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**POTENTIAL AND  
CHALLENGES OF  
E-PARTICIPATION IN THE  
EUROPEAN UNION**

**STUDY FOR THE AFCO COMMITTEE**





**DIRECTORATE GENERAL FOR INTERNAL POLICIES**

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS**

**CONSTITUTIONAL AFFAIRS**

# **POTENTIAL AND CHALLENGES OF E-PARTICIPATION IN THE EUROPEAN UNION**

**STUDY**

## **Abstract**

This study was commissioned and supervised by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee. European countries have started exploring e-participation as a way to regain citizens' trust and revitalise European democracy by developing a more responsive, transparent and participatory decision-making process. The main objectives of the study are to identify best practices in EU Member States, describe e-participation tools and initiatives at the EU level, and explain the benefits and challenges of e-participation.

## **ABOUT THE PUBLICATION**

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## LIST OF ABBREVIATIONS

<b>CFR</b>	Charter of Fundamental Rights of the European Union
<b>CIP</b>	Competitiveness and Innovation Programme
<b>DEMSOC</b>	Democratic Society
<b>DESI</b>	Digital Economy and Society Index
<b>DG CONNECT</b>	Directorate-General for Communications Networks, Content & Technology
<b>DG HOME</b>	Directorate-General Migration and Home Affairs
<b>DG JUST</b>	Directorate-General Justice and Consumers
<b>ECI</b>	European Citizens' Initiative
<b>EPI</b>	E-Participation Index
<b>EU</b>	European Union
<b>ICT</b>	Information and Communication Technology
<b>ICT PSP</b>	ICT Policy Support Programme
<b>INI</b>	Own-Initiative Report
<b>LIBE</b>	European Parliament Committee on Civil Liberties, Justice and Home Affairs
<b>MEP</b>	Member of the European Parliament
<b>OCS</b>	Online Collection System
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PbP</b>	Puzzled By Policy
<b>PETI</b>	Committee on Petitions
<b>SWOT</b>	Strengths, Weaknesses, Opportunities and Threats
<b>TEU</b>	Treaty on European Union
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>UN</b>	United Nations

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## EXECUTIVE SUMMARY

This study was commissioned by the European Parliament to the European Citizen Action Service (ECAS) in order to examine the potential and challenges of e-participation tools in the European Union (EU). The main objectives of the study include: identifying best practices in EU Member States, describing e-participation tools and initiatives at the EU level, and explaining the benefits and challenges of e-participation. For the purpose of this study, more attention has been given to top-down rather than bottom-up approaches, since the aim is to examine how the EU can innovate its current governance through technology in order to enhance direct involvement and participation of citizens in policy-making. The study concludes with policy recommendations on how to ensure the effective implementation of e-participation mechanisms at the EU level.

In order to achieve the objectives proposed, the methodological approach consisted of: a broad exploration of definitions and existing data on e-participation, followed by two national cases in EU Member States; a detailed description of core e-participation initiatives and tools proposed by the EU; and two SWOT analyses to assess the Strengths, Weaknesses, Opportunities and Threats of two specific EU tools: the European Citizens' Initiative and the online EU public consultations.

The definitions and existing data on e-participation are based on the findings by the Organisation for Economic Co-operation and Development (OECD), the United Nations (UN) and the EU. There is no all-inclusive definition of e-participation, although the general consensus is that it includes three interactions between governments and citizens: e-information, e-consultation and e-decision-making.

The analysis includes case-studies of two member states, Finland and Scotland, who have experimented with e-participation by improving e-consultation processes and by implementing crowdsourcing methods. The assessment of these two case-studies demonstrates the potential of these e-participation tools to generate multiple benefits, such as enhancing citizens' participation in policy-making and increasing political legitimacy. However, digital participation can be fully effective only by overcoming barriers such as access, confidence and inclination.

A closer examination of specific e-participation possibilities at the EU level shows that although the Treaties provide citizens only with a few participation tools, it is possible to enhance direct participation in EU policy-making through other means. This is clearly demonstrated by the analysis of three additional ways citizens' participation has been enhanced through digital tools: civil society organisations implementing e-participation projects co-funded by the EU, the Futurium platform developed by DG CONNECT, and particular initiatives of individual Members of the European Parliament.

The two SWOT analyses of the ECI and the online EU public consultations were conducted with the same approach: by identifying strengths, weaknesses, opportunities and threats of the tools based on the literature, and by analysing the responses of 33 experts who rated the importance of the SWOT elements on a seven-point scale.

The SWOT analyses allowed the identification of essential priorities of both the ECI and online EU public consultations. The objective should be to maintain the strengths of these tools, solve their weaknesses, grasp the opportunities and avoid the threats.

Results show that experts held stronger opinions regarding the weaknesses of the ECI as opposed to the strengths. The EU must work on improving the ECI's cost-effectiveness, user-friendliness and regulatory framework since the results show great citizen frustration. Regarding online EU public consultations, however, the experts seemed to be moderately satisfied with the tool, although the EU should make it less technical and improve the timely publication of the results and feedback. The EU should also pay attention to the digital divide between countries and ensure that online tools such as the EU public consultations include an offline component to enhance participation.

According to both SWOT analyses, e-participation tools are generally unknown to citizens because of three reasons: the EU and Member States do not put enough effort into promoting opportunities for engagement; EU citizens are not interested in discovering opportunities for e-participation because they perceive these tools as unsuccessful (lacking in meaningful impact); and last but not least, citizens find e-participation tools too complex or technical, and this discourages them from engaging in policy processes.

One of the biggest challenges for e-participation is the current disinterest of European citizens in EU-level politics. However, there is potential in the e-participation tools if EU decision-makers use them in a consistent and systematic manner to regain citizens' trust and interest.

The study outlines the following possible scenarios:

1. The EU continues working on e-participation the way it is without changing anything. (Not recommended)
2. The EU focuses on improving existing e-participation tools at the EU level. (Recommended)
3. Specific EU institutions/actors take their own initiatives and foster new ways of e-participation. (Highly recommended)

The overall recommendation of the study is that the EU should both improve existing e-participation tools and foster new ways of e-participation. These initiatives have the potential to achieve significant benefits such as enhancing participation and active citizenship, engaging young people in policy-making, ensuring innovative ideas for policy-making, and finally, increasing political trust and legitimacy. However, it is important to stress that these potentials can only be achieved if the EU puts more effort and resources into solving the weaknesses of these tools, and into taking more initiative and experimenting in this field.

# 1. INTRODUCTION

The nature of citizen engagement in Europe is changing. The growing distance between citizens and their governments at the local, (sub)national and European levels, has led to a decline in voter turnout, a shrink in membership of political parties and a loss of interest in politics in general, especially by young people. As a reaction to this public discontent, many European countries have started exploring the potential of Information and Communication Technology (ICT) to regain citizens' trust and revitalise European democracy by developing a more responsive, transparent, and participatory decision-making process.

Since citizens today are less inclined to engage in traditional 'offline' forms of participation<sup>1</sup>, the Internet may offer the potential to change the scope of citizens' engagement and new possibilities for participation due to the Web's affordability and possibility to reach out to a broader audience. This means that the Web could reduce the costs of information and exchange, facilitate collaborative and deliberative processes and ultimately lead to improved decision-making at all levels of government<sup>2</sup>.

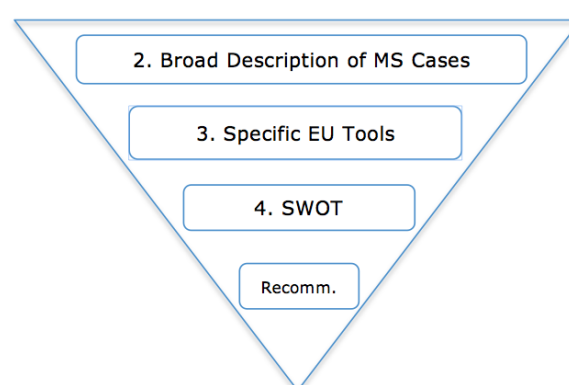
The use of ICT to support democratic decision-making in order to enhance democratic institutions and democratic processes is referred to as e-democracy<sup>3</sup>. E-democracy encompasses several online activities, such as e-government, e-parliament, e-initiative, e-voting, e-campaigning, e-participation and many more. On this note, it is important to stress that e-democracy "is not meant to replace traditional forms of representative democracy but rather to complement them by adding elements of citizen empowerment and direct democracy"<sup>4</sup>. From this point of view, e-democracy is not meant to be something new, it simply means that the use of ICT is expected to make democratic institutions more efficient and productive<sup>5</sup>.

In this study, we focus on one of the notions incorporated in digital democracy: e-participation. The analysis will start with an overview of definitions and existing data on e-participation, followed by a broad exploration of some exemplary national cases in the EU Member States. In the next step, we will focus on the EU level by assessing the legal possibilities for more elements of direct democracy within the Lisbon Treaty, and we will describe the existing EU e-participation tools.

The final section will explain more specifically the strengths, weaknesses, opportunities and threats (SWOT analysis) of two EU tools: the European Citizens' Initiative (ECI) and online EU public consultations.

For the purpose of this study, more attention will be given to top-down approaches rather than bottom-up, since the aim is to examine how the EU can innovate its current governance

**Figure 1: Methodology**



<sup>1</sup> Clarke A., *Exploiting the Web as a Tool of Democracy: New Ways Forward in the Study and Practice of Digital Democracy*, World Forum for Democracy 2013 Issues Paper, Council of Europe, Strasbourg, 2013.

<sup>2</sup> Bruno E., *Co-Deciding with Citizens: Towards Digital Democracy at EU Level*, ECAS publ., 2015. [online] Available at: <http://www.ecas.org/wp-content/uploads/2015/06/ECAS-Publication-online-version.pdf> [January 2016].

<sup>3</sup> Macintosh A., *Characterizing e-participation in policy-making*, in: "Proceedings of 37th Hawaii International Conference on System Sciences", IEEE, 2004, pp. 1-10.

<sup>4</sup> Bruno E., *op. cit.*

<sup>5</sup> Coenen C. and Riehm U., *Development Through Electronic Networks: Information and Communication Technologies in Africa*, BOD GmbH DE, 2013, pp. 83

through technology in order to enhance the direct involvement and participation of citizens in policy-making. The goal is to assess the possibilities and the challenges of existing e-participation tools used by European citizens to communicate their preferences to policy-makers and to actively engage in a decision-making process.

## 2. THE POTENTIAL OF E-PARTICIPATION: EXPLORING BEST PRACTICES IN EUROPE

### KEY FINDINGS

- E-participation encompasses three interactions between governments and citizens: e-information, e-consultation and e-decision-making.
- National cases show how e-participation has the potential to enhance citizens' participation in policy-making, ensure learning processes, collect innovative ideas and increase political legitimacy and trust.
- Challenges of e-participation include overcoming barriers such as access, confidence and inclination.

### 2.1 E-Participation: State of Play

#### 2.1.1 Interpretations and Data

The concept of e-democracy, meaning the use of ICT to support a democratic decision-making process<sup>6</sup>, has been widely discussed over the past decade for different reasons. The development of technology has made ICTs central to citizens' daily lives and progressively relevant for political systems. Citizens are increasingly questioning traditional forms of representative democracy and expecting innovation in policy-making processes with possibilities of direct participation. This is mainly due to the challenges democratic countries are facing, such as the gap between the political elites and the citizens, which leads to the problem of political disengagement. Furthermore, citizens perceive the limits of public institutions' capacity to respond to their demands and a lack of legitimacy in institutional processes at all levels. There is a need to revive democratic societies and to enhance a more deliberative view of active citizenship through more direct engagement<sup>7</sup>.

E-participation is one important dimension of e-government, which relates to the effects of ICTs on government-citizens relations. The term 'e-participation' suffers from a lack of an all-inclusive definition, as it comprises a wide range of initiatives. For example, it could mean the use of ICT by a government to enhance openness and transparency by the provision of information online, or the use of ICT by citizens to participate, collaborate or/and deliberate in a decision-making process. In order to understand why e-participation incorporates different interpretations, we can start by identifying what it means for citizens to interact with a government.

