Bolting Participatory Democracy to the European Union:
Can the European Citizens Initiative reduce the Democratic Deficit?

Acknowledgments:

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Thanks must also go to my family, without whom this dissertation would not have been possible. They have supported my academic venture both emotionally and financially, and for that I am eternally grateful.

[Cartoon by Peter Schrank depicting the fall of ‘EU democracy’— note that Citizens are depicted as not only apathetic, disinterested, and confused by the EU, but also frustrated and fearful. [As found at]: http://www.voxeurop.eu/en/content/article/4794619-empower-people]
The EU’s representative framework is failing; a decrease in voter turnout for EP elections, dwindling trust in EU institutions, and an inherent disinterest in European politics has been the result. There is no European Demos—no identity or public sphere upon which the foundations of an ever closer Union can be built. Until such a demos emerges at a European level, its representative framework will always be unstable. Participation can engender the growth of a European Demos, but only if effective participatory provisions are substantively incorporated into the EU’s political infrastructure. The European Citizens’ initiative has been designed to assuage the EU’s democratic deficit. That being said, it has had little impact. The ECI, as a concept, could alleviate many of the problems faced by the EU, however the practical realities of the ECI thus far have not allowed for the realisation of what participatory democracy preaches: the Commission has too much sway over the success or failure of the ECI; it has not been well enough publicised to have any substantive impact; and significant procedural limitations have hampered its efficacy. It does not follow, however, that the ECI is doomed to fail. A few glimmers of hope can be identified. If the ECI is to survive, effectively retrofitting the Union for the future, it needs to be reinvigorated, and set free from its dependency on the EU’s politically partisan executive.
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Introduction

As of 2012 European Citizens have been afforded the right to actively engage with politics at the EU level vis-à-vis The European Citizens’ Initiative (ECI). This participatory mechanism allows 1 million citizens, from at least 7 different member states, the right to request policy ratification, or put on the agenda, issues that the EU has the competence to legislate upon. The ECI was developed against the backdrop of various criticisms levied at the European Union, regarding a deficit of democracy. Perhaps the most salient issue concerning which has been the declining voter turn-out for European elections, and an apathy to EU politics on the whole. Turnout for European elections, for instance, have been consistently falling: from 61.99 percent in 1979, to 43.09% in 2014 (Figure 1). Considered alongside the territorial expansion of the EU, and its ever-increasing competences, citizen support for the EU and its democratic legitimacy more broadly, become issues of pronounced importance. The fact that there is no demos at a European level, underscores many of the issues faced by the Union. It is hoped that the ECI, in providing a forum for Citizens to become actively involved with EU politics, will help rectify some of these concerns.

The EU has been subsumed by debate regarding its legitimacy ever since its conception. Central to which have been the competing visions of supranationalism and intergovernmentalism. The EU began as an intergovernmental venture, but increased integration has led to more powers being distributed to supranational entities (Tallberg, 2002: 25-26). Intergovernmentalism teaches that the process of European integration has been forged by Member States (MS), who pool their
sovereignty but remain as individual agents, retaining significant autonomy over domestic decisions (Ibid.; Moravcsik 2002, 2008). Supranationalism, on the other hand, conceives of European integration as a forging of a new political sphere, which may exercise control over individual MS for the benefit of the Community as a whole (Sweet & Sandholtz, 1997: 300-309). The issue of democracy at a European level is that greater powers have been devolved to supranational entities, detaching political processes from traditional democratic foundations. (Ibid.) The EU has developed as a supranational entity, but citizens have been left behind; both in ideological terms, i.e. there is no European identity, but also in terms of effective democratic representation.

Although most scholars agree that the EU suffers from a democratic deficit, there is not a consensus; Majone and Moravcsik both dispute this fact (Majone, 1994,1998; Moravcsik, 1998, 2002, 2008). Majone argues that analysing the democratic capacity of the EU is ‘a question of standards’ (Majone, 1998). He views the EU as a ‘regulatory state’, arguing that economic integration can, and should, be kept distinct from political integration. According to Majone, non-majoritarian institutions are legitimate because of their substantive impact— as long as they are transparent and held accountable vis-à-vis their outputs, Majone contends they are sufficiently legitimated (Majone, 1998: 28). Moravcsik, on the other hand, refutes the democratic deficit from almost every viewpoint (Moravcsik, 2008). In an intergovernmental vein he argues that MS ‘retain control’ over ‘salient’ policy issues, establishing significant ‘checks and balances’ to ensure ‘national oversight’ (Ibid: 332-333). According to Moravcsik, the EU is not a ‘runaway technocracy’; it has no
taxing capacity, army, or intelligence agency, but is rather circumscribed by narrow and clearly defined legitimacy requirements administered by MS (Ibid: 334). Moravcsik illustrates citizens as disinterested in the EU, and unwilling to ‘invest sufficient time and energy’ in participating in an institution which has little bearing on their lives (Ibid: 340). He argues concerns about European democracy, however often raised, are severely ‘misplaced’ (Moravcsik, 2002: 603).

However, the pervasive nature of the EU is becoming ever more prominent in the political landscape of today, and the stability of the EU is becoming unsettled as a result. Between 1993 and 2014, EU regulations or directives influenced 64.7% of national UK law (Philpott, 2015: 3). Recent discussions regarding the establishment of a European army further solidifies the rising political prominence of the EU (Sparrow, 2015). A recent rise in anti-European parties, such as the UK independence party, and the French National Front, illustrates increasing citizen dissatisfaction with current institutional arrangements at an EU level (Hewitt, 2014). This increased pervasiveness, and rising public dissatisfaction, undermines Majone and Moravcsik’s viewpoints.

At the beginning of the European project a ‘permissive consensus’ gave MS significant freedom from justifying their actions, untying the linkage between EU decisions and democratic justifications (Follesdal, 2006: 442). Intergovernmentalism preached that MS retained political control. However, as supranationalism has increased at the EU level, so too has the need for greater levels of democracy. The permissive consensus is commonly perceived to have dissipated in the 1990s; objectified by negative responses to the Maastricht Treaty. Citizens’ weariness of EU
politics called into question the ‘presumption of broad consent’, augmenting the ‘polticisation’ of the Union, and forcing governments to consider both ‘public opinion’ and the democratic legitimacy of the EU more broadly (Ibid.). Subsequently, the EU’s integration process was compelled to blend trans-national decision making, with explicitly recognised democratic standards, to maintain the legitimacy of, and support for, the institution as a whole.

However, traditional forms of representation are not easily transposed onto the European Union (Majone, 1998; Hertier, 1999; Crum, 2005). In order to circumvent the representative pitfalls, or ‘democratic dilemma’s’, (Dahl, 1994) of multi-levelled decision-making, the EU has developed various channels through which both citizens and states are represented—instutions that embody intergovernmental and supranational modes of representation. Due to this the EU is often referred to as a system of ‘compounded or mixed representation’ (Rittberger, 2009: 43; Lord & Pollack, 2010; Benz, 2003). Reflecting the continued dichotomy of intergovernmentalism and supranationalism, the EU’s democratic framework aims to represent ‘two forms of subjectivity’; namely the citizen and the state (Kroger & Friedrich, 2013: 171).

This dissertation follows scholars who conceptualise the EU as a developing polity (Eriksen, 2005: 342; Fossum & Trenz, 2006; Fossum & Menendez, 2005; Chryssochoou, 2011). It contends that the only way to solidify the process of building an ever-closer Union is to place citizens at the center of the Community. The EU needs to forge a closer relationship within Europe, between its institutions and its citizens, creating not just a pan-European public sphere but also stronger European
identities. This will allow for the development of a European demos. Without providing a demos, upon which the stability of the European community can rest, its future will be always uncertain; oscillating between its intergovernmental and supranational commitments.

Various methods have been suggested respective of building a European demos. The establishment of a European constitution was long advocated, to aid the emergence of European identities (Habermas, 2001; Eriksen & Fossum, 2004; Fossum & Menendez, 2005; Fossum & Trenz, 2006; Chryssochoou, 2011). So too was the codification of human rights at a European level (Habermas, 1998; Eriksen, 2005; Chryssochoou, 2011). A third body of literature postulates whether increased participation will help foster European identities, and aid the development of a European public sphere (Cohen & Sabel, 1997; Zittel, 2003; Smismans, 2003; Fossum & Trenz, 2006; Kohler-Koch, 2010; Chryssochoou, 2011).

The ECI is the mechanism that has been introduced to convert the theoretical benefits of participatory democracy into a reality. Due to this it has been analysed by a variety of scholars who have questioned its potential impact. The most recognised potential benefit suggested has been the bottom-up process of demos formation. This has been postulated by a variety of scholars (Glogowski & Maurer, 2013; Schnellbach, 2011; Cuesta-Lopez, 2012; Thompson, 2012; Monaghan, 2012). Christoph Schnellbach has outlined three advantages that the ECI could bring:

1. The fostering of a transnational discourse which could ‘establish long-term structural ties between European Society’— central to the facilitation of demos formation.
2. Providing citizens access to the legislative process, which may positively impact on citizens’ perception of the EU vis-à-vis legitimacy and accountability.

3. Facilitating ‘solution orientated’ initiatives, which are seen to be more inclusive than previous participatory mechanisms, such as EU referendums (Schnellbach, 2011: 2).

Having said this, few scholars discuss the beneficial potential of the ECI without recognition of its significant limitations. It has a significant procedural weakness, because its effectiveness is contingent on the will of the Commission (Szeligowska & Mincheva, 2012; Garcia & Villar, 2012; Boussaguet, 2015; Sauron, 2011). Some have argued that, because of the EU’s ‘compound political structure’, and because of its social heterogeneity, territorial magnitude, and multi-lingual reality, the prospect of transnational deliberation and political participation is doubtful (Boussaguet & Dehousse, 2009). Moreover, as with most participatory mechanisms, many have questioned the ECI from an equality standpoint: because of the financial and organizational costs of an initiative, it has been suggested that participatory mechanisms are elitist in their nature. Regarding the ECI this has been linked to an inherent reliance on Civil Society Organisations (CSOs), which suffer the same criticism (Magnette, 2003: 4; Boussaguet, 2015).

A second body of literature has linked the ECI with the cyber revolution, postulating the creation of a ‘cyber-pan-European democracy’ (Carrara, 2012: 366; Carausan, 2011). This is seen to benefit participation, by easing the burden on
citizens looking to actively engage with European politics, thus supporting the viability of the potential benefits aforementioned (Cuesta-Lopez, 2012).

