innovation. While the analysis of popular control was conducted above, the examination of the policy areas of the ECI showed that the citizens have proposed initiatives in policy areas in which the Commission does not have competence. Thus, the Commission has refused to register a high number of initiatives (originally 21 initiatives, which is one third from all launched initiatives). A study by Hedling and Meeuwisse discusses the political factors that the refused initiatives have touched upon. Their study ascertains that there are many contested and well known political issues in the European sphere that the refused initiatives have addressed, such as legalisation of prostitution, abolition of nuclear power, bull fighting and animal rights. The researchers mention that the initiatives should be in line with EU politics and stakeholders should understand the complex system of EU governance when launching an initiative²⁴³. This finding suggests that the ECI does not come off well when it comes to transparency, as citizens might not be aware of the EU's areas of competence. Also, the Commission has been criticized for not applying the admissibility test in registering initiatives predictably. The study by the European Citizens Action

²⁴¹ See more e.g. Greenwood & Tuokko 2016.

²⁴³ Hedling & Meeuwisse 2015, p. 224.

survey gives an example of lack of transparency in regards of the admissibility test of the ECI in two first years of its implementation:

“The practice of applying the Regulation by the Commission suggests that in a number of cases:

- the legal admissibility test was too narrowly applied (e.g. because the proposed initiative correctly identified a legal basis in the Treaties, and the subject matter of the initiative fell within the scope of the EU’s competence);*
- the decision to refuse registration was arbitrary (e.g. because initiatives with similar characteristics were treated differently); and/or*
- the reasons given for rejection were incomplete (e.g. because the Commission did not fully address all the Treaty provisions cited as a legal basis)”²⁴⁴.*

This criticism shows that the high number of initiatives does not directly correlate with the fact that citizens have not have had the knowledge on the EU’s competence. Rather, it suggests that the design of the ECI has not enhanced transparency, as the decisions of the Commission have not been predictable, at least not during the three first years. It is hard to say whether transparency of the ECI has been improved after the first years of its implementation as there has the number of initiatives refused has seen a clear decline. In fact, there were no refused initiatives in 2015-2016. However, the total number of initiatives was also remarkably low during that period. Also, as discussed previously, it is not clear why the number of initiatives has dropped drastically. Either the overall interest of citizens has faded as the new tool is used less just for the sake of testing it, or the citizens find the threshold to launch an initiative too high. The number of initiatives launched has increased in 2017 and there has been one initiative refused for registration. However, with two rulings of General Court of the European Union annulling the decision of the Commission to register an initiative and a major review of the ECI regulation going on, one could expect transparency of the ECI to improve when the regulations and the normative rules of the ECI evolve over time.

²⁴⁴ ECAS 2014.

6 CONCLUSIONS

This thesis has examined the European Citizens' Initiative in the first five years of its implementation, in the period from 1st of May 2012 until 18th of October 2017. The aim of the study was to review what kind of participation the ECI has produced in practise during this period. To assess the quality of the participation and the ECI as a tool for participation, the analytical framework of Graham Smith was implemented, and thus further research questions were presented. The thesis analysed how has the ECI ensured inclusiveness, in which extent the ECI has realized popular control, what are the costs and benefits, i.e. efficiency of the ECI and has the ECI acted in transparent manner.

In this thesis inclusiveness was reviewed in regards of which organizations or groups, i.e. stakeholders the ECI had been able to mobilize to launch initiatives. As the data of this study did not include information on the social groups (e.g. gender, age or ethnicity etc.) of the citizens who have launched or signed the initiatives, the results of this analysis are only partial and further research on inclusiveness of the ECI is called for. These studies would have to address such questions as does the ECI marginalize certain social groups and whether the revision of the ECI regulation would enhance inclusiveness of the ECI. Nevertheless, when the fairness of selection of rules and procedures of the ECI was reviewed, the findings suggest that during the first five years of the ECI the tool has not been able to include all the residents of the EU, as the regulations on who counts as a "citizen" vary according to Member States. This places a resident who does not obtain the nationality of any EU Member State, but lives in one of the EU Member States, in an unequal position. Also, some Member States do not allow an expat citizen of a Member State to sign the ECI if the citizen resides in another state, which places the citizens who obtain the citizenship of an EU Member State in an unequal position.