In 2001, The Organisation for Economic Co-operation and Development (OECD) published the *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making*, which is a guide to government-citizens relations in democracy. The Handbook examines the relations in policy-making on local, national and international levels and highlights that representative democracy is not only based on formal rules and principles but also on the interactions between the government and the citizens. The OECD defined three practical ways in which these interactions could be strengthened<sup>8</sup>:

<sup>6</sup> Macintosh A., *op. cit.*

<sup>7</sup> Tuzzi A., Padovani C., Nesti G., *Communication and (e)democracy: assessing European edemocracy discourses*, in: Cammaerts B. and Carpentier N. (eds), "Reclaiming the media. Communication rights and democratic media roles", Bristol, UK, Chicago, USA, Intellect, 2007, pp. 31-65.

<sup>8</sup> OECD, *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making*, OECD Publishing, Paris, 2001. [online] Available at: <http://www.oecd.org/gov/digital-government/2536857.pdf> [January 2016].

1. **Information:** *Government disseminates information on policy-making on its own initiative – or citizens access information upon their demand. (One-way relationship)*
2. **Consultation:** *Government asks for and receives citizens' feedback on policy-making. (Two-way relationship)*
3. **Active participation:** *Citizens actively engage in decision-making and policy-making. (Advanced two-way relationship)*

The OECD Handbook stresses the fact that enhancing the influence and participation of citizens in policy-making is not intended to replace the system of rules and principles, but rather to respond to citizens' demands of greater openness and transparency in a democracy, which is evolving.

The United Nations created a conceptual framework for e-participation by simply adding the electronic element to the OECD's three ways to strengthen government-citizen interactions<sup>9</sup>:

1. **E-information:** *Enabling participation by providing citizens with public information and access to information without or upon demand.*
2. **E-consultation:** *Engaging citizens in contributions to and deliberation on public policies and services.*
3. **E-decision-making:** *Empowering citizens through co-design of policy options and co-production of service components and delivery modalities.*

The UN developed an e-participation index (EPI) based on this framework and conducted its first survey on digital participation in 2003, as a supplementary index to the UN E-Government Survey. The UN states that the goal of e-participation initiatives is to "improve citizens' access to information and public services and to promote participation in public decision-making which impacts the well-being of society, in general, and the individual, in particular"<sup>10</sup>. The UN's survey on e-participation is conducted every two years and assesses the three different e-participation features in six defined sectors in countries worldwide: education, health, finance, social welfare, labour information and the environment.

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<sup>9</sup> United Nations, *United Nations E-Government Survey 2014 E-Government for the Future We Want*, United Nations, New York, 2014. [online] Available at:

[https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/E-Gov\\_Complete\\_Survey-2014.pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/E-Gov_Complete_Survey-2014.pdf) [January 2016].





















<sup>10</sup> *Ibid.*

**Table 1: Summary of UN assessment details on e-participation**

UN EPI	
E-information	<ul style="list-style-type: none"> <li>Online availability of information and datasets on the six sectors</li> <li>Access to government website in multiple national languages</li> <li>Presence of social media</li> </ul>
E-consultation	<ul style="list-style-type: none"> <li>Existence of e-consultation mechanism for the six sectors.</li> <li>Presence of online tools to receive public opinion for public policy deliberation (eg. Polls, voting tools, petitions, forums, etc.)</li> </ul>
E-decision-making	<ul style="list-style-type: none"> <li>Availability of e-decision-making tools for the six sectors</li> </ul>

Source: (United Nations, 2014)

**Table 2: UN EPI ranking of the EU's 28 Member States 2014**

Country	Rank 2012	Rank 2014	EPART 2014	Rank Change
 Netherlands	1	1	1.0000	
 France	25	4	0.9608	+21
 United Kingdom of Great Britain and Northern Ireland	5	4	0.9608	+1
 Greece	45	17	0.8039	+28
 Italy	56	19	0.7843	+37
 Spain	31	19	0.7843	+12
 Estonia	8	22	0.7647	-14
 Finland	11	24	0.7059	-13
 Germany	8	24	0.7059	-16
 Latvia	66	24	0.7059	+42
 Ireland	89	33	0.6471	+56
 Lithuania	30	33	0.6471	-3
 Portugal	42	33	0.6471	+9
 Austria	42	40	0.6275	+2
 Belgium	89	40	0.6275	+49
 Slovakia	89	40	0.6275	+49
 Sweden	15	45	0.6078	-30
 Denmark	28	54	0.5490	-26
 Luxembourg	38	54	0.5490	-16
 Poland	75	65	0.4902	+10
 Malta	56	71	0.4706	-15
 Romania	109	71	0.4706	+38
 Hungary	36	75	0.4510	-39
 Slovenia	66	84	0.3922	-18
 Croatia	53	97	0.3333	-44
 Cyprus	109	107	0.3137	+2
 Bulgaria	134	122	0.2549	+12
 Czech Republic	56	122	0.2549	-66

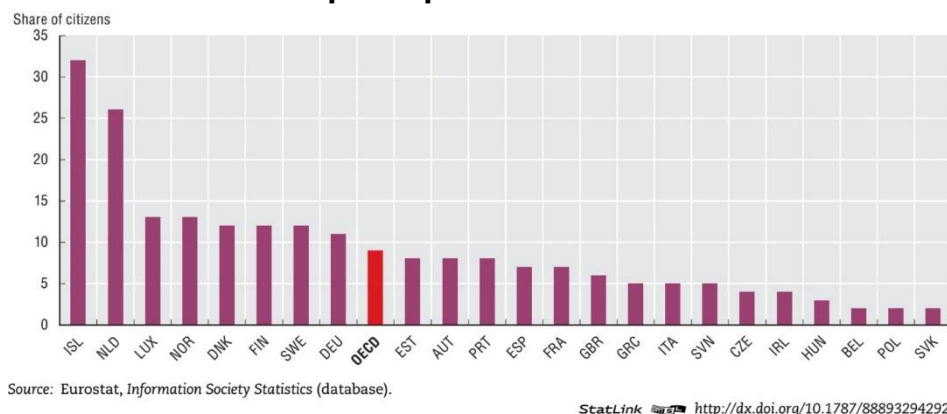
Source: (United Nations, 2014)

The OECD does not have its own index on e-participation but it analyses specific digital tools used by citizens to take part in policy-making under its open and inclusive government framework. In 2013, it revealed that less than 10% of citizens had taken part in an online



consultation or voting for civic or political issues<sup>11</sup>. Mainly Scandinavian countries, the Netherlands and Luxembourg scored the highest on using online tools to voice their opinions.

**Graph 1: % of individuals who participated in an online consultation or voting**

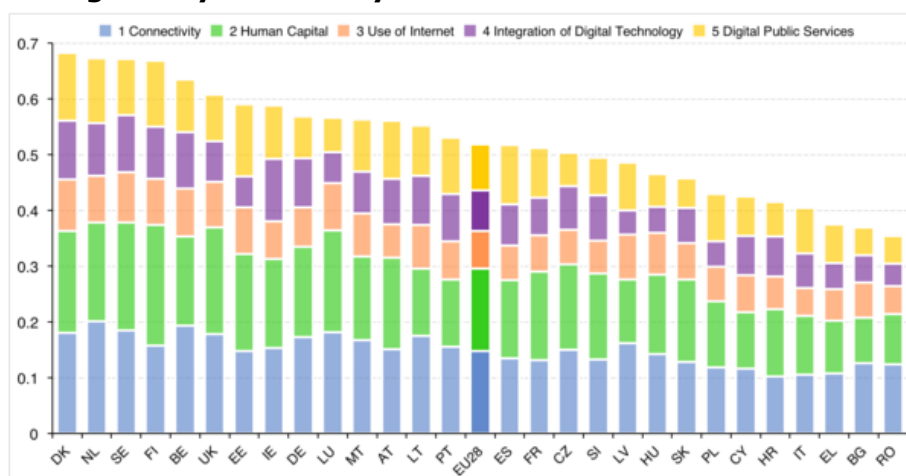


**Source:** (OECD, 2013)

The previous table and graph lead to two conclusions. First, the two rankings show clear differences in the extent to which various countries take up e-participation tools. Second, most of the countries' scores differ significantly from one ranking to another.

The EU's Digital Economy and Society Index (DESI) of 2016<sup>12</sup> provided very recent data which helps interpret the situation. The DESI study highlights different figures on how digital EU countries are based on connectivity, digital skills and online public services<sup>13</sup>. Scandinavian countries, such as Denmark, Sweden and Finland, continue to lead the DESI rankings as well. The Netherlands is the only country that is a front-runner in all three of the rankings.

**Graph 2: How digital is your country?**



**Source:** (DESI, 2016)

Although quantitative data provides a useful overview on e-participation, it is equally important to explain what ICT can mean for citizens and how they can use digital tools to

<sup>11</sup> OECD, *Government at a Glance 2013*, OECD Publishing, Paris, 2013. [online] Available at: [http://www.oecd-ilibrary.org/governance/government-at-a-glance-2015\\_gov\\_glance-2015-en](http://www.oecd-ilibrary.org/governance/government-at-a-glance-2015_gov_glance-2015-en) [January 2016].

<sup>12</sup> DESI 2016 [online] Available at: <https://ec.europa.eu/digital-single-market/en/desi> [January 2016].

<sup>13</sup> European Commission, *How digital is your country? New figures show action needed to unlock Europe's potential*, Press Release, 2016. [online] Available at: [http://europa.eu/rapid/press-release\\_IP-16-384\\_en.htm](http://europa.eu/rapid/press-release_IP-16-384_en.htm).

participate in a society. Ann Macintosh specifies how far citizens can be engaged when using online tools through three levels of e-participation, which reflect the UN's typology<sup>14</sup>:

1. **E-enabling** *is about supporting those who would not typically access the internet and take advantage of the large amount of information available.* E-enabling refers to using technology to reach out to a wider public by providing citizens with more accessible and understandable information. Hence, e-enabling addresses two specific aspects: accessibility and understandability.
2. **E-engaging** *with citizens is about consulting a wider audience to enable deeper contributions and to support deliberative debate on policy issues.* It specifically refers to e-participation of citizens in consultations initiated by a government or a parliament through a top-down approach.
3. **E-empowering** *citizens is supporting active participation and facilitating bottom-up ideas to influence the political agenda.* In this case, citizens are not only consumers but also producers of policy following a bottom-up approach. Citizens are allowed to influence and participate in the creation of policy.

**Table 3: Summary of (E-)participation**

OECD Government-Citizens Interactions	UN EPI E-participation Framework	Ann Macintosh Levels of Engagement	Citizens' Role
Information (One-Way)	E-Information	E-Enabling (1 level: accessibility & understandability)	<i>Passive</i>
Consultation (Two-Way)	E-Consultation	E-Engaging (2 level: Top-Down)	<b>Active</b>
Active Participation (Advanced Two-Way)	E-Decision-Making	E-Empowerment (3 level: Bottom-Up)	<b>Active</b>

### 2.1.2 The European Union's Views on E-Participation

The European Commission has a broad definition of e-participation, stating that it "helps people engage in politics and policy-making and makes the decision-making processes easier to understand, thanks to ICTs"<sup>15</sup>. It is part of the European Commission's 'open government approach' which aims to provide opportunities for public administration in becoming more efficient and effective through increased information and knowledge exchange and enhancing connectivity, openness and transparency<sup>16</sup>. The European Parliament has also been conducting its own research on e-participation and has published the following studies: 'The Future of Democracy in Europe: Trends, Analyses and Reforms'<sup>17</sup> in 2008 and 'E-Public, E-Participation and E-Voting – prospects and challenges'<sup>18</sup> in 2012.

<sup>14</sup> Macintosh A., *op. cit.*

<sup>15</sup> Ec.europa.eu, *eParticipation*, 2015. [online] Available at: <https://ec.europa.eu/digital-single-market/eparticipation> [January 2016].

<sup>16</sup> Ec.europa.eu, *Open Government*, [online] <https://ec.europa.eu/digital-single-market/en/open-government>

<sup>17</sup> European Parliament, *The Future of Democracy in Europe: Trends, Analyses and Reforms*, 2008. [online] Available at: [http://www.europarl.europa.eu/RegData/etudes/note/join/2008/408339/IPOL-AFCO\\_NT\(2008\)408339\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2008/408339/IPOL-AFCO_NT(2008)408339_EN.pdf) [January 2016].

<sup>18</sup> European Parliament, *E-Public, E-Participation and E-Voting – prospects and challenges*, 2012. [online] Available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/471584/IPOL-JOIN\\_ET\(2011\)471584\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/471584/IPOL-JOIN_ET(2011)471584_EN.pdf) [January 2016].