Thus far, interested organisations, and political actors, have strictly catalogued the progress of the ECI (Berg & Thompson, 2014; Ballesteros, et al, 2014; ECAS, 2014). This dissertation will build upon these analyses. It will be one of the first pieces of academic literature able to address the ECI, with the inclusion of the Commissions perspective on the matter: given that it published a report analysing the ECI, just a few weeks ago (COM(2015) 145). Moreover, following the recent ECI day, this dissertation will reflect on, not just statistical data regarding the ECI, but also wider social activities which may have a substantive impact concerning the future ability of the ECI to appease the democratic deficit.

The following is split into four parts. Firstly, I will discuss current forms of representation in the European Union, outlining its failures, to which the ECI could provide a solution. Following this I will discuss the rise of participatory democracy in reference to the democratic deficit. I will then address the ECI specifically, testing the substantive impact it has had on the EU thus far: such as the extent to which citizens’ have actively engaged with ECIs; The EUs institutional responses; and legislative outcomes propagated by specific ECIs, and the issues thereof. To do this I will use published data and information booklets from various civil society organisations, and the commission itself. Before concluding I will refer back to chapters 1 and 2, identifying the extent to which the ECI has helped to reduce the democratic deficit.
Chapter 1: Representation in the European Union and the Democratic Deficit

Representative democracy is the lifeblood of most modern European states; its core values of ‘authorisation’ and ‘political equality’, mostly assured through the ‘universal franchise’ and regular elections, flow through the sinews of power right across Europe (Urbinati & Warren, 2008: 389-398). Yet, when it comes to the EU, many perceive representative democracy to be in crisis. Traditionally, representative democracy is viewed through a ‘principle-agent’ lens, in which ‘constituencies formed on a territorial basis... elect agents to stand and act for their interests and opinions’ (Ibid: 338). However, concerning the EU, distance complicates the traditional linkage between representatives and their constituency. Moreover, the EU is tasked with the representation of both the Citizen, and the State, which further complicates the matter (Kroger & Friedrich, 2013). Here I will discuss the EU’s representative framework, identifying commonly recognised deficits therein. I will highlight the necessity of establishing a European demos, upon which the foundations of the European Community can be set.

The EU’s Institutional Architecture and representation therein

The European Union is made up of seven institutions: The Commission; the European Parliament; The European Council; The Council of Ministers; The Court of Justice of the European Union; the European Central Bank; and the Court of Auditors (TEU, 13: 22). Article 10 of the European Union outlines its democratic framework, expressly stipulating that the Union as a whole is to be ‘founded on representative
democracy’, which is achieved through the representation of citizens in the European Parliament (EP), and the MS in, either the European Council, or the Council of Ministers (TEU, 10: 1). The most important institutions on a legislative basis are the Commission, The Council of Ministers, and The EP.

The Commission is the institution tasked with promoting the interest of the Union, and proposes legislation to achieve that end (TEU, 17: 25). It is the central institution empowered with ‘executive and management functions’, to ensure the EU’s ‘external’ representative capacity (Ibid.). It is made up of a President, who is proposed by the European Council, and then elected by the European Parliament (Ibid: 26). This President jointly decides the additional members of the Commission, who are made up of nationals selected from at least two thirds of the number of member states (Ibid.). These nationals are chosen according to their ‘competence’ and ‘commitment’ to Europe, who are, according to article 17(3), supposed to be completely independent— neither seeking, nor taking, any ‘instruction from any Government, or other institution, body, office or entity’ (Ibid: 25). The EC is a supranational institution, designed to ensure the functioning of the European Union. It is not tasked with the representation of a specific individual or entity, but rather the interests of the EU as a whole.

The Council of the European Union is primarily tasked with representing the individual member states of the EU. It consists of a representative of each member state, at a ministerial level, who are empowered to commit their respective governments to legislation proposed by the Commission (TEU, 16: 24). Inter-institutionally, it exercises ‘legislative and budgetary functions’ in collaboration with
the EP. On an intra-institutional basis it usually works according to qualified-majority voting. (Ibid.) The Council is the main institution that upholds the intergovernmental channel of representation.

Finally, there is the EP. Comprised of ‘representatives of the Union’s Citizens’, Members of the European Parliament (MEPs) are allocated on an electoral basis via ‘free and secret ballot’ (TEU, 14: 23). MEPs are distributed on a ‘digressively proportional’ basis, which means that they are apportioned according to the population of individual member states; however, Article 14(2) of the Treaty of the European Union stipulates a minimum of 6, and a maximum of 96 seats in the EP (Ibid: 22). The EP is often considered the most representative institution of the EU, as it is designed to create a direct link between the EU’s legislative processes, and its citizens (Mayoral, 2011: 1).

In terms of representation, in theory, both nations and states are represented in the legislative process, promulgating the EU’s representative framework. However, these institutions are not meeting the democratic functions to which they have been assigned.

**The institutional deficit**

Firstly, one can recognise a failure of electoral processes. EP elections, for example, are often considered to be ‘second order’ (Lord, 1998; Follesdal & Hix, 2006; Mair & Thomassen, 2010; Hix & Marsh, 2011). Rather than being constructive elections based on European policies, they are fought ‘in the shadow’ of national government elections (Hix & Marsh, 2011: 4). This is important because it ‘short-circuits’ the traditional linkages between voters and their representatives (Lord,
The nature of ‘second order’ elections means that MEPs have not been selected on the basis of their representative capacity vis-à-vis European issues. In contrast, votes in EP elections often express discontent with domestic politics, with the electorate switching support to ‘protest against their government’ (Marsh & Mikhaylov, 2010: 12). Thus MEPs may be representative of an insincere will, rather than reflective of genuine public opinion regarding Europe, skewing the traditional principle-agent model as outlined. This clearly undermines the institutional design of the EP, as being representative of the Citizens of Europe.

Moreover, in relation to the Council of ministers, there is similarly no ‘electoral contest for political leadership’ (Follesdal & Hix, 2006: 552). Representatives in the Council are elected on the basis of ‘domestic politics’ and national party competition, again rather than European policies (Ibid.). This is important because it identifies the limited degree of electoral choice available to citizens. At no point are they provided with substantive policy options regarding Europe, again suggesting that EU representatives don’t objectify public opinion on EU matters. As Benjamin Barber notes, consent without ‘meaningful and autonomous choice’ is not consent at all (Barber, 2003: 134). At no point therefore are representative outputs in Europe related to legitimate electoral inputs, as democratic representation necessitates. Vivienne Schmidt has quite aptly labeled this deficit, ‘policy without politics’ (Schmidt, 2010: 17).
Such problems are further compounded if we consider the declining voter turnout for European elections: from 61.99 percent in 1979, to 43.09% in 2014. This identifies that, not only are representatives at the EU level unaccountable to a large extent, but are also not sufficiently authorised to act on behalf of European Citizens.

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Source: www.europarl.europa.eu, BBC Online

**Figure 1:** As found at: _http://www.ukpolitical.info/european-parliament-election-turnout.htm_

Figure 1 shows the extent of this issue. It highlights that in the 2014 EP elections, only 6 MS reached a turnout of 50% or above. MEPs cannot be considered representatives of the citizens of their MS, if only half of those citizens authorise them to act on their behalf— especially when such elections do not concern
European issues, and such votes are often used to voice discontent vis-à-vis domestic politics.

These issues have significant consequences regarding the ability of citizens to hold representatives accountable for actions taken in Europe. As noted by Andreas Follesdal and Simon Hix, ‘without an electoral contest connected to political behavior’ in European institutions, ‘it is impossible for voters to punish MEPs or governments for voting the wrong way’ (Follesdal & Hix: 553). Accountability is a central facet of democratic representation (Urbinati & Warren: 396), often viewed as the ‘primary virtue’ of liberal democracies (Barber, 2003: 221). Without authorisation ex ante, there can be no accountability ex post. The lack of both, respective of the EU, further undermines its democratic credibility.

Aside from electoral in-puts, one must also note that EU citizens do not directly elect the EC. This further reduces accountability, as the executive steering the European project, is not tethered directly to democratic discourse (Boyce, 1993: 469). Citizens have very little power to hold the EC accountable.

**The structural deficit**

However, discussing the procedural failures of democracy in Europe, is putting the metaphorical cart before the horse. The largest issue faced by the EU when trying to erect a trans-national democratic system is that, traditionally, representation is understood in territorial terms; the boundaries of democracy correlate with the boundaries of individual nation states (Urbinati & Warren, 2008: 389). As the European Union is not a nation state, it possesses no singular ‘demos’
that can be represented as a whole (Lord, 1998; Jolly, 2005; Bellamy, 2006, 2013; Smismans, 2012; Innerarity, 2014). The preamble to the TEU recognises this fact, stating that the EU is ‘resolved to continue the process of creating an ever close union among the peoples of Europe’ (TEU: 6). The European Community is not held together by social or cultural ties, which are often deemed necessary for demos formation. It is rather a conglomeration of the multiple ‘demoi’ found in each individual member states (Bellamy, 2013; Bellamy and Castiglione, 2013). This lack of a European demos is usually attributed to two social limitations vis-à-vis the EU: namely the absence of a European public sphere (Habermas, 1995; Bellamy, 2006; Habermas, 2001; Koopmans, 2007), but also an inherently weak European identity (Horeth, 1999; Schmidt, 2010; Smismans, 2012).

A ‘demos’ refers to a community of people as a whole, whose interests formulate the principles upheld by agents, in the traditional principle-agent model of democracy. Consequently it is considered to be a central underpinning of democratic representation. As famously argued by Joseph Weiler, ‘if there is no demos, there can be no democracy’ (Weiler, 1999: 337). A demos allows for ‘identification’ and ‘shared objectives’ among Citizens, but also a sense of ‘solidarity’ allowing them to ‘commit to democratic discourse’ in which they may become an outvoted minority; thus it is considered fundamental for ‘democratic coexistence’ (Innerarity, 2014: 1-2). Without shared bonds of solidarity provided for by a demos, those who lose out in democratic deliberation will be dissatisfied with the result. In the European context therefore, without a demos there will always be instability. This highlights the problematic nature of the structural deficit within the EU. However, just because
there is currently no demos upon which the foundations of a stable European polity can be built, it does not follow that there cannot be one.