The second major finding on the ECI's inclusiveness was that the ECI was mostly used by stakeholders who are already established. However also a notable number of new and informal stakeholders had launched initiatives. This finding implicates that the ECI has been able to mobilize not only the civil society organizations that are already fairly organized, but also citizens that have not been involved in EU's decision-making processes before the ECI was launched. This finding is consistent with previous research by Luis

Bouza García which found that the ECI promotes the entry of new actors in the field²⁴⁵. Also, the ECI has not been taken over by political elites, at least when it comes to launching initiatives, as only a small number of initiatives can be traced as having a connection to political parties. However, in this study the composition of the citizens' committees was examined only in regard to stakeholder groups while the background of the individual citizens who form the committees was not analysed. Thus, it cannot be ruled out that the participants who count as political elite were not participating beyond their roles as politicians and thus be part of the other stakeholder groups. This limitation of the data shows once again that the study on the stakeholders of the ECI in a more detailed level would be necessary for further research on the ECI.

Another possible area of future research would be to investigate the suggestion of Graham Smith that the design of the ECI could be developed by adding 'a representative sample of European citizens to consider any proposition that achieved the requisite thresholds'²⁴⁶. This solution might solve the decision-makers' problem of how much weight they should put on successful initiatives as a successful initiative with one million signatures is only equivalent to 0.25 per cent of the European adult population. This suggestion could also contribute to helping minority voices be heard and greater inclusiveness of the ECI. What makes this suggestion problematic, and which often seems to be the problem of the EU as a whole, is that the representativeness of the Member States would have to be considered. This again might lead to a situation where inclusiveness of social groups might remain neglected. Nevertheless, favoring this so called *representative sample* might enhance a democratic good which this thesis did not have the chance to discuss, namely *considered judgement*. If the principle of the representative sample were to be implemented, citizens could have the possibility to deliberate among each other and the requirement to consider each other's opinions. Thus, popular control of the ECI could be enhanced by the design of the ECI and citizens would not be left to make their decisions based on the so called *raw preferences*. Both the democratic good of considered judgement and the principle of the representative sample would make interesting topics for future research.

The findings on popular control of the ECI somewhat overlap with the results of the assessment of the ECI's efficiency. Hence, the concluding marks on these democratic goods are discussed jointly in this chapter. One of the most significant factors that impacts both

²⁴⁵ Bouza García 2015b, p. 187.

²⁴⁶ Smith 2012, p. 288.

democratic goods is the key role that the Commission obtains due to the design of the ECI. The Commission performs a gatekeeper role when it comes to registering initiatives and deciding on further actions to be taken for the initiatives that have succeeded to collect one million signatures. This affects popular control of the ECI, as the extent to which the citizens are granted increased influence and control within the decision-making process is limited by the Commission. Also, efficiency of the ECI is affected by this dynamic as the citizens might consider the threshold to launch initiatives too high. It does not help that the Commission has refused almost one third of the initiatives launched.

The analyses of the ECI's popular control shows that citizens place emphasis on matters different than the issues which have traditionally been at the core of the EU. This could partly explain the numerous initiatives refused by the Commission and might in turn have affected the decreasing number of initiatives as citizens feel that the cost for launching an initiative is too high. However, the increase in number of initiatives in 2017 reasserts the finding of previous studies that in the moments of crisis, citizens are willing to launch initiatives regardless of the high cost of doing so. These findings suggest that the ECI might enable citizens to participate when they feel that the matter is salient enough. Thus, the ECI might contribute to creating at least a temporary EU-wide public sphere. This result adds to the findings that suggest that the benefit of implementing the ECI is higher than for not implementing this democratic innovation. It appears that at least in moments of crisis, the citizens have a tool through which they can make their concerns heard. Nevertheless, further studies need to be carried out in order to validate these findings as there might be several reasons why there is again an increase of launched initiatives. It would be interesting to assess popular control and efficiency if the design of the ECI would be amended so that the citizens could propose legislative acts beyond the scope of EU Treaties. This change of design could empower citizens to be involved in the decision-making process of the EU and could add the satisfaction of citizens towards the EU, which again could reflect positively into the legitimacy of the EU.