Although a more thorough analysis of the existing EU e-participation tools will be discussed in Chapter 3, we can briefly describe how the European Union has been strengthening the three aspects of e-participation defined in the previous table. First, for **e-information**, the European Commission has stressed the importance of using ICTs for improving its communication of policies to citizens in different documents such as *Action plan to improve communicating Europe*<sup>19</sup> in 2005, the *Plan-D for Democracy, Dialogue and Debate*<sup>20</sup> in 2005 revised in 2008, the *Communicating Europe via the internet*<sup>21</sup> policy document from 2007 and many more<sup>22</sup>. Second, there has been an evolution in improving **e-consultations**, as the European Commission defined the minimum standards for consultations in 2002<sup>23</sup>. Today, stronger principles on EU e-consultations lie in the 2015 *Better Regulation Guidelines*<sup>24</sup>. Third, the Lisbon Treaty allowed the EU to take its first steps towards **e-decision-making** with the 2012 launch of the European Citizens' Initiative (ECI). The ECI is the first official pan-European instrument of participatory democracy with a strong online component. It empowers citizens by giving them the possibility to take part in EU agenda-setting.

The OECD and the UN both focus on the **executive** branch, as they consider e-participation as "a process of engaging citizens through ICTs in policy and decision-making in order to make public administration participatory, inclusive, collaborative and deliberative for intrinsic and instrumental ends"<sup>25</sup>. However, e-participation can also be interpreted as "the use of ICT to broaden and deepen political participation by enabling citizens to connect with one another and with their elected representatives"<sup>26</sup>, in which case its focus is the **legislative** branch.

It is essential for the EU to decide whether it wants to be a front-runner in e-participation, and if so, in which of its aspects. Does it want to stress the enabling, engaging or decision-making feature in electronic participation? Is its goal to improve already existing tools to connect citizens closer to the European Commission's decision-making processes? Or is its goal to start thinking about how citizens can engage more with the Members of the European Parliament (MEPs) who are representing them? These are normative questions we will try to answer in the end of this study. We will start by providing inspiration for these political choices by discussing some national best practices of e-participation in the following paragraphs.

<sup>19</sup> European Commission, *Communication to the Commission. Action Plan to improve communicating Europe by the Commission*, 2015. [online] Available at: <http://ec.europa.eu/transparency/regdoc/rep/2/2005/EN/2-2005-985-EN-F-0.Pdf> [January 2016].

<sup>20</sup> European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee of the Regions. The Commission's contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate*, 2005. [online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0494:FIN:EN:PDF> [January 2016].

<sup>21</sup> European Commission, *Communication to the Commission. Communicating about Europe via the Internet. Engaging citizens*, 2007. [online] Available at: [http://ec.europa.eu/ipg/docs/internet-strategy\\_en.pdf](http://ec.europa.eu/ipg/docs/internet-strategy_en.pdf) [January 2016].

<sup>22</sup> European Commission, *Communication policy & Strategy*, [online] Available at [http://ec.europa.eu/ipg/basics/policy/index\\_en.htm](http://ec.europa.eu/ipg/basics/policy/index_en.htm) [January 2016].

<sup>23</sup> These general rules on how Commission services should consult are set out in the 2002 Commission Communication "Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission"; COM(2002) 704 final, complemented by COM(2012) 746 and accompanying SWD(2012) 422 and by COM(2014) 368.

<sup>24</sup> European Commission, *Better Regulation Guidelines*, 2015. [online] Available at: [http://ec.europa.eu/smart-regulation/guidelines/docs/swd\\_br\\_guidelines\\_en.pdf](http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf) [January 2016].

<sup>25</sup> United Nations, *op.cit.*

<sup>26</sup> Macintosh A., *eParticipation in policy-making: the research and the challenges*, in: "Exploiting the Knowledge Economy: Issues, Applications. Case Studies", 2006.

## 2.2 E-Participation: National Best Practices

### 2.2.1 Experimenting with Crowdsourcing in Finland

Finland is a pioneer when it comes to providing access to digital tools and services. In July 2010, Finland was the first country in the world to make broadband connection a legal right for every citizen<sup>27</sup>. The logic behind this legislation was explained at the time by Finland's communication minister, Suvi Linden, who described how the internet is part of Finns' daily life, meaning that Internet services are no longer just for entertainment but are a fundamental part of society<sup>28</sup>.

Following this reasoning, Finland has taken strong initiatives in e-participation to enhance citizens' engagement with the government's decision-making processes. In order to analyse the Finnish government's successes and challenges in e-participation, we will assess two initiatives which have taken place in the past recent years: the New Citizens' Initiative Act and the Road Traffic law.

#### 2.2.1.1 The New Citizens' Initiative Act

In March 2012, Finland adopted the New Citizens' Initiative Act, a law that introduced an element of direct democracy into the Finnish political system by allowing Finnish citizens to submit an initiative to the Parliament. The rules are simple: any citizen of voting age can start a petition to propose to the government either a change to an existing legislation, or a completely new bill, formulated through crowdsourcing methods. This petition must receive 50,000 signatures in six months, in paper form or online (by using an online bank user identification), in order for the Parliament to discuss it<sup>29</sup>. Although it is mandatory for the Parliament to take into consideration the successful initiatives, it can still decide to amend or reject the proposals.

Civil society organisations played an important role in this context. Shortly after the adoption of the New Citizens Initiative Act, a Helsinki-based NGO called Open Ministry (Avoin Ministeriö) was founded with the specific aim of supporting the New Citizens' Initiative legislation and campaign for a more open government and democracy. Open Ministry created a website ([www.avoinministerio.fi](http://www.avoinministerio.fi)), where citizen initiatives could be discussed, promoted and officially voted for in order to facilitate the process of collecting the 50,000 signatures. In December 2012, the Finnish Ministry of Justice opened the official dedicated online system ([www.kansalaisaloite.fi](http://www.kansalaisaloite.fi)) to collect the statements of support<sup>30</sup>. Since the institutionalisation of the Citizens' Initiative in 2012, 9 successful initiatives reached the parliament (e.g. stricter penalties for drunk driving, changes to the energy certification law, copyright reform), among which only one has been turned into law so far (equal marriage rights for gay couples)<sup>31</sup>.

#### Assessment

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<sup>27</sup> Finland makes broadband a legal right, BBC News, 2010. [online] Available at: <http://www.bbc.com/news/10461048> [January 2016].

<sup>28</sup> Ibid.

<sup>29</sup> Aitamurto T., *Crowdsourcing for Democracy: A New Era in Policy-Making*, Parliament of Finland, Publication of the Committee for the Future, 2012. [online] Available at: [https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj\\_1+2012.pdf](https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj_1+2012.pdf) [January 2016].

<sup>30</sup> Nurminen L., Karjalainen M., Christensen H. S., *What does crowdsourcing legislation entail for the participants? The Finnish case of Avoin Ministeriö* 2014. [online] Available at: [http://ipp.oii.ox.ac.uk/sites/ipp/files/documents/IPP2014\\_Christensen.pdf](http://ipp.oii.ox.ac.uk/sites/ipp/files/documents/IPP2014_Christensen.pdf) [January 2016].

<sup>31</sup> More Information online:

<https://www.kansalaisaloite.fi/fi/hae?searchView=pub&orderBy=createdNewest&show=sentToParliament&minSupportCount=50>.

Researchers have analysed whether the New Citizens' Initiative could represent a good example of participatory democracy. Nurminen, Karjalainen and Christensen, concluded that the experience led to different results<sup>32</sup>:

- **Enhanced participation by involving citizens in policy-making.** The Citizens' Initiative has had some significant successes. For example, the initiative on equal marriage rights gathered more than 120,000 supporters within 24 hours of being launched (to put this into perspective, Helsinki has less than 600,000 inhabitants). However, the users of the Open Ministry tool cannot be considered representative of the Finnish population, as they "tend to be young, well-educated males living in an urban setting"<sup>33</sup>. Hence, the combination of direct and deliberative democracy offered by Open Ministry appeals to a certain segment of the population. This suggests that this type of democratic innovation predominantly mobilises an already privileged group of citizens rather than the general masses.
- **Engaged youth.** Most users of the Open Ministry platform were mainly from the age group 21-40 years old, who are overrepresented compared to the general population.
- **Ensured a learning process for both citizens and decision-makers.**
- **Encouraged fresh/innovative ideas for shaping policies.** Innovative ideas can emerge from the 'wisdom of the crowd' and when 'hidden' expertise can participate into the debate thanks to complementary legislative tools.

Another study conducted in 2015 revealed an additional fundamental conclusion about the Finnish experience with crowdsourcing<sup>34</sup>:

- **Increased legitimacy of policy-making.** The analysis showed that crowdsourcing has the potential to help enhance legitimacy by creating more trust in the decision-making process. Most importantly, even if the participants did not receive the desired outcome of their initiative, they kept their faith in the system if they perceived the whole process was fair. However, there have been cases in which people who supported failed initiatives have developed less trust towards the political system, so there is always the risk of political disenchantment which could undermine democratic legitimacy. Nonetheless, the study concluded on a positive note stating "the participants generally still believed that crowdsourcing legislation can help improve democracy in Finland"<sup>35</sup>.

<sup>32</sup> Nurminen L., Karjalainen M., Christensen H. S., *Combining citizens' initiatives and deliberation – The case of Open Ministry*, 2009. [online] Available at: <http://ecpr.eu/filestore/paperproposal/106c7149-616a-4782-a892-64b111ed3f3a.pdf> [January 2016].

<sup>33</sup> *Ibid.*

<sup>34</sup> Christensen H. S., Karjalainen M., Nurminen L., *Does Crowdsourcing Legislation Increase Political Legitimacy? The Case of Avoin Ministeriö in Finland*, 2015. [online] Available at:

[http://ipp.oii.ox.ac.uk/sites/ipp/files/documents/IPP2014\\_Christensen.pdf](http://ipp.oii.ox.ac.uk/sites/ipp/files/documents/IPP2014_Christensen.pdf) [January 2016].

<sup>35</sup> *Ibid.*

**Table 4: Analysis on New Citizens' Initiative in Finland**

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Eg. The Citizens' Initiative on equal marriage rights gathered more than 120,000 supporters within 24 hours of being launched.
Increased Representativeness	No	The participants tend to be part of a specific category: young, well-educated males living in an urban setting.
Engaged Youth in Policy-making	Yes	Most users were drawn from the age group 21-40 years old who are overrepresented compared to the general population.
Ensured a learning process	Yes/No	There might be learning processes but the "real time exchanges of views" is lacking. Proceedings in the Parliament were never public.
Ensured innovative ideas for policy-making	Yes	Innovative ideas can come from the "wisdom of the crowd" and when "hidden" expertise to participate into the debate.
Increased political legitimacy/trust	Mainly Yes	Yes, if the participants consider the whole process to be fair, despite the final outcome.
Kept citizens' faith in crowdsourcing method to enhance democracy	Yes	The participants generally still believed that crowdsourcing legislation can help improve democracy in Finland.

### 2.2.1.2 Off-Road traffic law

The implementation of the New Citizens' Initiative legislation created a space where citizens could freely intervene in the government's policy-agenda by forwarding proposals on matters they cared for. However, Finland's democratisation efforts did not stop here. In 2013, it pursued another crowdsourcing experiment, led by the Finnish Ministry for Environment together with the Committee for the Future of the Parliament, to work on a new Off-Road Traffic law together with the citizens.

The Off-Road Traffic Act's purpose is to regulate traffic beyond established roads. Since the Finnish Parliament did not manage to successfully pass a new law concerning this matter in 2010<sup>36</sup>, it decided to appeal to the citizens for their ideas on how to redesign it.

The crowdsourcing experiment started in January 2013. Citizens were asked to take part in an online deliberation to decide on several different issues related to off-road traffic, such as whether officials should be able to reject proposals for new off-road routes, whether a legal right was necessary to create new routes (following environmental provisions) and whether decisions were to be made on a county, municipal or local level.

The Finnish government set up an official website on which the public would be able to contribute to the legislative processes concerning the new off-road traffic law.

Any citizen could take part in the deliberation by:

- Creating an account on the website; they could stay anonymous, use their nicknames or real names.

<sup>36</sup> The current law that regulates off-road traffic in Finland came into force in 1995. There was a need to reform the law because, firstly, the number of ATVs and other off-road vehicles increased, and, secondly, there were concerns that the existing law did not regulate the high traffic density in summer properly.