A demos can be constructed (Lord, 1998; Habermas, 1995; Innerarity, 2014). Given the rise in supranational decision-making within the EU, the creation of a European demos has become a necessity (Habermas, 1995: 267). Whilst the telos of the community is not yet fixed, and the idea of a European polity is itself debated, the fact remains that the EU currently blends both intergovernmental and supranational modes of representation. Whether one agrees that a European polity is best for Europe, or not, without constructing a European demos, the supranational methods of representation have no substantive foundation. In order to legitimise the increased pervasiveness of the EU, which is no longer dependent on intergovernmental controls, citizens must be provided with a platform on which they can debate supranational decision-making processes (Habermas, 1995: 267). As Follesdal notes, some European decision-making procedures now demand not only trust, but also ‘sentiments of compassion and shared identity’ (Follesdal, 2006: 455). As supranational decision making increases, the necessity of creating a common demos for Europe significantly intensifies.

A European demos can be propagated via two methods: fostering a EU wide public sphere and nurturing European identifications. European identities are gradually becoming a reality: ‘most citizens do express some sort of secondary EU identity’ (Schmidt, 2010: 14; Risse, 2014). Currently 49% of the EU population conceive of themselves as having both National and European identities, with only 38% having National identifications alone (EB, 79, 2013: 26). Although these are
relatively low figures, it highlights that the fostering of a strong European identity is a possibility, that could provide a basis for the formulation of a European demos. Such identifications with Europe could be augmented and solidified by providing space inside Europe for them to be realized (Thompson, 2010): the creation of a European constitution has been suggested as a solution to this, as has the solidification of constitutional rights therein (Habermas, 1998, 2001; Eriksen & Fossum, 2004; Fossum & Menendez, 2005; Fossum & Trenz, 2006; Chryssochoou, 2011 ). This will aid the development of European identities by augmenting tangible values around which identifications can converge.

That being said, neither a demos nor strong European identifications can be achieved without the establishment of a European-wide public sphere, in which citizens can engage and deliberate upon European matters. A public sphere is central to the process of democratic representation. It is via the realm of public deliberation, through which ‘public opinion and will formation’ take shape (Habermas, 1996: 300). Moreover, it provides communities with the capacity to ‘react to the pressure of society-wide problems’ (Ibid). Traditionally, representatives ‘drum up support’ for policies ‘from the general public sphere’, but it is also where they acquire their ‘mandate’ (Eriksen, 2004: 2). The public sphere provides space for a reflexive ‘cognitive process’ allowing associated peoples to establish mutual ‘conceptions of the common good’ (Ibid.). Without a public sphere in the EU, there is no capacity for European publics to converge and debate European issues—no platform upon which they can develop shared objectives, solidarity, or a sense of ‘popular ownership’ of democracy at a European level (Tsakatika, 2007: 880).
Before concluding it is worth reiterating the lack of trust in the EU institutions. A recent Eurobarometer survey identifies a significant decline: from 50% trusting in the EU in 2004, to only 31% in 2014 (EB, 81, 2014: 9). The issue of trust cannot be confined to the structural deficit, or the institutional deficit alone. It is an issue that underscores both matters. Claus Offe has identified the central importance of trust in democratic institutions (Offe, 2000: 12). Good democratic governance engenders both vertical trust, between institutions and Citizens, but also horizontal trust, between citizens themselves (Ibid: 10). It is ‘trust that binds people together who are otherwise strangers’ (Ibid). It can therefore be seen as central to both the structural deficit, i.e. no demos, but also plays a part in disillusioning citizens, underscoring the low turnout in EU elections.

The subjective uncertainty currently institutionalised in the EU, and the meandering between the Citizen and the State identified by Kroger and Friedrich, is not conducive to trust building at a European level. Firstly, it is the institutionalisation of these two forms of subjectivity that has given rise to compound representation, shrouding EU governance in a complexity that is difficult for citizens to comprehend; therefore augmenting distrust. Secondly, uncertainty itself is the antithesis of reliability, and it is through such reliability that trust in democratic institutions is engendered (Offe, 2000: 10).

**Conclusion**

Representation in the EU is a highly complex matter. The process of creating an ever-closer union has necessitated the distribution of competences to supranational entities, obfuscating traditional democratic linkages. The EU’s
infrastructure has not institutionalized effective democratic representation, but rather engendered a complexity, which serves to distance EU decision making from the citizens whom it claims to represent. A demos is fundamental to the establishment of a stable European Community, but the complexity of the EU, and its subjective uncertainty, serves to exile citizens from engaging with European political processes.

**Chapter 2: Participatory Democracy on the Rise**

Participatory democracy has emerged as part of an outreach from the European Commission, to Civil Society Organisations, and citizens directly, aimed to increase the legitimacy of, not just the Commission, but also of the EU more broadly. This process has been gathering momentum since the Maastricht treaty, and the introduction of European Citizenship. This chapter will outline the benefits of participatory democracy, illustrating its specific relevance to the structural deficit. It will highlight how the EU has incorporated participation into its political infrastructure, and the limitations thereof. Following this I will outline the legislation pertaining to the ECI specifically, providing a foundation for an empirical analysis, which will follow in chapter 3.

**Citizen Participation: A response to the Structural Deficit**

Participatory democratic theory focuses on the ‘interrelationship between individuals and the authority structures of institutions within which they interact’ (Pateman, 1970:103). It is, primarily, a way of reintroducing the citizen to political
life. The main philosophical proponents of direct democratic participation were Jean-Jacques Rousseau and John Stuart Mill. Most contemporary writers and theorists invoke their philosophy and build upon their work, expounding the benefits of participation vis-à-vis reinvigorating politics, and activating the citizen (Pateman, 1970; Putnam, 2000; Barber, 2003; Warren 2009; Pammett, 2009). Participatory mechanisms are considered to be essential to augmenting ‘the capacity and interest’ of citizens vis-à-vis decision-making procedures (Blears & Mulgan, 2005: 20). By providing citizens with a stake in policy-making processes, participation is seen as a method to improve democratic governance: ‘by strengthening legitimacy, accountability, and active citizenship’ (Ibid.).

One of the most fundamental arguments illustrated by proponents of participatory democracy, is that participation forges communal networks of shared responsibility, and collective awareness. As John Stuart Mill stated, ‘without shared participation in public life a citizen never thinks of any collective interest, of any objects to be pursued jointly with others but only in competition with them, and in some measure at their expense’ (Putnam, 2000: 337). Participation allows for public deliberation, and therefore forces individuals to think publically as citizens, rather than as self-interested actors (Barber, 2003: 133). It propagates the development of ‘social bonds ex nihilo’, as it fosters reciprocal relationships and ‘empathy’: two tenets fundamental to the establishment of meaningful citizenship, and to the building of solidarity within a community (Ibid: 133).

Jürgen Habermas explicitly states that, ‘there will be no remedy for the legitimation deficit’ in Europe, until citizens are provided with ‘an equal opportunity
to take part in an encompassing process of focused political communication’ (Habermas, 2001: 17). He notes, that a democratic infrastructure requires points of ‘mutual contact’, through which ‘informal mass communication’ can raise societal issues, and channel ‘public opinion’ (Ibid: 17-18). Participation is a way of inviting additional members to contribute to policy-making processes; therefore offering lay individuals a stake in political life, of which deliberation and debate form a central part. Opening up decision-making procedures allows for administrations to be ‘rationalized’, by permitting discursive deliberation in which ‘public opinion- and will formation’ take shape (Habermas, 2006: 298-299).

The legitimacy of political participation stems from its ‘socially integrative function’, but more importantly, from citizens perception of the efficacy of such functions (Ibid: 304). It gains its ‘legitimating force... only because citizens expect its results to have a reasonable quality’ (Ibid.). Participation allows a community to flourish, only when ‘leadership does not undermine public activity’ (Barber, 2003: 245). This can be linked to ‘social capital’, a phrase coined by Robert Putnam (Putnam, 2000). Not only does social capital refer to the existence of ‘social networks’ within a society, but also to the trustworthiness of the society itself, and of its overarching political institutions (Ibid: 338-339).

Participation has not only been invoked as a process of forming communal ties, overcoming liberal individualization to aid the development of social capital within the EU, but also as a way of solidifying trust in the institution itself. Participation could provide reassurances to citizens that current representative processes within the EU are upholding their interests (Warren, 2009: 21). Greater
levels of participation in the EU are fundamental, in order to augment the trustworthiness of the institution as a whole, and to engender ‘satisfying experiences of democracy’ (Grabe & Lehne, 2015: 18). Some scholars have linked participation with the concept of ‘emotional intelligence’, suggesting that the EU should consider how ‘democracy feels’ to its citizens (Ibid: 18-20). The EU as an emerging polity cannot simply rely on providing formal space for political participation, the individuals experience with such mechanisms have to be prioritized if citizens are expected to engage with, and utilize them.

Some scholars have argued that lay individuals are ill informed, and incapable of forming a collective will, therefore undermining their capacity to actively engage in political life (Schumpeter, 1943: 263-269). However, participation is commonly perceived to be an educative process; it is through participatory networks that citizens learn about politics (Putnam, 2000; Young, 2009). To participate is to deliberate, and it is through deliberation that knowledge is shared (Putnam, 2000: 343).

Whilst considering the benefits of participation, one must bear in mind that not all participation is good participation. The introduction of participatory mechanisms may, in fact, do more harm than good (Blears & Mulgan, 2005: 12). Misleading citizens into thinking they are making a difference, in an attempt to acquire legitimacy for decisions that have already been taken ‘behind closed doors’, undermines the legitimacy of participatory mechanisms (Ibid: 20). In this vain Blears and Mulgan provide a framework for good participation, some aspects of which are
specifically relevant for our analysis of the ECI. Good participation should uphold the following principles:

• ‘Makes a difference’— invoking this with reference to the EU, I do not mean that all ECI’s should result in legislative outputs, but rather that they should positively impact on citizens’ perceptions of the EU.

• ‘Transparency, honesty and clarity’— pertaining to the purpose of citizen involvement, ‘the limits of what can and cannot be changed’ should be made explicitly clear, and staunchly adhered to.

• Accessibility— no participant who desires inclusion should be excluded due to a lack of resources.

• Accountability— In reference to the ECI accountability must be assured by the organisers, but also the commission vis-à-vis their response (Blears & Mulgan, 2005:19).