When the analyses of the ECI's transparency were conducted, the gatekeeping role of the Commission was noted once again. The analyses found that the design of the ECI has not enhanced transparency, as the decisions of the Commission have not been predictable, at least not during the three first years. There have been two rulings of the General Court of the European Union that have annulled the decision of the Commission to refuse two initiatives, which are already indicators that the design of the ECI has not enhanced its

transparency. However, the assessment of the ECI's transparency in this thesis discussed only the internal transparency in regard to the Commission, but transparency of the stakeholders was not reviewed. As the research question of this thesis focused on what kind of participation the ECI has produced, transparency of the stakeholders was not examined, even though some parts of the data utilized in this study could have shed light on that question as well. Also, the external transparency of the ECI, which could also be called publicity, was not analysed for this same reason, and because the data of this thesis would have not contributed to the assessment of this aspect. These choices made could be the weakness of this study, and transparency of the ECI would be excellent topic for future research. Yet, it might be that the evaluation of transparency could be even more beneficial after the major process of reviewing the ECI regulation has come to an end and the normative rules of the ECI have evolved over time. The proposed changes to the regulation of the ECI and the positive trend of Commission not refusing to register as many initiatives as before (or at least a higher pressure to the Commission to accept initiatives after the two Court rulings annulling the Commission's decision to refuse two initiatives), there is a possibility that transparency of the ECI will improve, or at least more accurate results could be drawn after these changes.

What can the ECI change in EU decision making? When the ECI is assessed in regard of its impact on the legitimacy or democratic deficit of the EU, it cannot be said that the ECI has had a significant role in improving either of these aspects. The high threshold for launching a successful initiative might cause dissatisfaction amongst citizens, which must be considered when the legitimacy of the EU is examined. Then again, the results of this study regarding the participation that the ECI has produced in practise suggest that the ECI functions as a channel for the citizens to address the issues they find salient in the moments of crises. In that sense, even if the ECI has not improved the state of legitimacy of the EU or provided a cure for the EU's democratic deficit like many politicians claim, it can be said that at least the ECI has not worsened the situation of the EU in terms of these aspects. Keeping in mind the results of the analysis of the ECI's efficiency that suggest that the cost for not implementing the ECI would be higher than implementing it, it can be concluded that the ECI is indeed to a certain extent an enabler, if not a promoter, of democratic participation.