- Commenting on broad topics<sup>37</sup> identified by the government related to off-road traffic. They could add suggestions and upload pictures or other attachments to enhance the quality of the debate.
- Proposing a new topic if they wanted to add a new element aside from the broad topics already proposed.

In order to incentivise engagement, the citizens would gain points for contributing to the discussions and see how active they were in comparison with others through a ranking system. Transparency was also a key characteristic in the crowdsourcing experiment, as every comment or contribution that was made on the online platform was visible for the other participants. For this purpose, a second website was also created to include information on the specific issues related to off-road traffic, such as explanations on the current legislation, on the failed attempt to introduce a new law in Parliament and even on the ongoing crowdsourcing procedure. This was one way to guarantee the citizens had informed discussions throughout the process.

The Finnish crowdsourcing experiment took place in three phases: problem mapping, problem solving and ideation, and finally, evaluation of the<sup>38</sup>:

**First phase** (January to March 2013): There were 340 conversation starters, 2,600 comments in reaction and 19,000 votes from about 700 users. This input was examined and divided into categories and subcategories with specific questions that served as the basis for the second phase.

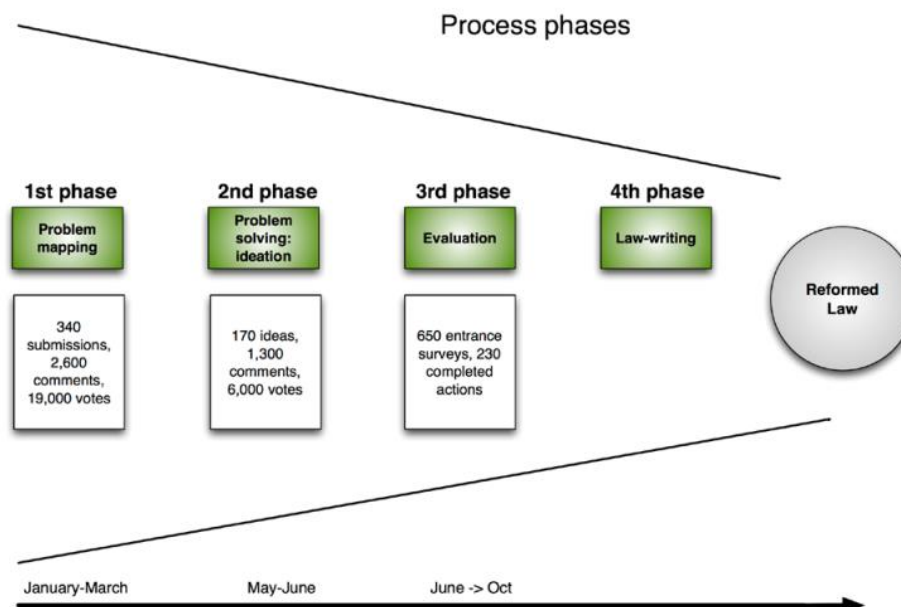
**Second phase** (March until June 2013): Citizens were invited to come up with solutions for the problems identified in the first phase. 170 ideas were generated with 1,300 comments and 6,000 votes. The experts responsible for the design of the experiment operated as moderators to guide the participants' thinking, encourage them to ask more questions and provide them with answers from the Ministry.

**Third phase** (June to October 2013): The ideas of the second phase were assessed by crowd and expert evaluation. The crowd's evaluation was done on a specific online platform in which the citizens would receive a random sample of ideas to be evaluated through two evaluation methods: rating and comparison. The participants would only work on the ideas they received and could not see the other evaluations. Subsequently, each idea's popularity was analysed and graded. In parallel, the evaluation of the ideas was also done by experts, who always had to provide the reasoning behind their analysis.

All the results were compiled in a report for the Ministry of Environment as an input to reach the final step of law reform. However, the law reform process was never completed.

<sup>37</sup> For example, general problems with off-road traffic, age limits, and regulations of emissions and routes <http://www.participedia.net/en/cases/crowdsourcing-policy-and-lawmaking-finland> [January 2016].

<sup>38</sup> Aitamurto T., Landemore H., *Five Design Principles for Crowdsourced Policymaking: Assessing the Case of Crowdsourced Off-Road Traffic Law in Finland*, in: "Journal of Social Media for Organizations", vol. 2, no. 1, 2015. [online] Available at: <http://www2.mitre.org/public/jsmo/pdfs/02-01-5-design-principles.pdf> [January 2016].

**Figure 2: Phases in the crowdsourced law-making process**

**Source:** (Aitamurto and Landemore, 2015)

### Assessment

In the off-road traffic experience, online deliberation allowed citizens to participate in a structured virtual space for discussion and to contribute to a problem-solving process. As Finland is a digitalised country, e-participation was theoretically possible to the entire population with Internet access. In total, the online discussions were joined by more than 700 citizens and the website was visited by 14.000 individuals.

Aitamurto, Landemore, Lee and Goel came to several positive conclusions in their study on the Finnish crowdsourcing example<sup>39</sup>:

- **Citizens participated in a civil and constructive way.** The numerous online interactions show that participants are willing to contribute to discussions when they are given an opportunity to do so, especially on issues they care about. Out of 4 000 comments, only 20 were reported as non-relevant and were removed.
- **The crowd was realistic about the potential impact on the law.** Although participants took part in the experiment because they wanted to contribute to law change, they were aware that not all comments would have been taken into consideration and that the end result would have been a compromise of many opinions. Still, they had a positive opinion about the democratic potential of the project as they felt that their voices were being heard.
- **The crowdsourcing experience led to 'learning moments'.** Since all comments were visible, participants were learning from each other during the process and this triggered deeper understanding of the problems related to off-road traffic. Furthermore, citizens also stated to have learned more about policy-making and legislative procedures in general.

<sup>39</sup> Aitamurto T., Landemore H., Lee D., Goel A., *Assessing the Case of Crowdsourced Off-Road Traffic Law in Finland*, report, 2014. [online] Available at: [https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj\\_1+2014.pdf](https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj_1+2014.pdf) [January 2016].



- **The crowd is wise.** Stanford University created a crowd evaluation tool which assessed that the participants in the Finnish case rejected extremism and focused on reasoned ideas based on common-sense.
- **Minority voices were not lost.** Through a clustering algorithm, it was proven that the voices of minorities were aligned with minority demographics of the population.

However, the same study also identified different challenges regarding crowdsourcing techniques:

- **Risk of misrepresentation of the general populations' preferences.** The lack of an authentication process on the website allowed citizens to theoretically have as many profiles as they want, meaning the existence of fake profiles must be taken into consideration. However, the identity issue matters only until a certain point because the goal of the crowdsourcing experience was about information collection and not delegating decision-making to the crowd. If necessary, the problem can simply be solved by introducing an authentication process that identifies the citizens when conducting crowdsourcing experiments.
- **More participation especially when moderation effort was increased.** About 20% of the participants who signed up to the platform were active in the discussions and a smaller number was highly active. There is space to increase the discussion activity of participants by increasing the efforts in moderation during crowdsourcing experiences.
- **The digital divide remains a fact.** Although Finland is technologically advanced, citizens who did not have access to the Internet were excluded from the process. Furthermore, the most active users were male, living in Northern Finland and interested in the topic. It is important to find ways to include all parts of society in crowdsourcing experiments.
- **The lack of an institutionalised process leads to an arbitrary final result.** The Finnish Minister of Environment, and not the citizens, had to take the ultimate decision to change the law. In order to avoid citizens' frustration, it is important to guarantee their opinions are going to be taken into consideration in the final step. The Finnish parliament could have introduced a binding process or obligation to include the citizen's proposals in the law change.

**Table 5: Analysis of Off-Road Traffic crowdsourcing experience in Finland**

Potential	Result	Explanation
Enhanced citizens participation in policy-making	Yes	Participants are willing to contribute to discussions when they are given an opportunity to do so, especially on issues they care about. The crowd was also realistic about the potential impact on the law and they appreciated the possibility of contributing to the decision-making process.
Increased Representativeness	No	There is the digital divide to be considered since the process was completely online. Most of the participants were male and living in Northern Finland.
Ensured a learning process	Yes	Citizens learned more about policy-making in general and learned from other peoples' comments on the issue.
Ensured innovative ideas for policy-making based on wisdom of the crowd	Yes	The experiment was taken seriously and the crowd focused on nuanced common-sense opinions rather than extreme ideas.
Increased political legitimacy/trust	Yes/No	The participants valued the process as a whole. However, the lack of a binding institutionalised process meant citizens opinions not implemented in the final law because there never was one.
Kept citizens' faith in crowdsourcing method to enhance democracy	Yes	The citizens appreciated the crowdsourcing methodology.

## 2.2.2 The Scottish Government

We approached the Finnish case by showing how e-participation is implemented through specific projects. We will now give a more holistic perspective on the implementation of e-participation tools in public governance by focusing on Scotland.

The Scottish Government has been working in recent years on enhancing digital inclusion, technologies, skills and innovation across all areas of its society. It claims that digital participation can improve public services, boost economic growth and help people have a better life. Although many people use digital technology regularly, the level of broadband uptake and use of the Internet for services in Scotland has been lower than any other nation in the UK<sup>40</sup>. Research shows that people do not use digital tools and services mainly because of four reasons: lack of interest, financial concerns, lack of access to a computer and lack of confidence or knowledge<sup>41</sup>.

In 2011, the Scottish Government published its guidelines *Scotland's Digital Future: A Strategy for Scotland*<sup>42</sup>, which set out how it intends to achieve digital inclusion. In its statement *A Digital Ambition for Scotland*<sup>43</sup> in March 2011, it highlighted the two main goals:

<sup>40</sup> Ofcom, *Communications Market Report: Scotland*, Ofcom Publ., 2015. [online] Available at: [http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr15/2015\\_Scotland\\_CMR.pdf](http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr15/2015_Scotland_CMR.pdf) [April 2016].

<sup>41</sup> The Scottish Government, *Scotland's Digital Future A Strategy for Scotland*, Edinburgh 2011, pg. 21. [online] Available at: <http://www.gov.scot/Resource/Doc/343733/0114331.pdf> [April 2016].

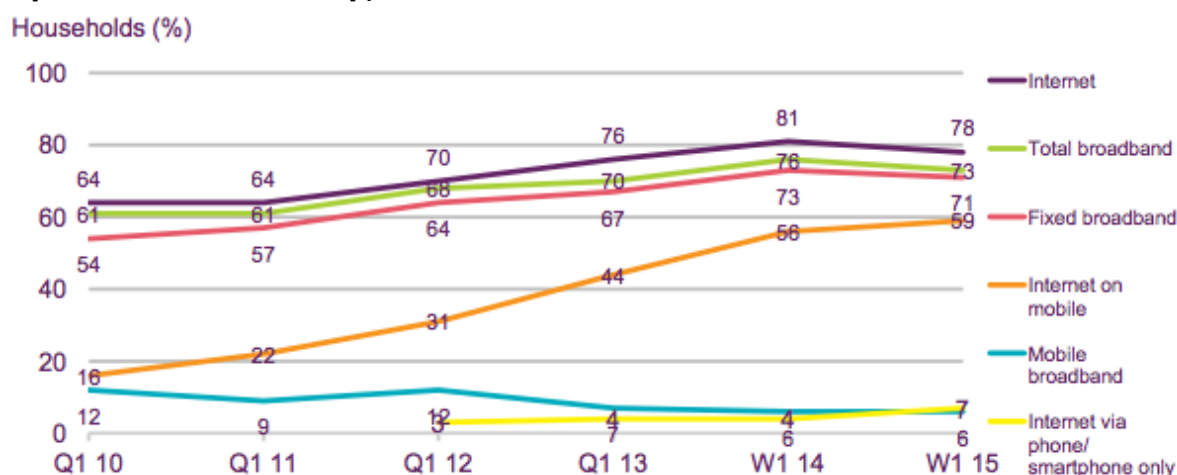
<sup>42</sup> *Ibid.*

<sup>43</sup> Gov.scot, *A Statement of Digital Ambition for Scotland*, 2010. [online] Available at: <http://www.gov.scot/Topics/ArtsCultureSport/arts/Archive/DigitalAmbition/DigitalAmbitionScotland/StatementDigitalAmbition> [April 2016].