It is ironic that some scholars invoke citizen disinterest to undermine participatory ventures (Moravcsik, 2008: 340), given that participation is often suggested as a solution to that very problem. Caroline Pateman acknowledges this criticism, suggesting that contemporary theorists have built upon, and accepted too eagerly, the argument that ‘inactivity... is nobody’s fault’ (Pateman, 1970: 104). We ‘learn to participate through participating’, thus ‘feelings of political efficacy are more likely to be developed in a participatory environment’ (Ibid: 105). Scholars, who take current disinterest as a reason for representation alone, or even technocratic governance, overlook the socio-psychological effect of political exclusion itself.
Participation in the policies and Treaties of the EU

To understand the emergence of the ECI as a participatory mechanism, we need to trace the development of participatory democracy within the treaties and policies of the EU. The treaty of Rome (1957) established the European Economic and Social Committee (EESC), which was composed of ‘222 members from national socio-economic organisations’ (Smismans, 2003: 481). It has been suggested that the EESC was the first ‘institutional expression of the organisations making up civil society’ (ibid.). Originally, it focused its efforts to give voice to Europeans directly, through the organising of hearings, however due to ‘little success’ by the end of the 1990s, it turned its focus to ‘organised civil society’ (Ibid: 482).

The Maastricht Treaty (1992) saw the introduction of European Citizenship, and gave rise to greater civic inclusion. It provided citizens with the right to petition the European Parliament (Maastricht, Article 8d: 7), and to submit complaints to the European Ombudsman (Ibid, Article 138e: 31). It was within this period that the process of Europeanisation vis-à-vis CSOs augmented. Maastricht established the European Social Policy Forum, a platform for ‘social NGOs... to suggest approaches to policy issues’ (Kohler-Koch, 2012: 811). Following additional funding from the Commission this platform transformed into ‘the social platform—a confederation of around 40 European non-governmental organisations’ (Ibid).

That being said, it was the collapse of the Santer Commission (1999), which allowed for a ‘new dynamic’ of debate regarding participatory democracy (Saurugger, 2010: 480). Abetted by the arrival of a new French Commissioner, Michael Barnier, who was ‘convinced of the necessity’ of participatory mechanisms...
for democracy in the EU, a decisive move towards greater levels of participation was the result (Ibid: 480). The publication of the White Paper (WP) on EU Governance exemplifies this point; it is often heralded as the cornerstone of the EU’s movement towards greater civic inclusion (COM(2001) 428). The WP explicitly identified the issues of ‘distrust’ and disinterest in the EUs institutions, and also that people were ‘losing confidence in a poorly understood and complex system... often seen as remote’ (Ibid: 1). The proposal was to open ‘up the policy-making process to get more people and organisations involved’, and to make decisions in a more comprehensible way (Ibid: 2). The WP cited Civil Society directly, as offering a ‘voice to the concerns of citizens’, but also as a way to ‘get more citizens involved in achieving the Unions objectives’, stating that CSOs would provide a ‘structured channel for feedback, criticism and protest’ (Ibid: 12).

These policies were laying the groundwork for the Treaty Establishing a Constitution for Europe, which was signed in 2004, but never ratified. Aside from the fact that many scholars have called for a constitutionalisation of the EU as a response to the structural deficit itself, the Treaty explicitly codified the principle of participatory democracy (TECU, 47: 40). It is the only treaty to do so. Lexically subsequent to representative democracy, article 47 stated:

- Institutions shall give ‘citizens and representative associations the opportunity to make known and publically exchange their views’;
- ‘Institutions shall maintain an open, transparent and regular dialogue with... civil society’;
• ‘the commission shall carry out consultations with parties concerned’;

• and finally it set the provisions for the ECI (Ibid.).

Although the ratification of the constitutional treaty was rejected by French and Dutch citizens via referenda (Fossum & Trenz, 2006: 4), the provisions for participatory democracy were included in the Lisbon treaty, barring explicit reference to ‘participatory democracy’ itself (TEU, Article 11: 21).

Some might suggest that the rejection of the constitutional treaty identifies a rejection of social integration vis-à-vis the EU altogether. However, Fossum and Trenz argue that most ‘NGOs and representatives from civil society’ showed support for the constitutional treaty (Fossum & Trenz, 2006: 4). Moreover, opinion polls suggested that the vast majority of ‘populations in the Member States’ were actually in favour of the constitution (Ibid.). They suggest that its rejection was not a condemnation of the European constitution itself, but rather due to a lack of ‘pre-existing resources of common trust, solidarity and understanding’, but also due to the nature of a yes/no referendum, which created ‘irritation’ amongst voters (Ibid: 4, 19).

Following the rejection of the constitutional treaty, the Commission implemented ‘Plan D for Democracy Dialogue and Debate’ (COM(2005) 495). Stating the aim of ‘improving the way the Commission presents its activities to the outside world’, and ‘restoring public confidence’ in the institution (Ibid: 2). It was a self-proclaimed long-term plan to ‘reinvigorate European democracy and help the
emergence of a European Public Sphere’ (Ibid). This is the context in which the ECI emerged.

First suggested in the 1980’s and 1990’s by the European Parliament, the ECI had received little support (Berg, et al, 2008: 55). Yet, set against the backdrop of the dwindling trust and confidence in the EU, as outlined in the publications aforementioned, greater levels of citizen participation became deemed a necessity. The ECI itself was advocated by various CSOs, which, until this point, had been the main focus of participatory democracy within the EU.

**Civil Society Organisations**

Many perceive such organisations act as ‘transmission belts’, allowing for the flow of deliberation between ‘international organisations and emerging transnational public spheres’ (Nanz & Steffek, 2004: 323). It is argued that CSOs ‘mediate between the national and supranational, thereby connecting national society to transnational governance’ (Rumford, 2003: 32). Here CSOs are heralded as actors, who ‘monitor’ the activities of international organisations, such as the EU, and then bring ‘citizens’ concerns to deliberations’, aiding ‘marginalized groups’ access policy-making processes (Nanz & Steffek, 2004: 315). Primarily, it is the relationship between the EU and CSOs that has instigated questions regarding a ‘participatory turn’ in EU governance, not a direct relationship between the EU and citizens themselves (Saurugger, 2010).

CSOs have both a representative and functional capacity. On the one hand they aid the Commission in finding effective solutions to societal problems, by ‘pooling experiences and ideas’, and also by ensuring the ‘legitimacy’ of its
‘proposals’ (Kroger, 2013: 585). Yet they also ‘pride themselves’ on their representative capacity (Ibid). Sandra Kroger identifies three main types of CSOs: those reflective of ‘representative democracy’, i.e. ‘Member’ type CSOs, representing their own constituency, often converging around ‘professional interests’; ‘Cause’ type CSOs, representing a specific societal cause such as the ‘environment’ or animal welfare; and ‘weak interest’ CSOs, supportive of ‘the poor and socially excluded’ (Ibid: 591-592). Whilst many have lauded CSOs as ‘participatory arenas’, through which the ‘wider public’ can be united to share collective concerns, and form unified aims (Nanz & Steffek, 2004: 321-323), Kroger identifies that they often fall short of ensuring active involvement (Kroger, 2013: 597). Thus, in terms of contributing to the ‘Europeanisation’ of citizens, needed for the stability of a ‘supranational polity’, they do not provide a panacea (Ibid.).

Moreover, in terms of equality and accountability, further limitations can be found respective of CSOs. Although they have to a large extent promulgated the discourse on participatory democracy in the EU, of late they have been seen to exercise political action within a ‘Brussels Bubble’ (ALTER-EU, 2010). Essentially, corporate CSOs in Brussels actively engage in a deliberative discourse with the Commission, but fail ‘to advance the emergence of a larger engaged public’ (Kohler-Koch, 2010(A): 13). CSOs provide unequal representation in terms of ‘social cleavages’, due to the fact that ‘Market related interest groups... outnumber all others’. (Kohler-Koch, 2010(B): 111). Corporate CSOs are able to have a larger say in Brussels because they have more capital to utilise in the lobbying process, and thus
representation becomes disproportionately skewed in favour of economic beneficiaries.

This is to say, that participation via CSOs alone is not sufficient to fully uphold citizen’s interests at a European level, or to get them actively involved in the EU. Although some CSOs represent the interests of weak individuals, or advance the publicity of certain causes, they fail to actively involve citizens in political debate; thus an Europeanisation of public opinion and will formation is not achieved. Moreover, those organisations that do hold sway in Brussels are mostly market-related CSOs, and therefore any public sphere promulgated, is skewed towards economic interests.

**The European Citizens Initiative**

The ECI is the first mechanism designed for bottom up participation, providing direct access for citizens in the policy making process. If CSOs provide a ‘transmission belt’ for citizens to access the EU, in theory, the ECI catapults them to the center, equipping them with legally binding provisions stipulating that the commission must take notice. On March 31\textsuperscript{st}, 2012, Maros Sefcovic, Vice President of the European Commission, announced that the ECI puts ‘citizens in the driving seat’, further reiterating that it provides ‘a real opportunity to bring Brussels closer to the people of Europe’ (Sefcovic, ECAS). Treaty provisions vis-à-vis the ECI read as follows:

> 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
personal matters where citizens consider that a legal act of the Union is required for the purpose of implementing the treaties (TEU, 11(4): 21).

Regulation 211/2011 pertaining to the ECI stipulates that organizers of an initiative have to form a citizens’ committee, composed of individuals coming from at least 7 member states, so as to ‘encourage the emergence of European wide issues’ (Regulation 211/2011: 2). The Commission has to register a proposed initiative within 2 months as long as:

- The proposed initiative does not manifestly fall outside the framework of the commissions powers;
- It is not manifestly abusive, frivolous or vexatious; and
- It is not manifestly contrary to the values of the Union

(Regulation 211/2011: 2)

Moreover, the Commission is legally obliged to justify any refused registration within 3 months (Ibid, 10(c): 7). This is important because CSOs have very little power when it comes to forcing the Commission to react to public pressure, or even take notice of any organised interests.

The regulation reiterates that 1 million signatures are required, from at least one quarter of the member states (7), and that the minimum number of signatures necessary to legitimate the initiative in each MS should correspond to the number of Members of the European Parliament elected, multiplied by 750— Figure 2 (see appendix) illustrates the empirical reality of this requirement (Regulation 211/2011:10).
The organisers of the initiative are responsible for collecting the signatures, but can do so either online or in paper form. In both cases personal data and identification must be provided to verify the right of the signatories vis-à-vis each initiative. All signatures have to be collected and verified within a 12 month time period, starting at the point of registration.