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N	Date of registration/refusal	Registration number	Name	Accepted/refused/withdrawn	Policy area	Type of promoter	Origin	Languages	Funds	Stage of the process	Signatures collected & Method of collection
1	9.5.2012	ECI(2012)000001	Fraternité 2020 - Mobility. Progress.Europe http://en.fraternite2020.eu	Accepted	Youth	Informal group (young people)	European-wide	24	€ 7.000	End campaign	70.412 (online)
2	10.5.2012	ECI(2012)000002	Single Communication Tariff Act http://www.onesingletariff.com/	Accepted/withdrawn	Telecommunications	Informal group (young people)	France	19	N/A	Withdrawn on 03/12/2012	N/A
3	10.5.2012	ECI(2012)000003	Water and sanitation are a human right! Water is a public good, not a commodity! www.right2water.eu	Accepted	Environment; social	European organisation (Trade Union Association)	Brussels	24	€ 140.000	Answered by the EC (19/03/2014) =legislative proposals by the EC / http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/follow-up/2012/000003/en	1,659,543 (online and paper)
4	10.5.2012	ECI(2012)000004	EU Directive on Dairy Cow Welfare	Accepted/withdrawn	Animal welfare	Industry and NGO partnership (Ben & Jerry's, Compassion in World Farming, WSPA)	UK	13	€ 345.567	Withdrawn on 20/07/2012	293.511 (online and paper) (ECAS)
5	11.5.2012	ECI(2012)000005	One of us www.oneofus.eu	Accepted	Justice; social	National organisation (Christian movements)	Italy (European-wide)	23	€ 159.219	Answered no further proposals by the EC / http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/follow-up/2012/000005/en	1,721,626
6	11.5.2012	ECI(2012)000006	Let me vote	Accepted/withdrawn	Justice	National organisation (Europeans sans frontière) - Democracy International support	France (European-wide)	N/A	N/A	Withdrawn on 29/01/2013	N/A
7	30.5.2012	N/A	Fortalecimiento de la participación ciudadana en la toma de decisiones sobre la soberanía colectiva	Refused	Constitutional	National organisation	Spain	1	N/A	N/A	N/A
8	30.5.2012	N/A	Recommend singing the European Anthem in Esperanto www.europo.eu	Refused	Constitutional	European organisation (EEU - European Esperanto Union)	Brussels	4	N/A	N/A	N/A
9	30.5.2012	N/A	My voice against nuclear power www.my-voice.eu	Refused	Environment	National organisation (Friends of the Earth)	Austria	1	N/A	N/A	27.528
10	22.6.2012	ECI(2012)000007	Stop Vivisection www.stopvivisection.eu	Accepted	Animal welfare	National organisation (Equivita)	Italy (European-wide)	24	€ 23.651	Answered by the EC, no legal action: http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/follow-up/2012/000007/en	1,173,130

Annex I – The European Citizens’ Initiatives in 2012, page 2/2

11	16.7.2012	ECI(2012)000008	High Quality European Education for All 2	Accepted	Education	Informal group (MEET - Movement for a European Education Trust)	Brussels	24	€ 17.000	End campaign - Insufficient support	N/A (online)
12	16.7.2012	ECI(2012)000009	Pour une gestion responsable des déchets, contre les incinérateurs http://ice.id.st/	Accepted	Environment	Informal group	France	1	N/A	End campaign - Insufficient support	754 (online and paper)
13	19.7.2012	N/A	Abolición en Europa de la tauromaquia y la utilización de toros en fiestas de crueldad y tortura por diversión	Refused	Animal welfare	National organisation (Catalan organisations antibullfighting Reagrupament - Independentista, RCAT)	Spain	1	N/A	N/A	N/A
14	8.8.2012	ECI(2012)000010	Suspension of the EU Climate & Energy Package http://www.affordable-energy.eu/	Accepted	Environment	New organisation (European Parliament's group)	Poland	21	€ 2.500	End campaign - Insufficient support	N/A (online and paper)
15	27.8.2012	ECI(2012)000011	Central public online collection platform for the European Citizen Initiative www.openpetition.eu	Accepted	Civil society	National organisation (House for democracy and Human rights)	Germany	1	N/A	End campaign - Insufficient support	N/A
16	6.9.2012	N/A	Création d'une Banque publique européenne axée sur le développement social, écologique et solidaire	Refused	Social	Political party (European Parliament's group)	France	1	N/A	N/A	N/A
17	6.9.2012	N/A	ONE MILLION SIGNATURES FOR "A EUROPE OF SOLIDARITY" www.1million signatures.eu	Refused	Social	National organisation (SEISACHTHEIA)	Greece	8	N/A	N/A	N/A (online)
18	6.9.2012	N/A	Unconditional Basic Income	Refused	Social	National organisation (European network)	Germany	1	N/A	N/A	N/A
19	1.10.2012	ECI(2012)000012	End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights www.endecocide.eu	Accepted/withdrawn	Environment	New organisation (European network)	UK	4	€ 2.291	Withdrawn on 21/01/2013	N/A
20	5.10.2012	ECI(2012)000013	European Initiative for Media Pluralism www.mediainitiative.eu/	Accepted/withdrawn	Justice	European organisation (European Alternatives)	European-wide	10	€ 2.000	Withdrawn on 04/02/2013	9.000 (online and paper)
21	13.11.2012	ECI(2012)000014	30 km/h - making the streets liveable! http://en.30kmh.eu/	Accepted	Transport	New organisation (European network)	Germany	14	€ 12.050	End campaign - Insufficient support	44.291 (online and paper)
22	19.11.2012	ECI(2012)000015	Kündigung Personenfreizügigkeit Schweiz	Accepted/withdrawn	Justice	N/A	Germany	1	€150.000	Withdrawn on 04/02/2013	N/A
23	3.12.2012	ECI(2012)000016	Single Communication Tariff Act http://www.onesingletariff.com/	Accepted	Telecommunications	Informal group (young people)	France	23	€ 2.000	End campaign - Insufficient support	145.000 (online)