- That next generation broadband will be available to all by 2020, and significant progress will be made by 2015; and
- That the rate of broadband uptake by people in Scotland should be at or above the UK average by 2013, and should be highest among the UK nations by 2015.

Digital participation can be fully effective only by overcoming barriers such as access, confidence and inclination. The Scottish Government is determined to ensure that citizens feel safe online and learn how to become digitally responsible by acquiring skills, creativity and confidence<sup>44</sup>. Although figures from 2015 show that Scotland is still slightly lagging behind compared to other nations in the UK, it has made significant progress both in broadband uptake and the use of the Internet.

**Graph 3: Internet take-up, Scotland 2010-2015**



**Source:** (Ofcom, 2016)

The Scottish Government considers the Internet also a way to power new forms of democracy<sup>45</sup>. Combined with its efforts in reducing the digital divide, the government has been experimenting with e-participation tools and crowdsourcing methods with its citizens. One of the ways in which it has been doing so is through its collaboration with the company Delib. Delib has been working on digital democracy since 2001 and is based in the UK and in Australia. Its goal is to help governments improve their interactions with citizens by offering three e-participation tools: Citizen Space, to run online consultations, Dialogue, to collect ideas, and Budget Simulator, to consult on budgeting issues. More than 250 government organisations worldwide, including in the UK, have been using Delib's platforms.<sup>46</sup>

The Scottish Government's Digital Engagement Team has been regularly reporting on how it has been using these e-participation tools to support policy professionals in being more transparent, collaborative and creative and to encourage greater citizen engagement through the web and social media<sup>47</sup>. The Digital Engagement team was put in place to meet three main objectives:

<sup>44</sup> The Scottish Government, *Digital Participation. A National Framework for Local Action*, The Scottish Government Publications, 2014. [online] Available at: <http://www.gov.scot/Resource/0044/00448804.pdf> [April 2016].

<sup>45</sup> *Ibid.*

<sup>46</sup> Delib, *About Delib*. 2016. [online] Available at: [http://www.delib.net/about\\_delib](http://www.delib.net/about_delib) [April 2016].

<sup>47</sup> Lockhar L., *Walking the talk – our progress on digital engagement project*, 2015. [online] Available at: <http://blogs.scotland.gov.uk/digitaleengagement/page/2/> [April 2016].

- Improve the way consultations are carried out by using a digital platform and by providing advice and guidance;
- develop digital capability through guidance, workshops and seminars;
- carry out digital experiments to formulate best practice.

The Scottish Government has improved consultation processes, experimented with crowdsourcing and explored possibilities of participatory budgeting.

## Scottish Consultations

Every year, the Scottish Government runs around 100 consultations on many different issues in order to allow citizens to have their say on government proposals or policies. The system was set up in November 2013 and tested across government departments. Once the experimentation phase was complete, Citizen Space was rolled out across the Scottish government for all consultations<sup>48</sup>.

Citizen Space “acts as a hub for all upcoming, active, and closed consultations, providing a space for people to have their say on current issues as well as an accessible archive for previous consultations”<sup>49</sup>. The platform allows different options for consultations to improve the experience, such as several question formats, the possibility to add media, and a powerful search tool. Consultation results are made public and summarised under the ‘We Asked, You Said, We Did’ tab<sup>50</sup>.

One of the most successful cases was the consultation on Scotland’s independence referendum. The Scottish Government decided to consult its citizens on the content and timing of the referendum and on some details on how it should be run (eg. allowing 16-17 year olds to vote). 23,569 responses were submitted through Citizen Space (compared with 725 that were submitted via email or post) and a consultation report was issued based on the quantitative and qualitative analysis of the received responses<sup>51</sup>. The feedback provided by the consultation shaped the Scottish Government’s proposal for the referendum.

Although the accessibility and simplicity of the Citizen Space platform has been argued to have contributed to higher response rates than in earlier consultation processes, these are not the only reasons. The Digital Engagement Team made many efforts to address citizens’ digital capability through community management, developing a digital engagement strategy, identifying barriers to social media engagement, and running ‘offline’ workshops on social reporting<sup>52</sup>. Furthermore, it has discussed best practices and provided advice to numerous stakeholders in order to empower better engagement and to build know-how regarding joint efforts to promote participation in policy-making. This has helped the Scottish Government tailor its approach to e-participation.

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<sup>48</sup> Citizenspace.com, *Organise and publish your consultations easily*, 2016. [online] Available at: <http://www.citizenspace.com/info> [April 2016].

<sup>49</sup> Gillies E, *Slacking off*, 2016. Available at: <http://blogs.scotland.gov.uk/digitalengagement/> [April 2016].

<sup>50</sup> The Scottish Government, *We asked, You said, We did*, 2016. [online] Available at: <https://consult.scotland.gov.uk/we-asked-you-said> [April 2016].

<sup>51</sup> Citizenspace.com, *Customer Story: The Scottish Government*, 2016. [online] Available at: <http://www.citizenspace.com/info/customer-stories/scottish-government/index.html> [April 2016].

<sup>52</sup> Digital Engagement, 2016, [online] Available at: <http://blogs.scotland.gov.uk/digitalengagement/> [April 2016].

## Scottish Crowdsourcing

The Digital Engagement Team has been experimenting with crowdsourcing in policy-making by using the Dialogue platform<sup>53</sup>. This online tool helps collect opinions through structured discussion and is meant to allow citizens share their thoughts and ideas to help the Scottish Government formulate better policies. A user can register on the platform by creating a profile, by submitting an idea, or by commenting, rating or tagging other existing ideas. The Digital Engagement Team made an assessment of its first two experiences in crowdsourcing in two fields of policy: Open Data and Fisheries<sup>54</sup>.

In the case of Open Data, citizens were asked to express their ideas on the creation of a resource pack to support Scottish public services develop their own open data strategies. Participants had to explain what data they would like to access from Scottish public services, for what they would use the data and in which formats they would like the data to be published. This crowdsourcing initiative took place from 8 June to 13 July 2015, and was part of the government's Open Data Strategy<sup>55</sup>.

In the case of Fisheries, a traditional consultation on "the proposed conservation measures to introduce a licensing system for the killing of any wild salmon in Scotland"<sup>56</sup> had generated frustration amongst the fishing community. The Dialogue platform was used to overcome this frustration by allowing interested parties to voice their disagreements and to collect opinions on a proposal to create a 'kill licence' and carcass-tagging regime for salmon<sup>57</sup>.

The results of these two cases of crowdsourcing can be summarised in the following table:

**Table 6: Results of 'Open Data' and 'Fisheries' crowdsourcing cases**

Case	Timeframe	No. of Ideas	No. of Comments	No. of Users	General Feedback
Open Data	8 June to 13 July 2015	18	8	9	<ul style="list-style-type: none"> <li>• User-friendly but basic interface</li> <li>• Discussion questions were too wide</li> <li>• Uncertainty of the benefit of using the platform</li> </ul>
Fisheries	22 to 29 July 2015	64	341	128 (4 from Scott. Gov.)	<ul style="list-style-type: none"> <li>• Duplication of ideas on the platform</li> <li>• Time was too short</li> </ul>

Reasons identified for the differing levels of engagement in the above case studies included promotion and specificity. The Open Data case was only promoted via social media, whereas the fisheries case involved a large amount of targeted engagement and preliminary engagement work with key stakeholders and communities. In terms of specificity, the fisheries case had a clear task that generated a large number of ideas and discussion. However, the general consensus from users of the Open Data Dialogue was that "the

<sup>53</sup> <http://www.dialogue-app.com/info/> [April 2016].

<sup>54</sup> Digital Engagement, *Our experience so far – crowdsourcing for policy making*, 2015. [online] Available at: <http://blogs.scotland.gov.uk/digitalengagement/2015/08/06/our-experience-so-far-crowdsourcing-for-policy-making/> [April 2016].

<sup>55</sup> The Scottish Government, *Open Data*, 2015. [online] Available at: <https://ideas.scotland.gov.uk/Open%20Data> [April 2016].

<sup>56</sup> The Scottish Government, *Fishing for wild salmon in Scotland*, 2015. [online] Available at: <https://ideas.scotland.gov.uk/fishing-for-wild-salmon-in-scotland> [April 2016]. Look also at: The Scottish Government, *Consultation on proposed conservation measures to introduce a licensing system for killing wild salmon in Scotland*, 2015. [online] Available at: <http://www.gov.scot/Resource/0048/00482232.pdf> [April 2016].

<sup>57</sup> Digital Engagement, *Our experience so far...*, op.cit.

discussion question was too wide and a more specific question with a narrower focus may have encouraged more discussion<sup>58</sup>.”

The two case studies from the Scottish Government illustrate an important point for those considering the use of digital engagement for policy making, namely that a digital engagement tool alone does not guarantee a successful participation process. E-government tools cannot reach their potential if the engagement process they are embedded within is not promoted and does not allow citizens to engage in a meaningful and accessible manner, within a suitable timeframe<sup>59</sup>.

Although the feedback of the approach was overall positive, the Digital Engagement Team came up with several recommendations to improve crowdsourcing experiences in the future. To start with, questions should be phrased in a specific way in order to obtain specific answers by the users and to enhance the efficiency of the discussions. It is also important to target promotion around existing communities or other online activities that are relevant to the focus audience. Last but not least, crowdsourcing should start with the proper planning of the time period and especially of the community management, as it is fundamental to engage users to be active in their discussions and to stimulate a learning process.

### **Scottish Participatory Budgeting**

Participatory budgeting is a way to give citizens the possibility to take part in a fiscal decision-making process and to choose where public money should be allocated. The Scottish Government has been collaborating with civil society to understand how to enhance citizens' engagement in budgeting matters. It commissioned the Democratic Society (Demsoc)<sup>60</sup>, a UK-based organisation, to work on a four-month research project to explore different digital tools for participatory budgeting, which can be used by the local councils in Scotland.

Demsoc proceeded in three phases to fulfil the project. First, it engaged with 18 councils in Scotland to understand their needs and their aspirations regarding participatory budgeting. Second, it analysed different e-participation tools which would allow people to submit ideas for funding, to host discussions, to allocate budgets and to vote for ideas and projects to receive funding. Third, several workshops were organised to allow the councils to test the six digital tools proposed and assess whether they are suitable for their participatory budgeting purposes<sup>61</sup>.

Demsoc's study explains there are different stages throughout a participatory budgeting process: idea generation, prioritisation of ideas, discussion of projects, deliberation of ideas, voting and budget allocation.

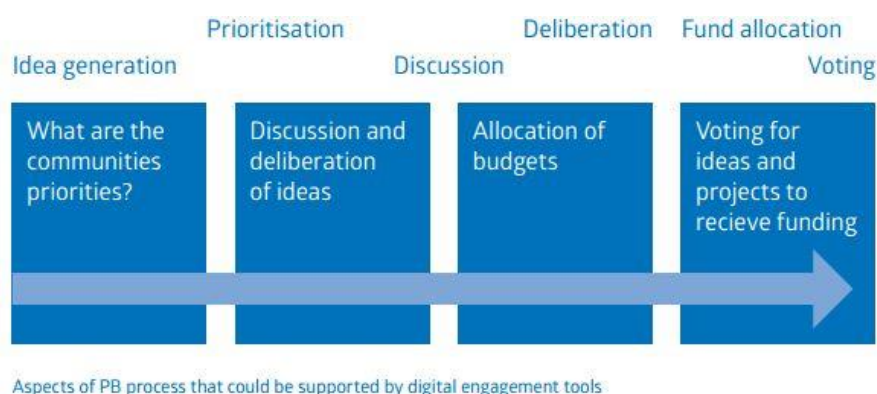
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<sup>58</sup> Interview to Alistair Stoddart, Scotland Network Manager, The Democratic Society, 15 April 2016.

<sup>59</sup> *Ibid.*

<sup>60</sup> The Democratic Society. [online] Available at: <http://www.demsoc.org/> [April 2016].

<sup>61</sup> The Democratic Society, *Digital tools and Scotland's Participatory Budgeting programme. A report by the Democratic Society for the Scottish Government*, 2016. [online] Available at: <http://www.demsoc.org/wp-content/uploads/2016/01/DS-Digital-Tools-paper.pdf>.

**Figure 3: Aspects of participatory budgeting**

**Source:** (The Democratic Society, 2016)

Since there currently is no single tool that is considerably better than the others in all phases, Demsoc identified six existing, customisable software which are all suitable for the Scottish councils' purposes and can be used in the various participatory budgeting stages (see Annex 1).