As noted at the outset, before the implementation of the ECI, various authors had contemplated the possible benefits that it could instigate. The propagation of a European public sphere, aiding the development of a European demos was deemed of central importance, as was the augmentation of trust in the EU (Glogowski & Maurer, 2013; Schnellbach, 2011; Cuesta-Lopez, 2012; Thompson, 2012; Monaghan, 2012). The ECI was also interrelated with the rise of a ‘cyber-pan-European democracy’ (Carrara, 2012: 366; Carausan, 2011).

**Conclusion**

If the EU continues to meander between the two forms of subjectivity, citizens will never trust that their rights and interests are truly being upheld in Europe, and will therefore never come together to form a stable European Community. The EU is at an impasse. Its survival depends on the solidification of citizen support, but it can only achieve this end by committing to them, allowing for greater levels of participation, and providing a platform for deliberation that circumvents the complexity of current legislative processes; bringing citizens closer to decisions making. This will not only lead to the development of a European public
sphere, and European identities, but also a European Demos. CSOs have fallen short of reducing the structural deficit. In theory, the ECI could provide a panacea.

**Chapter 3: The European Citizens’ Initiative**

Coming into force in 2012, the ECI received quite a large amount of attention. 20 initiatives were in the pipeline addressing a variety of policy issues, before the initiative had even been launched (Berg, *et al.*, 2008: 3). Some have suggested that this illustrates an increase in ‘public awareness’ concerning the EU, and a ‘growing civic maturity’ (Ibid.). Moreover, the ECI received a moderate amount of media coverage, being reported as far wide as the New York Times, who published an article entitled: ‘*Europe turns ear towards voice of the people*’ (Daley & Castle, 2010). Yet, since its implementation, the ECI has met various challenges that have hampered its efficacy, and undermined its purpose.

**Facts and Figures**

Figure 3 illustrates the state of play concerning the ECI thus far. Organisers have submitted a total of 51 initiatives for consideration by the EC. Out of those 51, only 31 have been registered, and therefore began the signature collection process. Although these initiatives have achieved a large sum of statements of support (6 million altogether), relative to the 31 million targeted signatures, the result illustrates a significant deficiency. In reality, during the three years the ECI has been in practice, only 3 initiatives have reached the required amount of signatures: Right2Water, One of us, and Stop vivisection (COM, 2015, 145:3).
Moreover, out of the 6,399,339 signatures collected altogether, the three successful ECIs make up 5,109,185—this is a massive 86.15% (Figure 10, see appendix). This identifies that, whilst there have been some significant successes in terms of raising public awareness and stimulating trans-national discourse, concerning the successful ECIs, on the most part they have received little attention.

If we take into consideration the data temporally, we can recognise an additional issue. Figure 4 identifies a significant decline in the use of the ECI: In 2012 a total number of 23 initiatives were submitted for registration, 16 of which were accepted; In 2013, 17 initiatives were submitted, only 9 accepted; merely 10 initiatives were submitted last year, half of which were accepted. There are currently only 3 open initiatives, only 1 of which was registered in 2015 (ECI Official Register). This is a startling statistic given that the ECI was designed to revitalize democracy in the EU—it is failing to do so.

<table>
<thead>
<tr>
<th>Registered</th>
<th>Not registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection ongoing</td>
<td>3</td>
</tr>
<tr>
<td>Withdrawn by its organisers</td>
<td>10</td>
</tr>
<tr>
<td>Collection closed</td>
<td>3</td>
</tr>
<tr>
<td>Closed initiatives without the required support¹⁰</td>
<td>12</td>
</tr>
<tr>
<td>Submitted to the Commission</td>
<td>1</td>
</tr>
<tr>
<td>Answered by the Commission</td>
<td>2</td>
</tr>
<tr>
<td>Registration refused</td>
<td>20</td>
</tr>
</tbody>
</table>

Figure 3—taken from (COM(2015) 145).
Moreover, the amount of support gathered for recent initiatives is also dwindling (Figure 5). In a speech during the EPs public hearing on the ECI (26.02.2015) Carsten Berg stated that, as a democratic participatory mechanism, the ECI is not working anymore’ (Berg, 2015). He questioned whether the ECI will ‘survive’, as Citizens no longer make use of the instrument (Ibid.). This further reiterates citizen’s reluctance to engage with European politics. The initiative is failing to provoke significant attention, and participation is dwindling as a result.
Aside from the low impact of initiatives thus far, it is also important to consider the actors driving them, which have predominantly been CSOs. This is mostly because of the significant cost of organising an initiative, but also due to the organizational requirements of running a transnational campaign. The average cost of a citizens’ initiative is estimated to be around one pound per signature, which equates to one million pounds needed for a successful campaign (Thompson, 31.03.2014). Although limited data is available, out of the 43 ECIs that state the type of promoter behind the initiatives, only 8 were organised by lay individuals (Figure 10, see appendix). All of the others were organised by, either political parties, EU organisations, National organisations or Christian movements (Ibid.). Out of the 8 informally organised ECIs, 2 were withdrawn, the others were all accepted but failed to acquire 1 million signatures (Ibid.). This is important because it identifies that the ECI is failing to provoke citizen participation at a grass-roots level, but is rather aiding organised interest groups further manipulate European politics.

In this respect, one must take into consideration the origin of the ECIs. In contrast to the current state of play in Europe, the ECI has allowed CSOs from outside of the Brussels Bubble influence politics at the European level. Only 5 initiatives have been initiated from within Brussels itself, all of the others have been instigated by either informal groups from outside of Brussels, or organisations found at a national level (Figure 10). Luis Bouza Garcia & Justin Greenwood have illustrated this point (Garcia & Greenwood, 2014). As they argue, the ECI attracts ‘new activists to EU politics who bring a different set of issues than Brussels-based organisations’ (Ibid: 264; figure 6). The ECI has played an important role in attracting campaigners
and stimulating ‘public debate and deliberation far beyond the institutionalized discussions in the Brussels Bubble’. (Ibid: 265)

**Figure 6:** Taken from Garcia. L.B, ‘The European Citizens’ Initiative encourages civil society organisations to engage with the public on European Issues’, *European Politics and Policy*, as found at: http://bit.ly/1dfe2DO (last accessed 26.04.15).

If the ECI can contribute to raising more contestation, as seems to be the case with new actors raising more contentious issues, such as ‘One of Us’, then this may contribute to further stimulating debate at a European level, and making politics more interesting and appealing to EU citizens (Garcia, 2013).

**Three Successful ECIs?**

It is worth focusing on the three supposed successful initiatives to ascertain the impact of achieving 1 million signatories in support of a cause. As stated, three
initiatives have reached the often elusive 1 million mark: Right2Water; One of us; and Stop vivisection.

**Stop Vivisection**

Organised by Equivita, an Italian organisation, ‘Stop vivisection’ campaigned for Animal welfare. It was a ‘volunteer run’ campaign consisting of 250 ‘animal rights groups, scientific organisations, and companies selling animal cruelty-free products’ (Varrica, 2014: 29). According to the ECI support center, it received 1,326,807 statements of support. It was a truly pan-European campaign, gaining some level of support in every European country, 12 of which achieved the stipulated threshold. It collected signatures both online and in paper form. The Campaign coordinator, Adriano Varrica has suggested 800,000 signatures (61.5%) were collected online, and 500,000 (38.5%) offline (Ibid.).

![Stop Vivisection Signature Collection](image)

**Figure 7: Original info-graphic** signature break-down taken from C. Berg, J. Thompson, ‘An ECI That Works: Learning from the first two years of the Citizens’ Initiative’, *The ECI Campaign*, (2014) p. 32.
The Info-graphic above illustrates the geographical impact of the initiative. One can clearly recognise that the ECI stimulated considerable discourse concerning its subject matter. Finding most support in its country of origin, the ECI activated citizens in every MS.

Although the EC is yet to respond to the ECI, several members have expressed a willingness to take part in another, if ‘the opportunity presents itself’ (Varrica, 2014: 30). Moreover, it has been suggested that the experience helped develop ‘civic skills, transnational connections, and a European Identity’. (Ibid.) The process of organising the ECI, helped many volunteers feel ‘the benefit of actively working for a campaign they felt strongly about’, and ‘put them in contact with like-minded [European] people they could bond with’ (Ibid.).

**One of us**

Organised by Christian organisations in both Italy and France, ‘One of us’ campaigned to ‘put the issue of life on the agenda’ in Europe (Del Pino, 2014: 25). The ECI requested the EU stop financing ‘activities which presuppose the destruction of human embryos’ (Ibid.). In total, the ECI acquired 1,897,588 signatures of support (Ibid.). Similarly to ‘Stop vivisection’, ‘One of us’ was a substantive pan-European campaign, gaining sufficient statements of support in 20 individual MS. It utilized both online and offline signature collection methods, acquiring 65% in paper form, and 35% online (Ibid: 28). The info-graphic below illustrates the pan-European discourse created by the ECI.
The Commission published a communiqué responding to the ECI on 28 May 2014, stating that it saw no need to propose changes to financial regulations, in effect ignoring the will of 1 million signatures (COM (2014), 355). It asserted that regulations already ‘enshrine human dignity’ and ‘the right to life’, deeming additional action unnecessary (Ibid.). It referred to ‘Horizon 2020’, a European development plan that includes human embryonic stem cell research, stating that any ethical issues regarding the right to life had already been debated inter-institutionally during its ratification, and thus it deemed additional analysis unnecessary (Ibid.). Dissatisfied with this response, ‘One of us’ filed a lawsuit against the Commission, arguing that it was inadequate, unjustified, and ‘undermined the
democratic process’ of an ECI (Case T-561/14; Puppinck, et al, 2014:25). The CJEU is yet to respond to this application.

‘Water and Sanitation are a Human Right! Water is a Public Good not a commodity

Organised by the European Federation of Public Service Unions (EPSU), Right2Water campaigned for the codification of a human right to water and sanitation (Van den Berge, 2014: 19). This was the first initiative to be accepted by the Commission. The campaign surpassed the signature thresholds necessary in 12 MS, gaining some level of support in all. It achieved 1,884,790 signatures, 84% of which were collected online and 16% offline (Ibid.). The info-graphic below illustrates its influence and support geographically.

The ECI coordinator, Jerry Van den Berge, explicitly acknowledged the ‘significant resources’ needed to run the campaign, stating that it was effectively ‘carried by trade unions’ (Ibid.). In total, the EPSU spent €140,000, and committed an amount of time equivalent to that of 1.5 workers, being employed fulltime for 18 months, during the campaign process (Ibid.).