Annex II – The European Citizens’ Initiatives in 2013

24	14.1.2013	ECI(2013)000001	Unconditional Basic Income (UBI) - Exploring a pathway towards emancipatory welfare conditions in the EU http://basicincome2013.eu/	Accepted	Social	New organisation (European network)	Germany	12	€ 2.580	End campaign - Insufficient support	285.042 (online and paper)
25	21.1.2013	ECI(2013)000002	End Ecocide in Europe: A Citizens’ Initiative to give the Earth Rights www.endecocide.eu	Accepted	Environment	New organisation (European network)	UK	22	€ 3.324	End campaign - Insufficient support	105.740 (online and paper)
26	21.1.2013	N/A	Enforcing selfdetermination Human Right in the EU	Refused	Constitutional	N/A	N/A	N/A	N/A	N/A	N/A (online)
27	28.1.2013	ECI(2013)000003	Let me vote www.letmevote.eu/	Accepted	Justice	National organisation (Europeans sans frontière) - Democracy International support	France	11	N/A	End campaign - Insufficient support	3.604 (online and paper)
28	10.6.2013	ECI(2013)000004	Act 4 Growth	Accepted	Social	National organisation	European-wide	1	€ 12.500	End campaign - Insufficient support	1.052 (online)
29	17.6.2013	ECI(2013)000005	Teach for Youth -- Upgrade to Erasmus 2.0 www.teachforyouth.wix.com/teachforyouth	Accepted/withdrawn	Education	Informal group (young people)	France	4	N/A	Withdrawn on 15/06/2014	563 (online)
30	18.7.2013	N/A	Ensemble pour une Europe sans prostitution légalisée	Refused	Social	N/A	N/A	1	N/A	N/A	N/A
31	25.07.2013	N/A	Cohesion policy for the equality of the regions and sustainability of the	Refused	Constitutional	National organisation (Region)	N/A	1	N/A	N/A	N/A
32	25.7.2013	N/A	Stop cruelty for animals	Refused	Animal welfare	N/A	N/A	1	N/A	N/A	N/A
33	6.08.2013	ECI(2013)000006	DO NOT COUNT EDUCATION PENDING AS PART OF THE DEFICIT! EDUCATION IS AN INVESTMENT! www.invest-in-education.eu	Accepted	Education	National organisation (Network for reforms in Greece and in Europe - Diktio)	Greece	7	N/A	End campaign - Insufficient support	N/A (online)
34	19.8.2013	ECI(2013)000007	European Initiative for Media Pluralism www.mediainitiative.eu/	Accepted	Justice	European organisation (European Alternatives)	European-wide	16	€ 2.000	End campaign - Insufficient support	200.000 (online)
35	29.10.2013	N/A	To hold an immediate EU Referendum on public confidence in European Government's (EG) competence. https://www.facebook.com/events/295106783962068/?ref=22	Refused	Constitutional	Political party (Michael Berlin)	Germany	1	N/A	N/A	N/A
36	5.11.2013	N/A	Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!	Refused	Social	European organisation (Trade Union Association)	Brussels	1	N/A	N/A	N/A
37	6.11.2013	N/A	Our concern for insufficient help to pet and stray animals in the European Union	Refused	Animal welfare	European organisation (ESDAW)	Sweden	1	N/A	N/A	N/A
38	20.11.2013	ECI(2013)000008	Weed like to talk www.weedliketotalk.wix.com/wltd	Accepted	Social; health	Informal group (Young people)	France	8	N/A	End campaign / Insufficient support	169.791 (online)
39	25.11.2013	ECI(2013)000009	European Free Vaping Initiative http://www.efvi.eu/ Accepted Health European organisation (European network) Hungary 7 N/A End campaign 181.555 (online)	Accepted	Health	European organisation (European network)	Hungary	7	N/A	End campaign / Insufficient support	181.555 (online)