Although enthusiastic about the idea, most of the Scottish council officers involved in the study had limited experience in participatory budgeting. The structured meetings and workshops with them allowed Demsoc to come up with several recommendations regarding the use of these e-participation tools<sup>62</sup>:

- Digital engagement is a complement to participatory budgeting processes, but cannot replace offline engagement.
- An effective use of digital engagement will guarantee that a wider range of voices are involved in participatory budgeting processes.
- The Scottish government should financially support the technological costs of further experimentation in the field of e-participation for participatory budgeting.
- The Scottish government should consider funding experts in digital engagement to support the needs of the councils.
- The councils should always share what they have learnt during their digital engagement experiences and participate in a digital participatory budgeting group.
- The digital participatory budgeting group and the Scottish government should prepare official introductory guidelines for other councils and governmental agencies which decide to develop participatory budgeting processes.

<sup>62</sup> *Ibid.*



## 2.3 Summary and Conclusions

This chapter started with a general overview of definitions and existing data on e-participation. E-participation is a notion that is encompassed in e-democracy and it is a dimension of e-government, as it relates to the effects of ICTs on government-citizens relations. There is no all-inclusive definition of e-participation since it includes various interactions between governments and citizens which can be unidirectional, e-information, or multidirectional, e-consultation and e-decision-making. The EU also follows this broad definition of e-participation when working in this field.

According to the OECD, increasing citizens influence and participation in policy-making does not mean replacing the system of rules and principles of representative democracy but rather to respond to citizens' demands of greater openness and transparency in a democracy, which is currently evolving. The UN also stresses this point by adding that the promotion of participation in public decision-making can impact the well-being of society in general and of individuals in particular.

The UN has been assessing e-participation performances since 2003 and comes up with a ranking of countries, following its e-participation index, every two years. The OECD analyses more specific digital tools used by citizens in order to participate in policy-making under its e-government framework. More recently, the EU has also been working on its own Digital Economy and Society Index, and ranks countries according to certain performances such as connectivity, digital skills and online public services. Some countries scored high in all three of the rankings while others had scores which differed from one ranking to another. Although in the scope of this paper we did not examine this point, it would be interesting to conduct a more thorough analysis to understand why this was the case.

We explored two specific national examples, Finland and Scotland, to understand how these countries have implemented e-participation tools and what the EU could learn from their experiences. Finland is a highly digitalised country which allows it to take strong initiatives in e-participation, such as implementing the New Citizens' Initiative Act or experimenting crowdsourcing methods for the Off-Road traffic law. Scotland, instead, realised it does not want to be lagging behind in this field and has picked up some experiences of its own by improving e-consultations, investigating crowdsourcing and researching on participatory budgeting.

It is difficult to assess whether all these national experiments have been successful or unsuccessful for different reasons. In the case of Finland, the Off-Road traffic crowdsourcing experiment can be perceived as a failure because it did not result in a law as it meant to in the beginning. However, the whole process was extremely positive as it enhanced citizens' participation in policy-making, ensured a learning process, increased political trust and citizens still kept their faith in crowdsourcing as a way to enhance democracy. Hence, can we define this as a failure or as a success for e-participation? The Scottish government also recognises that some of its experiments can be perceived as a failure since they managed to trigger the interest of so little participants in their crowdsourcing experiments. Nevertheless, these lessons learnt have helped Scotland improve in this field and show how e-participation comes with constant experimentation.

In the following chapter, we will be describing some core initiatives the EU has implemented in order connect citizens closer to its decision-makers through e-participation tools.



### 3. EU E-PARTICIPATION TOOLS: DESCRIBING CORE INITIATIVES

#### KEY FINDINGS

- The overall framework of the Lisbon Treaty is inclusive enough to allow for more direct participation in EU policy-making.
- Three main EU e-participation tools include: the European Citizens' Initiative, online EU public consultations and petitions to the European Parliament.
- E-participation can be fostered at the EU level through additional ways, i.e. Projects co-funded by the EU, the development of crowdsourcing platforms by DG CONNECT and e-participation initiatives by individual MEPs.

#### 3.1 Citizens' Participation Rights: Legal Basis in the Treaties

##### 3.1.1 European Citizenship and Representative Democracy

Before analysing the specific civic engagement tools available at the EU level, it is important to identify what participation rights and elements of direct democracy for EU citizens are provided in the Treaties (TEU and TFEU).

The Citizenship of the Union was officially introduced in the Treaty of Maastricht in 1993, defining the legal position, including rights and obligations, of each individual within the Union. With regards to the succeeding Treaties, some changes have been made and today the Citizenship of the Union is conferred directly on every person holding the nationality of a Member State by the Treaty on the Functioning of the EU (TFEU). Its aim is to strengthen European democracy and give the possibility to citizens to participate in the development and functioning of the EU<sup>63</sup>.

According to Art. 10 (1) TEU, the functioning of the Union is founded on **representative democracy**, meaning that citizens are directly represented by the Members of the European Parliament they have voted for in European elections which take place every five years (Art. 20 (2) TFEU). Although Art. 10 does not fundamentally give citizens new rights, it represents a strong symbolic value, as it has been introduced by the Treaty of Lisbon in order to give a fully recognised political dimension to European Citizenship.

The reason why the EU has been gradually strengthening the notion of Citizenship is linked to the fact that it has often been criticised to suffer from a 'democratic deficit'. This claim is reflected in the growing democratic expectations that emerged with increased political integration, combined with institutions, mainly the European Parliament, which can and should be measured according to democratic norms<sup>64</sup>.

Over the years, the EU has made an effort to solve the 'democratic deficit' not only by making its work more understandable and transparent but also by reinforcing the representative institution of the citizens. The Treaty of Maastricht started empowering the European

<sup>63</sup> Eur-Lex.europa.eu, *The strengthening of European democracy*, 2014. [online] Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Aai0021>. [April 2016].

<sup>64</sup> Warren M. E., *Citizen Participation and Democratic Deficits: Considerations from the Perspective of Democratic Theory* in "Activating the Citizen", eds. J. DeBardeleben et al., Palgrave Macmillan, 2009, pp. 17-40.

Parliament by increasing its participation in EU legislation and giving it stronger links of accountability which now ties it to the European Commission<sup>65</sup>. The Treaty of Lisbon has strengthened the European Parliament's legislative and budgetary power even more, giving it nearly equal footing to the Council of the EU, and it has provided it with a greater role, including on the international level<sup>66</sup>.

Since an important constitutive element of democracy is also measured by the extent to which elections determine the head of the executive power, the Treaty of Lisbon has conferred to the European Parliament the final word in deciding the President of the European Commission. The European Parliament currently elects the Commission President by a majority of its members on a proposal from the European Council, which is obliged to select a candidate by qualified majority, taking into account the outcome of the European elections (Art. 17 (7) TEU). In the European elections 2014, a step further was made to boost the democratic legitimacy of the EU decision-making when the Parliament initiated the so-called *Spitzenkandidaten* system: the Parliament invited the political parties to nominate candidates for the Presidency of the European Commission allowing citizens to directly influence through their vote the choice of the head of the European executive<sup>67</sup>.

Furthermore, the Treaty of Lisbon has conferred to the European Parliament the power to dismiss the College of Commissioners if it does not agree on how it is carrying out its role, mainly through a collective censure motion<sup>68</sup>.

However, the reinforcement of the European Parliament has not been enough to address the 'democratic deficit', and in the following paragraphs, we will show how an attempt has been made to also narrow this gap by further enhancing citizens' participation in the EU's decision-making processes<sup>69</sup>.

### 3.1.2 Participation Rights as part of European Citizenship

In the EU's representative democracy, participation is a core element. It is provided for in Art. 10 (3) TEU: *Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.*

Since the willingness of citizens to engage in traditional forms of political participation is declining, technology and digital tools could allow for more direct participation elements to eventually increase the legitimacy of the law-making process<sup>70</sup>. The general principle of representative democracy includes participation rights and the possibilities of more direct democracy which are mainly settled in Art. 24 TFEU and therefore considered as European Citizenship's rights:

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<sup>65</sup> García D., Vacca P., "Improving the efficiency, democracy and legitimacy of the EU institutions within the current Treaties: possibilities and limits. 20 proposals", Union of European Federalists, 2016. [online] Available at: [http://www.federalists.eu/fileadmin/files\\_uef/POLICY/Policy\\_Briefs/2016/Policy\\_Brief\\_Improving\\_efficiency\\_democracy\\_and\\_legitimacy\\_of\\_the\\_EU\\_institutions\\_within\\_the\\_current\\_Treaties\\_20\\_proposals.pdf](http://www.federalists.eu/fileadmin/files_uef/POLICY/Policy_Briefs/2016/Policy_Brief_Improving_efficiency_democracy_and_legitimacy_of_the_EU_institutions_within_the_current_Treaties_20_proposals.pdf) [February 2016].

<sup>66</sup> Eur-Lex.europa.eu, *The strengthening...*, op. cit.

<sup>67</sup> Poptcheva E-M, *Role and election of the President of the European Commission* in "Briefing, European Parliamentary Research Service (EPRS)", 2014. [online] Available at: <http://www.europarl.europa.eu/EPRS/140829REV1-Role-of-the-President-of-the-European-Commission-FINAL.pdf>.

<sup>68</sup> García D., Vacca P., op. cit.

<sup>69</sup> Warren M. E., *Citizen Participation and Democratic Deficits: Considerations from the Perspective of Democratic Theory* in "Activating the Citizen", eds. J. DeBardeleben et al., Palgrave Macmillan, 2009, pp. 17-40.

<sup>70</sup> Bruno, op. cit.

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

*(2) Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 227.*

*(3) Every citizen of the Union may apply to the Ombudsman established in accordance with Article 228.*

*(4) Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 13 of the Treaty on European Union in one of the languages mentioned in Article 55(1) of the Treaty on European Union and have an answer in the same language.*

Other citizens rights to participation and information include:

- Right to vote and to stand as a candidate at elections to the European Parliament and at municipal elections (Art. 20 para. 2, Art. 22 TFEU, Art. 39 and 40 CFR),
- Freedom of expression and information (Art. 11 CFR),
- Freedom of assembly and of association (Art. 12 CFR),
- Right to good administration (Art. 41 CFR),
- Right of access to documents (Art. 42 CFR).

The Treaty of Lisbon also recognises for the first time the existence of a European civil society, with which the EU institutions can engage in an open and transparent dialogue, on a regular basis (Art. 11, paragraph 1 and 2 TEU). This is an important point, as one of the essential functions of civil society organisations is to bridge the gap between citizens and policy-makers.

As already mentioned in the introduction to this paper, e-participation is encompassed in the notion of e-democracy, which is not meant to replace our traditional form of democracy but only to reinforce it through more citizens empowerment and some elements of direct democracy. Although only a few participation tools have been specifically provided for in the Treaties, the overall framework is inclusive enough to allow for more direct participation in EU policy-making through other means.

In the next paragraphs, we will first analyse the official EU e-participation tools which are mentioned in the Treaties as EU citizens' rights and then we will focus on additional ways to foster EU e-participation beyond what has been specifically regulated in the Treaties.

## **3.2 Existing E-Participation Tools at the EU level**

### **3.2.1 European Citizens' Initiative (ECI)**

The idea of citizens joining the policy process, collaborating with one another and reaching consensus is spreading around the world and produces many important benefits<sup>71</sup>.The

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<sup>71</sup> Irvin R.A., Stansbury J., *Citizen Participation in Decision Making: Is It Worth the Effort?*, "Public Administration Review", vol. 64, is. 1, 2004. pp. 55–65.

European answer to this trend is a tool known as European Citizens' Initiative (ECI), the first supranational instrument of participatory democracy in the EU. It was launched on 1 April 2012 and its core idea is to give the citizens an opportunity to participate directly in the process of law-making in the EU<sup>72</sup>. It is the only instrument citizens dispose of that can invite the European Commission to legislate on a specific matter, giving EU citizens the same right the European Parliament has to request the European Commission for a legislative proposal<sup>73</sup>.

In order to launch an ECI, the organisers have to form a 'citizens' committee' composed of at least 7 EU citizens being resident in at least 7 different Member States. This committee then has to register its initiative on the ECI website and collect at least one million statements of support from citizens of at least 7 out of the 28 member states (with a minimum number of signatures required in each of those Member States).