Interestingly, Right2Water received a large amount of media coverage, and the endorsement of some ‘celebrities’ (Ibid). For example, in Germany, a famous ‘comedian...Erwin Pelzig’ spoke out in support of the ECI on a ‘mainstream’ television show. (Ibid; Pelzig, 2013) This may suggest why the ECI gained significant support, in contrast to most ECIs, which have failed to raise significant awareness.

The response of the EC was positive. It issued a communiqué underlining ‘the importance of the human rights dimension of access to safe drinking water and sanitation’ (COM(2014),177). Moreover, it stressed a ‘commitment’ to take ‘concrete steps’ in areas of ‘direct relevance to the initiative and its goals’ (Ibid.). However, it did not propose legislation vis-à-vis a right to water, as requested by the ECI. In a press release published in response to the ECs communiqué, the EPSU criticized the Commission for ‘lacking ambition’ (Sanchez, 2014).

Putting aside ‘Sop Vivisection’, due to the fact the Commission is yet to respond, thus far no successful ECI has occasioned satisfactory results. No legislation has developed from an ECI, and both ‘One of us’ and ‘Right2Water’ have expressed considerable dissatisfaction with the Commissions treatment of their initiatives. This risks the alienation of, not just ECI organisers, but also the one million citizens who have thus far been actively ignored by the Commission.
Moreover, it is important to note that all three successful campaigns have complained about the expense, and difficulty, of setting up the online collection system (OCS), for gathering statements of support online. Whilst it has been deemed a ‘crucial aspect’ of a successful initiative, its expense has led some to question whether the ECI is currently ‘intended for low-budget initiatives’, or rather ‘well-organised NGOs’ who already ‘have a presence in Brussels’ (Varrica, 2014: 30). Additionally, high ID requirements have been cited as a hindrance to the success of many ECIs: ‘Stop Vivisection’ organisers stated that ID requirements ‘deterred many citizens’ from supporting the ECI (Ibid: 31). ‘Right2Water’ asserted that they ‘cut support’ for the initiative ‘in half’ (Van den Berge, 2014: 21). That being said, the biggest issue, cited by many ECI organisers, is the fact that many Citizens simply have not heard of the mechanism (Varrica, 2014: 31).

**The TTIP controversy and anomalous registrations**

One of the most pressing concerns regarding the ECI, thus far, is the fact that the Commission has refused to register 39% of proposed initiatives (Figure 2). This has caused 7 individual ECIs to file lawsuits against the Commission. One of the most publicized of which is the ‘STOP TTIP’ initiative, which was rejected 10 September 2014. ‘STOP TTIP’ were campaigning for the ‘Commission to recommend to the Council to repeal the negotiation mandate of the Transatlantic Trade and Investment Partnership (TTIP), and not to conclude the Comprehensive Economic and Trade Agreement’ (CETA)’ (Day, 2014:1). The Commission justified its rejection on the grounds that inter-institutional negotiations do not constitute ‘legal acts’ binding in international law, but rather ‘preparatory’ acts authorising the ‘opening of
international negotiations’ (Ibid: 2). Since Article 11(4) of the TEU stipulates that an appropriate ECI must request a proposal where ‘a legal act of the Union is required’, the Commission deemed the ECI inadmissible (TEU, 11(4): 21; Day, 2014: 2-3).

The organisers of ‘STOP TTIP’, however, had sought legal advice before organising the initiative. Professor Bernhard Kempen provided a legal opinion, in which he argued that the very fact that the Commission had to authorise the Council is evidence of a legal act. Moreover, the Commission retains the right to ‘terminate’ negotiations’ if changes in political... circumstances’ necessitate such action (Kempen, 2014: 14). Asking the Commission to terminate negotiations is, in effect, a decision, which in conjunction with Article 288(4) TFEU constitutes a ‘legal act’ (TFEU 288(4): 172; Kempen, 2014: 14). This identifies that the ECI is legally permissible, in contrast to the Commission's judgment, undermining the ECIs refusal, and therefore the ECI as a whole.

This issue is compounded if we consider the support for ‘STOP TTIP’. Currently 1,667,567 people have signed the initiative; achieving the required threshold in 11 MS (Stop-ttip.org). Within some of these MS the engagement of citizens has been extraordinarily high. In Germany, for example, 979,764 signatures (1360% of its threshold) have been obtained, as with the UK who have obtained 224,791 signatures (410% of its threshold). TTIP has a significant relevance to the ECI, as many citizens believe the international dispute settlement system will undermine democracy within the EU (stop-ttip.org). The fact that the Commission is ignoring the voice of such large amounts of people, on the basis of questionable legal reasoning, significantly hampers the credibility of the ECI as a democratic
participatory mechanism, especially given the fact that many oppose TTIP on the grounds of safeguarding democracy itself.

A closer analysis of the Commissions justifications for refusal shows some additional concerns. ECAS recently published a study in which it highlighted the anomalous nature of the Commissions registration procedures (ECAS, 2014: 15). For example, the ECI campaigning for responsible waste management referred to above, whilst accepted, had no ‘explicit legal basis in the treaties’ (Ibid.). The fact that the Commission has rejected some legally admissible initiatives, and accepted others utilising a more liberal interpretation, further undermines the process. Moreover, it raises concerns regarding the agenda of the Commission, and the possibility of ECI manipulation to further its own political ends.

**A negative outlook?**

As a consequence of the issues outlined above, the ECI is increasingly being viewed, and portrayed, in a negative light. In a report conducted by the European Ombudsman, Right2Water’s campaign coordinator stated that the ECI gave organisers ‘a feeling of being heard, but not being listened to’ (Euro-Ombudsman, 2014). More vehemently, in an ECAS interview, Madi Sharma founder of the ECI ‘Act4Growth’, explicitly stated that the ‘worst part’ of the procedure was the fact that ‘people inside the Commission’ were actively dissuading her from continuing the process, stating that the ECI was ‘set up to fail’ (Sharma, 2014). Although Sharma stated that, as a democratic instrument the ECI is ‘brilliant’, in reference to the EC she argued ‘its time it got its act together, and stopped lying to the citizens of the European Union’ (Ibid.).
Since its implementation, and due to the numerous failures and limitations that have become apparent, the ECs report reviewing the ECI, which was scheduled for 1 April 2015, was eagerly anticipated. To the further dissatisfaction of many, the Commission concluded that the ECI had ‘been fully implemented’ (COM (2015), 145:14). It cited the two successful ECIs to which it had responded, as evidence illustrating that the ‘necessary procedures and mechanisms are in place to ensure the ECI is operational’ (Ibid.). Although it cited some of the limitations I have identified thus far, it proposed no commitment to rectifying them, only a commitment to continued ‘monitoring’ and discussion (Ibid.). Two points are important here. Firstly it identifies ignorance regarding the dissatisfaction of both ‘Right2Water’ and ‘One of Us’. Secondly, its response was ‘highly formalistic, legalistic and technical’; it did not address the connection between the ECI and participatory democracy, or EU citizens, but rather assessed the ECI in an objective way (ECI campaign press-release, 2015). Notably, this is in contrast to the WP, which opened with an executive summary written in an accessible, and in some parts impassioned manner (COM(2001) 428).

During the most recent ECI day (13 April, 2015), EU officials and ECI organisers met to debate the mechanism. During this process, ECI organisers presented EC Vice President Franz Timmermans with a letter outlining their dissatisfaction with the current participatory mechanism (Figure 11, see appendix). They state that they believe in what the ECI can offer: ‘the ideas and involvement of citizens, shared European goals to overcome national divisions and proof that EU leaders are committed to strengthening democracy’ (Ibid.). However, they state
that, if unreformed, ‘the ECI will disappear from use’; arguing that all the EC has provided thus far is ‘empty words’ (Ibid.). This letter was signed by 21 ECIs, including the three supposed successful initiatives, and reflects the current disappointment, and frustration, felt by those who have attempted to engage with politics at the EU level— a frustration that has been perpetuated by the ECI, not ameliorated.

Chapter 4: Implications: Convincing in theory, failure in Practice— a flicker of hope, or a distant dream?

The ECI and Participatory Democratic Theory

In chapter 2, I highlighted the standards to which a good democratic participatory mechanism should conform. A successful participatory mechanism should: make a difference; ensure transparency clarity and honesty; be accessible to all those who wish to take part; and ensure accountability (Blears & Mulgan, 2005:19). It is evident that the ECI has failed to meet many of these requirements.

In reference to having a substantive impact, the ECI has failed on two fronts. Firstly, although some initiatives have attracted a significant amount of attention, i.e. the three successful initiatives but also ‘STOP TTIP’, of late, few individuals have actively engaged with the mechanism. Moreover, as figure 5 illustrated, fewer citizens or organisations are attempting to utilise the ECI— less initiatives are being instigated, and thus the ECI is disappearing from use. Secondly, no substantive outcome has resulted from the two ECIs that have proved successful. Therefore it has failed to impact upon the EU in terms of legislation.
Regarding transparency, clarity, and honesty, the anomalous registrations have led to uncertainty amongst organisers. The fact that the Commission has registered some initiatives that have no clear legal base in the treaties, such as with ‘Pour une gestion responsable des déchets, contre les incinérateurs’, and rejected some that do, such as TTIP, severely reduces the clarity and credibility of the mechanism.

In terms of accessibility, our analysis has shown that the organisation of a citizens’ initiative necessitates a considerable amount of capital, but also time. This suggests that the ECI is not accessible to all, and therefore may augment inequality. That being said, there have been significant teething issues for the mechanism thus far, which have contributed to the time and expense necessitated. Most initiatives have complained about the cost of setting up the online collection system, for example, which has to date faced organizational difficulty. If the EC can rectify some of these procedural costs, the capital outlay needed for an initiative would be reduced. Moreover, if the ECI can be revitalized and continues to be developed, then an infrastructure conducive for more efficient participation may result, reducing the amount of time necessarily sacrificed by Citizens who want to participate. The limited accessibility recognizable here does not de facto undermine the mechanism, but rather identifies that improvements need to be made.

Finally, accountability has thus far been significantly lacking. The Commission has a significant amount of autonomy concerning which initiatives it accepts, but also what actions it takes respective of the successful initiatives. As I have shown, ECI organisers have few avenues to force the Commission into action, in the event that it ignores the demands of 1 million citizens. Many have appealed to the CJEU, which
has been sluggish in its response to these complaints. Accountability could be raised if the CJEU responds positively to these claims, but as of yet, the Commission has been able to exercise its own political will, largely unrestrained.