Annex III – The European Citizens’ Initiatives in 2014

23.1.2014	N/A	The Supreme Legislative & Executive Power in the EU must be the EU Referendum as an expression of direct democracy https://www.facebook.com/pages/Europeans-United-Against-the-EuropeanUnion/177345762276737	Refused	Constitutional	Political party (Michael Berlin)	Germany	1	N/A	N/A	N/A
23.01.2014	N/A	A new EU legal norm, self-abolition of the European Parliament and its structures, must be immediately adopted https://www.facebook.com/pages/Europeans-United-Against-the-EuropeanUnion/177345762276737	Refused	Constitutional	Political party (Michael Berlin)	Germany	2	N/A	N/A	N/A
3.2.2014	ECI(2014)000001	Turn me http://turnmeoffinitiative.weebly.com/	Accepted/ withdrawn	Environment; energy	Informal group (Young people)	France	1	N/A	Withdrawn on 22/04/2014	N/A (online)
7.3.2014	ECI(2014)000002	New Deal 4 Europe - For a European Plan Special Plan for Sustainable Development and Employment http://www.newdeal4europe.eu/	Accepted/ withdrawn	Environment, social	European organisation (Trade Union Association; European Federalists, European Movement)	European-wide	14	€ 2.000	Withdrawn on 30/01/2015	N/A (online and paper)
24.03.2014	ECI(2014)000003	MOVEUROPE	Accepted/ withdrawn	Transport	new organisation (Young people)	France	1	N/A	Withdrawn on 26/06/2014	N/A (online and paper)
26.3.2014	N/A	Ethics for Animals and Kids Refuse	Refused	Animal welfare	N/A	Germany	1	N/A	N/A	N/A
5.8.2014	N/A	Vite l'Europe sociale ! Pour un nouveau	Refused	Justice; Social	N/A	France	1	N/A	N/A	N/A
1.10.2014	ECI(2014)000004	An end to front companies in order to secure a fairer Europe http://www.transparencyforall.org/	Accepted	Justice; social	Transnational NGO (Transparency International)	France	23	N/A	End campaign / Insufficient support	3.717 (online)
19.12.2014	ECI(2014)000005	For a socially fair Europe! Encouraging a stronger cooperation between EU Member States to fight poverty in Europe	Accepted	Justice; social	Informal group (young people)	France	22	N/A	End campaign / Insufficient support	N/A