In order to be registered, the initiative needs to satisfy certain conditions. First, it must lie within a matter where the EU has competence to legislate (e.g. environment, agriculture, transport or public health). Secondly, as the art. 4.2. (b) of the ECI Regulation specifies it, the proposed initiative "must not manifestly fall outside the framework of the European Commission's power to submit a proposal for a legal act of the Union for the purposes of implementing the Treaties"<sup>74</sup>. What this phrase actually means is that the initiative at stake should find a Treaty provision that could serve as a legal basis for a proposal<sup>75</sup>.

Once the registration is confirmed, organisers have 12 months to collect the one million signatures online, through an Online Collection System (OCS) certified by the European Commission, and offline. If the initiative reaches its goal, the European Commission will examine it and decide whether to take it into consideration or not. If the European Commission decides to put forward a legislative proposal, it is submitted to the legislator and becomes subject to ordinary procedure.

Since April 2012, 56 ECIs have been proposed and submitted to the European Commission. 36 were registered, of which six are currently open. Only three initiatives ('Right to Water', 'One of Us' and 'Stop Vivisection') have succeeded in reaching the one million signatures and have received a response from the European Commission.

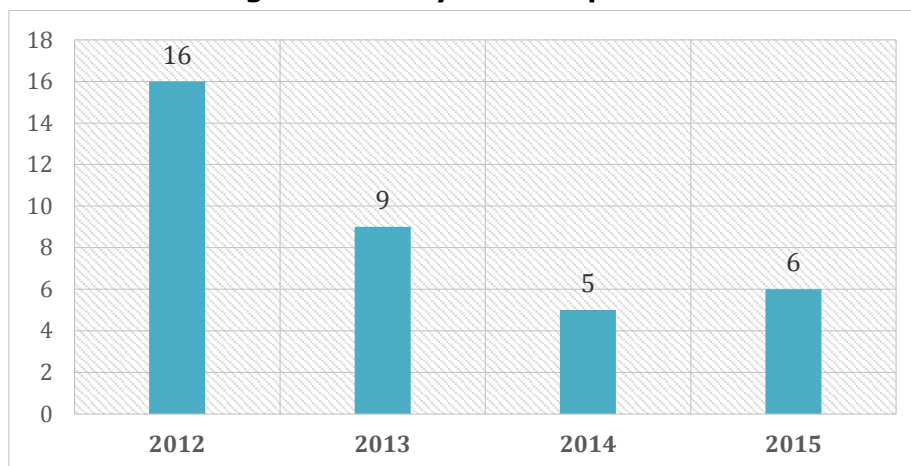
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<sup>72</sup> European Parliament and the Council Regulation (EU) 211/2011 of 16 February 2011 on the citizens' initiative (2011) OJ L65/1. [online] Available at: <http://eur-lex.europa.eu/> [January 2016].

<sup>73</sup> ECAS, "The European Citizens' Initiative Registration: Falling at the first hurdle?", 2014. [online] Available at: [http://www.ecas.org/wp-content/uploads/2014/12/ECI-report\\_ECAS-2014\\_1.pdf](http://www.ecas.org/wp-content/uploads/2014/12/ECI-report_ECAS-2014_1.pdf) [January 2016].

<sup>74</sup> European Parliament and the Council Regulation (EU) 211/2011 of 16 February 2011 on the citizens' initiative (2011) OJ L65/1. [online] Available at: <http://eur-lex.europa.eu/> [January 2016].

<sup>75</sup> *Ibid.*

**Graph 4: Number of ECI registrations by the European Commission**

**Source:** (European Commission, 2016)

### 3.2.2 Online EU Public Consultations

The idea of more participatory democracy has also been put into practice through open consultations. According to Protocol (No 2) on the application of the principles of subsidiarity and proportionality annexed to the TFEU, it is a general duty of the European Commission to consult widely before proposing legislation and, wherever appropriate, publish consultation documents. Moreover, the necessity of an open, transparent regular dialogue and broad consultations is mentioned in Article 11 TEU.

The European Commission's *Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission* set out in 2002 general principles and standards for consultations of interested parties<sup>76</sup>. Since then there is an organised apparatus allowing any EU citizen to actively take part in the process of EU lawmaking. It is an important, even if subsidiary, tool of policy-making and thus, public consultations aim at helping the EU to become more transparent, accountable and effective.

The European Commission established the following key principles that must be adhered to by all parties in the consultation process<sup>77</sup>:

- **Participation** in developing and implementing EU policies throughout the whole policy chain;
- **Openness and Accountability** that will improve the confidence in complex institutions;
- **Effectiveness** meaning e.g. early start and respect of the principle of proportionality;
- **Coherence** of policies and action that must be ensured by the Commission.

Public consultations are launched systematically by the European Commission and they are open to anyone interested in the issue at stake<sup>78</sup>. Usually, they last about 12 weeks and involve 3 types of initiatives:

<sup>76</sup> European Commission, *Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission*, 2002. [online] Available at: [http://ec.europa.eu/governance/docs/comm\\_standards\\_en.pdf](http://ec.europa.eu/governance/docs/comm_standards_en.pdf) [January 2016].

<sup>77</sup> *Ibid.*

<sup>78</sup> European Commission, *Towards a reinforced... op. cit.*

- Initiatives subject to impact assessments;
- Initiatives subject to evaluation and fitness checks;
- Green papers (policy discussion documents).

In order to implement the procedure of public consultations, the European Commission created a special portal called 'Your Voice in Europe'<sup>79</sup> which allows citizens to express their views on the EU policies during the whole legislative process. However, while its aim is to become a "single access point" for all the consultations carried out by the European Commission, some sources point out that in fact it is just a set of links to the different DG websites<sup>80</sup>. It is also often unclear how the contributions received are integrated into the legislation of the European Commission. The European Commission should put more effort in giving citizens feedback to their contributions by informing them on how the EU is consequently using their input and on the reasoning behind the final result<sup>81</sup>.

### 3.2.3 Petitions to the European Parliament

The right to petition, one of the fundamental rights of citizens in the EU, is addressed to any citizen or resident in a Member State, as well as to the companies, organisations or associations with their headquarters in the European Union. Acting individually or in association with others, citizens can submit a petition to the European Parliament. The subject of a petition must come within the EU's fields of activity and directly affect the petitioner(s) (Art. 227 TFEU). Contrary to the ECI, there is no minimum amount of signatures required and the petition is addressed to the European Parliament instead of the European Commission. Furthermore, the goals of these two tools differ: "petitions express citizens' concerns or individual demands about existing European policies, while ECIs seek to set the European policy-making agenda"<sup>82</sup>.

The ECI is addressed collectively to at least one million European citizens, whereas petition is an individual right<sup>83</sup>. It can present a request, a complaint or observation concerning the application of EU law or an appeal to the European Parliament to adopt a position on a specific matter. Such petitions give the European Parliament the opportunity of calling attention to any violation of a European Citizen's rights by a Member State, by local authorities or by any other institution.

It can be written in one of the official languages of the EU and is treated by the Committee on Petitions (PETI) which decides the type of action that should be taken. For example, the petition could be referred to other committees for action, a report could be prepared and voted upon in a plenary session of the European Parliament, or it could even be asked to the European Commission to conduct a preliminary investigation on the subject.

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<sup>79</sup> Ec.europa.eu, "Your Voice In Europe - European Commission", 2015. [online] Available at: [http://ec.europa.eu/yourvoice/index\\_en.htm](http://ec.europa.eu/yourvoice/index_en.htm) [January 2016].

<sup>80</sup> Oppen M., Mahoney Ch., Kluver H., *How to Deal Effectively With Information Overload and the Proliferation of Consultations?*, Intereuro outreach workshop, 2014. [online] Available at: <http://www.intereuro.eu/> [January 2016].

<sup>81</sup> Bruno, *op. cit.*

<sup>82</sup> García L.B., "The Significance of the European Citizens' Initiative for Pan-European Participatory Democracy", 2013. [online] Available at: <http://www.idea.int/resources/analysis/loader.cfm?csModule=security/getfile&pageid=58497> [January 2016].

<sup>83</sup> *Ibid.*

According to the European Parliament's rules of procedure<sup>84</sup>, it is possible to submit a petition on one of the following issues: European Citizens' rights as set out in the Treaties, environmental issues, consumer protection, the 'four freedoms' (persons, goods and services, internal market), employment issues and social policy, recognition of professional qualifications and other problems related to the implementation of EU law.

Since 2014, a new online platform<sup>85</sup> has been launched to allow citizens to submit an online petition and check the status of the different petitions. Although the website facilitates the access to information, which helps increase the engagement of citizens, the length of the whole petition process should be improved, as the PETI Committee seems to be lagging behind in verifying the petitions on time<sup>86</sup>.

### 3.3 Additional Ways to Foster EU E-Participation

#### 3.3.1 Projects Co-Funded by the EU: The Example of 'Puzzled by Policy'

In recent years, the European Commission has been funding several e-participation projects led by civil society organisations. Before the realisation of the Digital Agenda for Europe, the ICT Policy Support Programme (ICT PSP), within the Competitiveness and Innovation Programme (CIP), started supporting projects in 2009 to empower and involve citizens in transparent decision-making in the EU. The programme approach involved using innovation in response to growing societal demands, and reducing the disparities in the use and the benefits of ICT across Europe.

Puzzled by Policy (PbP), launched in 2012, was one of the e-participation projects co-funded by the European Commission under the ICT Policy Support Programme. The aim of the project is to "reduce the complexity of decision-making within the EU and reconnect citizens with decision-makers and policy-making in an engaging way" (Sánchez-Nielsen et al., 2014). The online platform ([www.puzzledbypolicy.eu](http://www.puzzledbypolicy.eu)) was created to allow stakeholders to participate in different stages of policy-making, following the inform-consult-empower framework. The framework was idealised by taking into consideration that citizens' engagement starts with people wanted to know more about policies rather than to discuss them. Once they are informed, they tend to participate in discussions on already existing policy topics rather than proposing new ones<sup>87</sup>.

The platform has three components which can be applied to any policy domain: the Policy Profiler, U-Debate and the Widget. The Policy Profiler is a web survey tool participants can use in order to understand how their opinions relate to a policy field<sup>88</sup>. The users can complete the survey in English, Hungarian, Spanish, Italian or Greek and compare their results with other positions received. After using the Policy Profiler, U-Debate gives the opportunity to participants to discuss the policy matters through multilingual online forums. The goal of U-Debates is to produce consultation reports on policy subjects of public concern at local,

<sup>84</sup> Rule 215 : Right of petitions, Rules of Procedure of the European Parliament [online] Available at : <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20150428+RULE-215+DOC+XML+V0//EN&language=EN&navigationBar=YES> [February 2016].

<sup>85</sup> European Parliament Petitions Web Portal [online] Available at : <https://petiport.secure.europarl.europa.eu/petitions/en/main> [February 2016].

<sup>86</sup> Bruno, *op. cit.*

<sup>87</sup> Sánchez-Nielsen E., et al., "Engaging Citizens in Policy Issues: Multidimensional Approach, Evidence and Lessons Learned". In: Springer ed. *Electronic Participation*, 2014, pp 102-113.

<sup>88</sup> Kinyik M., *Guideline for E-Participation in European Union Policy-Making*, Telecentre-Europe, Brussels, 2015. [online] Available at: [https://euparticipation.files.wordpress.com/2015/05/e-participation\\_guideline\\_final.pdf](https://euparticipation.files.wordpress.com/2015/05/e-participation_guideline_final.pdf) [February 2016].



national and EU level<sup>89</sup>. Finally, the Widget allows users to disseminate, mainly through social media, the PbP platform and share with other people the debate they are involved in. When a discussion is closed, PbP reveals the results of the debate and includes feedback reports (surveys completed by users), consultations reports and policy-papers available in English, Hungarian, Spanish Italian or Greek<sup>90</sup>.

During the project, the PbP platform was tested through three different pilots from February 2012 to May 2013. The third one was focused on the EU's immigration policy and was implemented not only at the national level (Greece, Italy, Hungary, Spain and Slovenia) but also at the EU level. Citizens could use the platform to:

- **Inform** other users about their preferences on the EU's immigration policy and compare their opinions with current European Institutions working on this topic (Policy Profiler);
- **Consult** several types of documents related to the EU's immigration policy (U-Debate);
- **Empower** target groups by influencing policy-makers in this field.