This is to say that, thus far, the ECI has been hampered by significant procedural limitations, which have undermined its capacity to engage citizens. In its current form the ECI does not constitute a good participatory mechanism. High ID requirements have deterred citizens from engaging. The organizational difficulties of setting up the OCS has added to the cost of initiatives, and restricted the full potential of the ECI gathering signatures online: reducing its capacity to establish a modern E-democracy as first postulated by Carrara and Carausan (Carrara, 2012: 366; Carausan, 2011). This would suggest that the ECI does not, and has not, provided a panacea to the structural deficit. That being said, it has still offered some degree of participation—how far has the ECI impacted upon the democratic deficit, despite its failures?

**The ECI and the Structural Deficit**

At first glance, it is evident that the ECI has failed to promote a European public sphere, or European identities. Most initiatives have failed to acquire significant attention. Consequently, on the most part, trans-national debate has not been realised. To date, the ECI simply has not engaged enough citizens to significantly contribute to the emergence of a pan-European public sphere. Most citizens are not aware that the ECI exists, and those that are, have expressed a reluctance to participate. The significant deficiencies of the ECI, have added to this reluctance, with high ID thresholds in some MS deterring active participation.
Respective of fostering communal networks of shared responsibility, meaningful citizenship, and the building of solidarity, the limited participation identifies that such communalization has not occurred. However, such developments are organic, and cannot be instantly achieved. The ECI has been a failure. In its current form it will not ease the structural deficit.

That being said, a more in-depth analysis of the ECI reveals a glimmer of hope. The significant support raised for the successful initiatives has shown that the ECI can create pan-European discourse on European matters. The info-graphics above illustrate this point. If the procedural limitations can be appeased, and a conducive infrastructure erected, allowing for more efficient participation, then the ECI may provide a platform for greater levels of inclusion, augmenting the opportunities for European discourse and deliberation to be solidified. Moreover, those who have taken part in the successful initiatives have supported the claim that participation helps to develop ‘civic skills’, and allows for a strengthening of social bonds between likeminded individuals. As members of ‘Stop Vivisection’ stated, organising the ECI ‘put them in contact with like-minded people they could bond with’ (Varrica, 2014: 30). Thus, rather than abandoning the ECI, the EU should exert significant resources to improving the mechanism, bringing it more in-line with the ideal form of participation outlined above. If this is achieved, the ECI could go some way to combating the structural deficit.

It is important to recognise the recent ECI day in reference to this. The event saw representatives of the EU, and of failed initiatives, come together to debate and find solutions to the deficiencies of the ECI thus far (ECI Campaign, 14.04.2015). This
very process is indicative of what participation preaches. The theory of participation promulgates the idea that participation provides a platform for collective action, and for citizens to come together to find effective solutions to societal problems. Although the ECI does not constitute a good participatory mechanism, and has not engendered the emergence of a European public sphere, it has instigated this very process of progressive deliberation. ECI organisers are now attempting to fix the ECI itself, thus exemplifying that the limited participation provided for, despite its deficiencies, has contributed to the strengthening of citizen involvement seeking solutions to societal problems; in this case the ECI itself. In many ways the recent ECI day saw a temporary manifestation of a minimal and exclusive public sphere, which may expand and permeate the EU, if the ECI is revitalized, and greater access is provided for.

Concerning the actors driving ECIs thus far, my analysis has shown that citizens have not been in ‘the driving seat’, as first proposed (Sefcovic, 2012). In contrast, the ECI has provided further opportunities for CSOs to influence policy-making. As stated in Chapter 2 there are two major limitations vis-à-vis CSOs effectively combating the structural deficit: firstly, they often fail to promote active participation, and thus do not contribute to the Europeanisation of citizens (Kroger & Friedrich, 2013: 597); Secondly, successful lobbying in Brussels has been dominated by corporate groups, and market related interests (Kohler-Koch, 2010). However, the ECI forces CSOs into direct contact with European citizens, as they have to acquire statements of support to legitimize their proposals. Thus, even if CSOs dominate the ECI, in doing so they are forced to raise public awareness, and engage with citizens;
effectively energising, and extending the ‘transmission belt’, which is so often invoked to describe their democratic capacity (Nanz & Steffeck, 2004: 323). Moreover, as I identified, the ECI has also contributed to the broadening of representation in the EU. It has diversified the Brussels Bubble, and therefore further strengthened the capacity of CSOs to contribute to the easing of the structural deficit. The ECI may alleviate the biased nature of public deliberation in Brussels. Any public sphere that emerges as a result will be more inclusive on the whole.

Many will question the domination of the ECI by CSOs from an equality standpoint. Strengthening CSOs currently provides significant power to ‘organised interests’, rather than Citizens (Kohler-Koch, 2010b; Magnette, 2003). Two points need to be noted here: Firstly, participation is a learning process (Putnam, 2000)—CSOs need to lead the way, actively engaging citizens, not standing for them, easing them in to a participatory networks. Moreover, costs will be brought down if CSOs can forge a conducive infrastructure, allowing for an efficient initiative process. As with chess, in which a good player utilizes his pawns, CSOs can pave the way for the EUs citizens, the central players in the game that is democracy, to access the political arena.

That being said, it is difficult to escape the fact that the ECI is not being used, or stimulating mass participation. Aside from the issue of publicity, which can be easily rectified with a little investment from the EC, which currently spends about €1.9 billion on CSOs, there are significant issues of trust. I identified in Chapter 2 the link between trust and the structural deficit. Without augmenting trust in the EU, citizens will be reluctant to engage. It is evident that the ECI has done little to
alleviate distrust in European institutions— in this respect the ECI may be doing more harm than good. Madi Sharma’s experience with the ECI, and her response to such, illustrates this point. Members of the Commission actively dissuaded her from pursuing the ECI, consequently her trust in the credibility of the ECI, and the EC, deteriorated (Sharma, 2014). In providing citizens with an opportunity to participate, but refusing to accept many proposals, and ignoring those that have succeeded, the Commission has significantly hampered the trustworthiness, not just of the mechanism itself, but also of EU institutions. However, one must recognize that this issue is not an inherent aspect of the ECI, but is rather dependent on how it has been incorporated into the broader framework of the EU.

**The Structural Deficit and The Commission: Gatekeeper or Jailor?**

The Commission has been described as a ‘gatekeeper’ of the mechanism, (Garcia, 2013) but in this sense it may be portrayed as a jailor. Before the introduction of the initiative, many recognized that its success would depend on the willingness of the Commission to make it work. The Commissions dealings with the ECI have not reflected its substantive desire to see participatory democracy flourish at a European level. Incorporating participatory democracy into the democratic framework of the EU, via a mechanism that relies upon the will of an institution which is not directly elected, seems incongruent with a desire to increase the democratic legitimacy of the EU more broadly. If the Commission remains in charge of the ECI, any rejection of proposals, or refusals to act, would merely illustrate that the will ‘the executive branch of government prevails over the will of the people’ (Puppinck, et al, 2014: 31). Given the fact that such rejections are usually based on
the legal admissibility of proposals, it is questionable as to why the CJEU is not responsible for their assessment.

Although the democratic capacity of the CJEU itself is often debated, it is one of the most trusted EU institutions. (Keleman, 2011: 47) Empowering the CJEU to regulate the admissibility of initiatives would have numerous benefits: It would detach the success or failures of an initiative from political partisanship; it would interrelate the ECI with one of the few institutions that is trusted at a European level; and it would further reiterate the EUs commitment to the rule of law, which is deeply embedded and interrelated to democracy at a domestic level. What better way to galvanise trust in the EU, than to interrelate the success of an ECI with the institution that is designated to uphold justice?

Removing the ability of the EC to reject initiatives based on irregular justifications will free up the opportunities for greater levels of debate. Dismissing the metaphorical jailor will open the floodgates to legally admissible ECIs, providing greater opportunities for citizen interaction, and for a public sphere to emerge. As we have seen, the successful ECIs have raised public awareness, and gained citizen support, acquiring numerous signatures, and in theory, activating numerous citizens. What the EU needs is to replicate these processes on a more frequent basis. Moreover, the acquiring of one million signatures needs to be respected, resulting, if not in legislative out-puts, at least in inter-institutional debate.

**The ECI and the Institutional Deficit**

The structural deficit underscores much of the institutional deficit. If citizens can be activated, and a public sphere created, then turnout for European elections
would, in theory, be augmented. The activation of citizens would create more awareness, and interest, in EU deliberation and debate. Accountability will result as an organic consequence of this, as representatives will be provided with a more clear and recognised mandate from citizens. As Kohler-Koch notes, ‘effective participation comes with accountability’ (Kohler-Koch, 2010: 11). Moreover, as interest in the EU is augmented, the importance of EP elections will be widely recognised, reversing their ‘second order’ nature, and solidifying electoral processes; this will bolster the EU’s institutional representative capacity more broadly.

However, in its current form the ECI also adds to the institutional deficit. It provides a significant amount of power for the Commission, allowing it to decide which proposals it will accept. Empowering the EC to register initiatives that are in-line with its own agenda, shrouds its political will under a guise of democratic credibility. Generally, it has been noted that participatory governance ‘props up the power of the commission’, an institution which, as I have outlined, ‘cannot be held accountable’, (Kohler-Koch, 2010: 13); the ECI has not escaped this limitation. This supports the criticisms, and concerns, outlined at the outset regarding the ECIs dependence on the Commission (Szeligowska & Mincheva, 2012; Garcia & Villar, 2012; Boussaguet, 2015; Sauron, 2011). The anomalous registrations identified thus far augments this concern, further reiterating the claim that the ECI should be reformed, and interrelated with the CJEU.