Annex IV – The European Citizens’ Initiatives in 2015

49	9.2.2015	ECI(2015)000001	On The Wire	Accepted/ withdrawn	Justice; privacy	European organisation (The Council of Bars and Law Societies of Europe, CCBE)	Brussels	4	N/A	Withdrawn on (22/10/2015)	N/A (paper)
50	14.9.2015	ECI(2015)000002	Fair Transport Europe – equal treatment for all transport workers	Accepted	Transport	European organisation (Trade Union Association= European Transport Workers’ Federation (ETF))	European-wide	23	322.000	End campaign / Insufficient support	N/A "hundreds of thousands of signatures" (online and paper)
51	19.10.2015	ECI(2015)000003	STOP PLASTIC IN THE SEA http://english.expeditionmed.eu/fr/category/take-action/sign-the-petition/	Accepted	Environment	Transnational NGO (Expédition MED)	France	24	5000	End campaign - not yet submitted to the EC	N/A
52	30.11.2015	ECI(2015)000004	Vi vill att WHO:s rekommendationer efterföljs. Cannabis ska bli avkriminaliserat med reglering.	Accepted/ withdrawn	Social; health	Informal group (informal grassroots coalition of individuals and national groups)	Sweden	1	N/A	Withdrawn on (9/3/2016)	N/A
53	30.11.2015	ECI(2015)000005	Wake up Europe! Taking action to safeguard the European democratic project	Accepted/ withdrawn	Constitutional	Transnational NGO (The European Humanist Federation, a network of humanist and secular organisations across Europe.)	Brussels	24	N/A	Withdrawn on (23/6/2016)	N/A
54	11.12.2015	ECI(2015)000006	Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family	Accepted	Justice; Social	A new network (European wide) A grassroots network of pro-family and pro-life individuals and organisations, many with a religious orientation, throughout the EU.	European-wide	24	N/A	End campaign (Insufficient support)	650.000 (1.000.000 after the deadline)

Annex V – The European Citizens’ Initiatives in 2016

2.9.2016	ECI(2016)000001	Let's fly 2 Europe: Enable safe and legal access to Europe for refugees!	Accepted/ withdrawn	Justice; social	N/A	N/A	24	N/A	Withdrawn on (03/12/2016)	N/A
12.9.2016	ECI(2016)000002	People4Soil: sign the citizens' initiative to save the soils of Europe!	Accepted	Environment	Transnational NGO(free and open network of european NGO'ss, research institutes, farmers associations and environmental groups)	European-wide/Italy	23	100.000	End campaign / Insufficient support	71.877 (online)
6.10.2016	ECI(2016)000003	More than education - Shaping active and responsible citizens	Accepted	Education	new organisation (Young people)	European-wide	24	N/A	Collection ongoing	1181 (online)

Annex VI – The European Citizens’ Initiatives in 2017

11.1.2017	ECI(2017)000001	European Free Movement Instrument	Accepted	Justice; social	Informal group (Glyn Hughes)	UK	24	N/A	Collection ongoing	13.571(online)
25.1.2017	ECI(2017)000002	Ban glyphosate and protect people and the environment from toxic pesticides	Accepted	Environment	NGO group (Industry and NGO partnership / Transnational NGO)	European-wide	23	307.000	Awaiting Commission's reply by: 08/01/2018	1,320,517
22.03.2017	N/A	Stop Brexit	Refused	Constitutional	N/A	N/A	N/A	N/A	Refused	N/A
27.3.2017	ECI(2017)000003	EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis	Accepted	Constitutional	N/A	UK	1	N/A	Collection ongoing	N/A (paper/online upcoming)
3.4.2017 (orig. 13.9.2013)	ECI(2017)000004	Minority SafePack – one million signatures for diversity in Europe www.fuen.org/key-topics/european-citizensinitiative/	Accepted (orig. Refused)	Social	European organisation (FUEN)	Germany	1 (orig 6)	20.000	Collection ongoing	N/A
2.5.2017	ECI(2017)000005	Retaining European Citizenship www.eucitizen2017.org	Accepted	Constitutional	New organisation (European network)	UK	23	N/A	Collection ongoing	N/A (online)
22.5.2017	ECI(2017)000006	Let us reduce the wage and economic differences that tear the EU apart! https://www.wageunion.eu/	Accepted	Social	Political party (national parties, Bulgaria, Croatia, Estonia, Hungary, Latvia, Poland, Romania, Slovakia, for ex. Jobbik.)	Hungary	23	N/A	Collection ongoing	N/A (online)
12.6.2017	ECI(2017)000007	Stop Extremism	Accepted	Justice	Informal group	Austria/Germany	22	20.000	Collection ongoing	N/A (online)
10.7.2017	ECI(2017)000008	STOP TTIP www.stop-ttip.org	Accepted	International Agreements	Transnational NGO group (Mehr Demokratie)	Germany	1	32,225	Collection ongoing	N/A (online/paper) Unofficially: 3.284.289