**Conclusion**
Democratic representation in the EU is failing. There is no demos upon which the stability of an ever-closer Union can rest. The EUs compound representative structure serves to exile citizens from political processes, and subjective uncertainty creates instability, which is not conducive to trust building. Participatory democracy teaches that augmenting access to political processes will bridge the gap between citizens, and EU institutions often viewed as remote, engendering trust, and a European public sphere in which ‘public opinion and will-formation’ concerning the EU can take shape. Traditionally, CSOs have been considered as prime actors vis-à-vis augmenting citizen participation. However, they have failed to encourage active involvement, or broaden debate within Brussels. My analysis has shown that the ECI could aid CSOs fulfill their participatory democratic function. Some have questioned whether this would perpetuate the dominance of organised interests, however, I have argued that CSOs could clear the way for greater citizen involvement— easing citizens into participatory processes, whilst additionally developing an infrastructure conducive for more accessible participation, for Citizens of the future. In terms of developing a public sphere, the ECI is evidently failing. High ID requirements have deterred citizens from actively engaging with the mechanism, and the costly process of setting up an OCS has impeded ECIs to date. These issues are procedural and can be easily rectified. However, the ECI is undermined by its dependence on the will of the Commission, which is often considered to suffer its own democratic deficit. If the ECI is to survive, and truly engage citizens, providing the EU with a much needed stability to legitimize its ever-expanding competences, it needs to be reformed. I have suggested empowering the CJEU, interlinking the ECI to the rule of law, and one of the most trusted EU institutions. Whether one agrees with my proposition
will depend largely on how they view the EU more broadly—Intergovernmentalists would surely shriek. However, the days of the ‘permissive consensus’ have passed, the EU needs to forge a productive relationship with its citizens, if it has any hope of surviving.
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Appendix

Figure 1:

Table: European Parliament election turnout % by country 1979 - 2014

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Source: www.europarl.europa.eu, BBC Online

**Figure 1**: As found at: http://www.ukpolitical.info/european-parliament-election-turnout.htm
**Figure 2:** Figures taken from Regulation 211/2011.

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Figure 3:

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Figure 3—taken from *(COM(2015) 145)*.

Figure 4:

Figure 4 (original)—data taken from ECI support center, see figure 10.
Figure 5: C. Berg, ‘Number of signatures per semester’, Citizens-Initiative Campaign, as found at: http://www.citizens-initiative.eu/intervention-by-carsten-berg-at-the-ep-public-hearing-on-the-eci/

Figure 6: Taken from Garcia. L.B, ‘The European Citizens’ Initiative encourages civil society organisations to engage with the public on European Issues’, European Politics and Policy, as found at: http://bit.ly/1dfe2DO (last accessed 26.04.15).

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<th>Date of registration/refusal</th>
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<th>Name</th>
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<th>Type of promoter</th>
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<th>Stage of the process</th>
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<td>13/09/2013</td>
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<td>Minority SafePack – one million signatures for diversity in Europe</td>
<td>Refused</td>
<td>Social</td>
<td>European organisation (FLEUN)</td>
<td>Germany</td>
<td>6</td>
<td>N/A</td>
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<td>29/10/2013</td>
<td>N/A</td>
<td>To hold an immediate EU Referendum on public confidence in European Government’s (DG) competence</td>
<td>Refused</td>
<td>Constitutional</td>
<td>Political party (Michael Berlin)</td>
<td>Germany</td>
<td>1</td>
<td>N/A</td>
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<tr>
<td>5/11/2013</td>
<td>N/A</td>
<td>Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!</td>
<td>Refused</td>
<td>Social</td>
<td>European organisation (Trade Union Association)</td>
<td>Brussels</td>
<td>1</td>
<td>N/A</td>
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<td>6/11/2013</td>
<td>N/A</td>
<td>Our concern for insufficient help to pet and stray animals in the European Union</td>
<td>Refused</td>
<td>Animal welfare</td>
<td>European organisation (EIDAHOR)</td>
<td>Sweden</td>
<td>1</td>
<td>N/A</td>
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<td>20/11/2013</td>
<td>ECI(2013)000008</td>
<td>Weed like to talk</td>
<td>Accepted</td>
<td>Social; health</td>
<td>Informal group (young people)</td>
<td>France</td>
<td>8</td>
<td>N/A</td>
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<td>25/11/2013</td>
<td>ECI(2013)000009</td>
<td>European Free Vaping Initiative</td>
<td>Accepted</td>
<td>Health</td>
<td>European organisation (European network)</td>
<td>Hungary</td>
<td>7</td>
<td>N/A</td>
<td>N/A</td>
<td>End campaign</td>
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<td>23/01/2014</td>
<td>N/A</td>
<td>The Supreme Legislative &amp; Executive Power in the EU must be the EU Referendum as an expression of direct democracy</td>
<td>Refused</td>
<td>Constitutional</td>
<td>Political party (Michael Berlin)</td>
<td>Germany</td>
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<td>N/A</td>
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<td>23/01/2014</td>
<td>N/A</td>
<td>A new EU legal norm, self-abolition of the European Parliament and its structures, must be immediately adopted</td>
<td>Refused</td>
<td>Constitutional</td>
<td>Political party (Michael Berlin)</td>
<td>Germany</td>
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<td>3/02/2014</td>
<td>ECI(2014)000001</td>
<td>Turn me</td>
<td>Accepted/withdrawn</td>
<td>Environment; energy</td>
<td>Informal group (young people)</td>
<td>France</td>
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<td>N/A</td>
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<td>N/A (online and paper)</td>
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<td>7/05/2014</td>
<td>ECI(2014)000002</td>
<td>New Deal 4 Europe - For a European Plan Special Plan for Sustainable Development and Employment</td>
<td>Accepted/withdrawn</td>
<td>Environment, social</td>
<td>European organisation (Trade Union Associations, European Federals, European Movement)</td>
<td>Europe-wide</td>
<td>14</td>
<td>€2,000</td>
<td>N/A</td>
<td>N/A (online and paper)</td>
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<td>24/02/2014</td>
<td>ECI(2014)000003</td>
<td>MOVEUROPE</td>
<td>Accepted/withdrawn</td>
<td>Transport</td>
<td>New organisation (young people)</td>
<td>France</td>
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<td>26/02/2014</td>
<td>N/A</td>
<td>Ethics for Animals and Kids</td>
<td>Refused</td>
<td>Animal welfare</td>
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<td>5/08/2014</td>
<td>N/A</td>
<td>Vite l’Europe sociale! Pour un nouveau critère européen contre la pauvreté</td>
<td>Refused</td>
<td>Justice; Social</td>
<td>N/A</td>
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<td>10/09/2014</td>
<td>N/A</td>
<td>STOP TTP</td>
<td>Refused</td>
<td>International Agreements</td>
<td>NGO group (Mehr Demokratie)</td>
<td>Germany</td>
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<td>1/10/2014</td>
<td>ECI(2014)000004</td>
<td>Pour une Europe plus juste, neutralisons les sociétés d’accès</td>
<td>Accepted</td>
<td>Justice; social</td>
<td>Transnational NGO (Transparency International)</td>
<td>France</td>
<td>6</td>
<td>N/A</td>
<td>N/A</td>
<td>Collection of statements of support</td>
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<td>19/12/2014</td>
<td>ECI(2014)000005</td>
<td>For a socially fair Europe! Encouraging a stronger cooperation between EU Member States to fight poverty in Europe</td>
<td>Accepted</td>
<td>Justice; social</td>
<td>Informal group (young people)</td>
<td>France</td>
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<td>N/A</td>
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<td>9/02/2015</td>
<td>ECI(2015)000001</td>
<td>On The Wire</td>
<td>Accepted</td>
<td>Justice; privacy</td>
<td>European organisation (The Council of Bars and Law Societies of Europe, ECBE)</td>
<td>Brussels</td>
<td>4</td>
<td>N/A</td>
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OPEN LETTER TO THE EUROPEAN COMMISSION

To: Mr. Frans Timmermans, First Vice-President, European Commission

Dear Commissioner Timmermans,

We believed in the promise of the European Citizens’ Initiative. We believed we had a powerful idea that would benefit Europe. We believed that at least one million Europeans would agree with us. We believed that, if they did, the European Commission would act. These beliefs led us to launch an ECI. None of us got what we intended. All of us discovered that the ECI in its current form does not work. But we think it still can and must.

Now more than ever, the European Union needs what the ECI can offer: the ideas and involvement of its citizens, shared European goals to overcome national divisions and proof that EU leaders are committed to strengthening democracy.

We urge you to propose a deep and meaningful amendment of Regulation 211/2011. It must become easier for citizens to both run and support an ECI. If not, the ECI will disappear from use.

Some of our ECIs ended prematurely, despite careful preparation and competent legal advice. Over 40% of all proposed ECIs were not registered for falling “manifestly outside the framework of the Commission's powers”. Legal experts say sometimes this was clearly true, but often it was not. The law is open to interpretation. Appeals to the courts are long and complex. We urge you to register all ECIs that are serious and within the EU’s values, while offering a non-binding opinion on legal competence. Let each campaign decide what to do. Also, allow ECIs calling for treaty amendments. These changes will help ECIs lead to the public and political dialogue you yourself advocate.

All of our registered ECIs struggled to collect signatures while respecting complex and bureaucratic procedures. Few got over 100,000 supporters, most much less. Many citizens are frightened away by the ECIs personal data requirements, especially ID numbers. The online signature collection software and paper forms are ill-suited to transnational campaigning. We aren’t even allowed to stay in touch with our supporters! Some of these problems are easy to fix. Others require political will. We urge you, above all, to hold Member States to the promise they made to remove ID number requirements by 2015.

Only three of our ECIs formally succeeded. We worked hard to convince partners and supporters that the ECI was worth their effort. They expected action. They got empty words. Successful ECIs deserve serious consideration, including deliberation in Parliament and Council via normal legislative procedures. With no hope of action, no one will use the ECI. It will become an empty promise. If you are sincerely committed to the ECI’s continuation, the Commission must pledge to respond to all successful ECIs with meaningful action. There is much the Commission can do while still remaining within the limits of the EU treaties.

See 12 Ways to Build an ECI That Works for a list of necessary reforms. You can also read our stories in An ECI That Works.
Signed by 21 European Citizens’ Initiatives:

1. Fraternité 2020 – Mobility, Progress, Europe
2. Water and sanitation are a human right! Water is a public good, not a commodity!
3. One of us
4. Stop vivisection
5. High Quality European Education for All
6. Pour une gestion responsable des déchets, contre les incinérateurs
7. Central public online collection platform for the European Citizen Initiative
8. 30 km/h – making the streets liveable!
9. Single Communication Tariff Act
10. Unconditional Basic Income (UBI)
11. End Ecocide in Europe: A Citizens’ Initiative to give the Earth Rights
12. ACT 4 Growth
13. Teach for Youth – Upgrade to Erasmus 2.0
14. European Initiative for Media Pluralism
15. Weed like to talk
16. European Free Vaping Initiative
17. New Deal 4 Europe – For a European Special Plan for Sustainable Development and Employment
18. An end to front companies in order to secure a fairer Europe
19. For a socially fair Europe! Encouraging a stronger cooperation between EU Member States to fight poverty in Europe
20. « On The Wire »
21. ONE MILLION SIGNATURES FOR “A EUROPE OF SOLIDARITY”