The pilot on the EU level had in total 587 users completing the Policy Profiler<sup>91</sup> in English language (67 through the Widget tool) and 346 contributions on the different topics regarding EU immigration were published in English and Slovenian in the U-Debate section.

The goal of the experiment was to reduce the complexity of EU decision-making and most importantly, to reconnect citizens with policy-making at the EU level. However, the main problem faced during the experience was the low response rate from EU stakeholders<sup>92</sup>. On different occasions, EU stakeholders (MEPs from the LIBE Committee, European Commission's DG HOME and DG JUST, etc.) were contacted via email to provide feedback to the consultation results without much success. Only one official feedback was received by the European Commission on the consultation on female genital mutilation from the EU immigration perspective. This was mainly due to the fact that the U-Debate consultation took place within the framework of an official EC consultation on how to fight genital mutilation in May 2013.

The project partners of the PbP pilot at the EU level identified the different challenges of the experience<sup>93</sup>:

- There was too much focus on the development of the ICT part of e-participation. More attention should have been dedicated to collaborating with immigration policy stakeholders at the EU level and involving EU citizens through better advocacy strategies.
- Civil society immigration networks at the EU level did not recognise the initiative as relevant because they were mainly targeted as consumers of the platform instead of as project stakeholders (top down approach).
- Some immigration topics were too technical and specific for general audiences.

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<sup>89</sup> Sánchez-Nielsen E., *et al.*, *op. cit.*

<sup>90</sup> Kinyik M., *op. cit.*

<sup>91</sup> Overall, 5.877 users completed Policy profiler and 1.137 contributions were published in 114 U-debate threads by 580 users during PbP pilot operation from February 2012 to May 2013.

<sup>92</sup> Delakorda S., *et. al.* Deliverable: D4.4.3: 3rd Consultation Results, 2013. [online] Available at: <http://www.puzzledbypolicy.eu/Results/Deliverables.aspx> [February 2016].

<sup>93</sup> *Ibid.*



- A lot of human resources were required to develop citizens' engagement on the platform. It is essential to create partnerships with mediators in the policy field which can help support the process<sup>94</sup>.
- When involving hard-to-reach groups of citizens in policy-making, combining online and offline participatory approaches are needed.

The lessons learnt from this project may help improve future e-participation experiences at the EU level. However, although the 'Puzzled by Policy' project was funded by the EU, the low response rate and interest from EU decision-makers should be emphasized. This was due not only to the platform's limited performance in generating relevant immigration policy content but also the EU decision-makers' scepticism towards participatory democracy in general. The conclusions of the project also mentioned that there was a certain amount of distrust towards EU funded projects by some citizens and civil society<sup>95</sup>.

### 3.3.2 Futurium: A Foresight Platform by DG CONNECT

The European Commission has been working on an e-participation tool in the past few years called Futurium<sup>96</sup>, which was launched in 2011 by the Directorate General for Communications Networks, Content and Technology (DG CONNECT) to enable a broad reflection on future European policies. By using social networks, open and participatory engagement and an online toolkit, the platform is meant to "facilitate the joint creation of ideas to help design future policies"<sup>97</sup>. Futurium was initially created to host policy visions by 'Digital Futures', a project designed to support the European Commission's reflections on ICT policies beyond 2020<sup>98</sup>. The idea was for participants to focus on the long-term and be inspired by the future in 2050 rather than the trends of today.

After the initial experiment with 'Digital Futures'<sup>99</sup>, Futurium was transformed into a platform where new policy-making experiences could be conducted through both scientific evidence and stakeholders' participation. It is meant to implement the so-called 'Policy Making 3.0' model, which includes the following elements: participatory tools for co-creation, knowledge-harvesting tools for policy-makers and stakeholders, data-crawling tools to extract knowledge from social networks and data-gathering tools to fetch real world data. The Policy Making 3.0 follows a more informative model of e-democracy rather than a deliberative one; participants are meant to use Futurium to crowdsource ideas for co-creation with policy-makers and not to take part in agenda-setting or decision-making<sup>100</sup>.

Since its creation in 2011, Futurium is currently still in an experimental phase. In preparation for the new eGovernment Action Plan 2016-2020, DG CONNECT organised three public workshops in 2015 to collect best practices, ideas and feedback on how to engage with

<sup>94</sup> Sánchez-Nielsen et al., *op.cit.*

<sup>95</sup> Delakorda et al, *op. cit.*

<sup>96</sup> Ec.europa.eu, "FUTURIUM". [online] Available at: <https://ec.europa.eu/futurium/en> [February 2016].

<sup>97</sup> Accordino, F., "The Futurium – a Foresight Platform for Evidence-Based and Participatory Policymaking", in: *Philosophy and Technology*, pp. 321-332 Springerlink, 2013. [online] Available at: <http://link.springer.com/article/10.1007%2Fs13347-013-0108-9> [January 2016].

<sup>98</sup> Ec.europa.eu, "Host a Digital Futures conversation", 2015. [online] Available at: <https://ec.europa.eu/digital-single-market/en/host-digital-futures-conversation> [January 2016].

<sup>99</sup> European Commission, *Digital futures. Final Report. A journey into 2050 visions and policy challenges*, Report, 2015. [online] Available at: [http://ec.europa.eu/archives/futurium/digital-agenda/sites/futurium/files/DF\\_final\\_report.pdf](http://ec.europa.eu/archives/futurium/digital-agenda/sites/futurium/files/DF_final_report.pdf) [January 2016].

<sup>100</sup> Accordino F., *op. cit.*

stakeholders online, especially through Futurium. While mainly the second workshop<sup>101</sup> focused on presenting Futurium as a platform, the third workshop<sup>102</sup> in December 2015 gave the opportunity to stakeholders to test it on the spot and co-create it with DG CONNECT. Although the idea behind Futurium was well-accepted, most of the participants thought the platform still presented a number of functional problems and inconsistencies which currently makes it inaccessible to users<sup>103</sup>.

DG CONNECT has been stressing the importance of transparency, openness and inclusiveness of government processes. Their vision is that stakeholders' engagement, co-creation and collective intelligence could become fundamental to the future of our democracies<sup>104</sup>. Although there is still work in progress, the European Commission's intention is to finalise Futurium by summer 2016 to allow this e-participation tool to be publicly used throughout the entire period of the new eGovernment Action Plan until 2020.

### 3.3.3 MEPs and E-Participation: some relevant examples

The European Parliament is the body where EU citizens can elect the representatives who will listen to them and defend their key interests<sup>105</sup>. Members of the European Parliament (MEPs) are the advocates of EU citizens, and to fulfil this mission, some MEPs have decided to experiment with e-participation tools in order to reach out to their constituencies. One example is Julia Reda MEP, from the German Pirate Party and Vice-Chair of the Group of the Greens/European Free Alliance, who has been exploring how to involve citizens in policy-making.

Pirate parties across Europe are well-known for having strong positions regarding more direct democracy and they promote the use of technology to create a political system which is founded on more transparency and participatory democracy<sup>106</sup>. Following this mind-set, they have investigated how to improve EU public consultations, contribute to EU public hearings, learn more about e-participation platforms and open up political processes.

### Improving EU public consultations

In the beginning of her mandate in 2014, Reda's team started analysing an EU public consultation the European Commission had opened the year before on the review of EU copyright law<sup>107</sup>. The public consultation took place from December 2013 to February 2014 and the objective was to gather input from all stakeholders on EU copyright rules. However, at the time, many politicians considered the consultation far too complex for citizens to contribute to and decided to take different initiatives to facilitate participation. For example, Amelia Andersdotter, former MEP for the Swedish pirate party, worked with her staff and

<sup>101</sup> Ec.europa.eu, *Join Up. Second workshop on new EU eGovernment Action Plan 2016-2020*, 2015. [online] [online] Available at: <https://joinup.ec.europa.eu/community/opengov/event/second-workshop-new-eu-egovernment-action-plan-2016-2020> [March 2016].

<sup>102</sup> Ec.europa.eu, *Join Up. Workshop towards a new dynamic eGovernment Action Plan 2016-2020*, 2015. [online] [online] Available at: <https://joinup.ec.europa.eu/community/opengov/event/workshop-towards-new-dynamic-egovernment-action-plan-2016-2020> [March 2016].

<sup>103</sup> European Commission, *Workshop Report: Third workshop on new EU eGovernment Action Plan 2016-2020*, Report, 2015. [online] Available at: [https://joinup.ec.europa.eu/sites/default/files/isa\\_field\\_path/workshop\\_report\\_3.pdf](https://joinup.ec.europa.eu/sites/default/files/isa_field_path/workshop_report_3.pdf) [March 2016].

<sup>104</sup> Accordino F., *op. cit.*

<sup>105</sup> European Union, *The European Parliament: The Citizens' Voice in the EU. A short guide to the European Parliament*, 2015. [online] Available at: [http://www.europarl.europa.eu/pdf/divers/EN\\_EP%20brochure.pdf](http://www.europarl.europa.eu/pdf/divers/EN_EP%20brochure.pdf) [April 2016].

<sup>106</sup> Schnapper D., *The Dream of Ultra Democracy* in: "The Democratic Spirit of Law", 2016.

<sup>107</sup> Reda J., *The EU was expecting a few hundred replies. Thousands flooded in. They reveal a deep divide*, 2014. [online] Available at: <https://juliareda.eu/2014/08/the-european-copyright-divide/> [April 2016].

other volunteers to create a guide to the consultation<sup>108</sup> (available in 15 languages) in order to make participation easier and more intuitive. At the same time, a task force of coders and designers from the Open Knowledge Foundation Germany and members of the Austrian Pirate Party decided to create various e-participation platforms where people could share their opinions on EU copyright rules<sup>109</sup>. One of these platforms was called CopyWrongs<sup>110</sup> and included a questionnaire in 24 official EU languages on copyright reform where citizens could easily respond to the official EU consultation by filtering out the questions that did not relate to them directly<sup>111</sup>.

When the European Commission did not provide clear feedback about the results of the consultation after a few months, Reda used her online blog to explain what had happened to citizens' contributions. Some of her staff members were part of the team of coders who created CopyWrongs and they helped analyse the whole consultation process. Although the EU consultation was a "jargon-heavy 80-question document", MEPs and other actors have made the consultation process highly successful by mobilising over 11,000 organisations and stakeholders to give their contribution<sup>112</sup>. This experience showed how MEPs can be intermediaries between the European Commission's public consultations and EU citizens in several important ways.

### Contributing to EU public hearings

From 29 September to 7 October 2014, the European Parliament was called upon to assess the designated candidates of the new European Commission led by President Jean-Claude Juncker.

Since all MEPs had the possibility to ask questions to the commissioner-designates, Reda decided to take it a step further by inviting citizens to join the process, stating that these would be the "people who will be drafting laws for 500 million people for the next five years" and that she believes "the people of Europe should also be allowed to ask questions"<sup>113</sup>. Her main focus was on two of the commissioner candidates for the Juncker Commission: Andrus Ansip, candidate for Vice-President for Digital Single Market, and Günther Oettinger, candidate for Digital Economy and Society. She asked both of them to do an online public hearing to which both answered positively, although only Ansip actually went through with<sup>114</sup>. Reda and her team generated a new platform<sup>115</sup> where citizens could post their questions, which were then forwarded (mainly the top-voted questions) to the Commissioner designate with a request to reply. The questions could also be asked through social media during the online public hearing, mainly through the Twitter hashtag #AskAnsip<sup>116</sup>. In this way, the first online public hearing of a new Commissioner took place on 15 October 2015 and was the

<sup>108</sup> Andersdotter A., *Copyright consultation model responses*. [online] Available at: <https://ameliaandersdotter.eu/copyright-consultation-model-responses> [April 2016].

<sup>109</sup> Interview with Christopher Clay, see: Cottica A., *Copyright in the EU and the Dark Side of online consultations*, 2014. [online] Available at: <http://www.cottica.net/2014/02/04/copyright-in-the-eu-and-the-dark-side-of-online-consultations/> [April 2016].

<sup>110</sup> Copywrong.eu, *Save Copyright reform*. [online] Available at: <http://copywrongs.eu/> [April 2016].

<sup>111</sup> Copywrong.eu, *Help reform copyright!* [online] Available at: <https://web.archive.org/web/20140217120530/http://copywrongs.eu/> [April 2016].

<sup>112</sup> Reda J., *The EU was expecting a few hundred replies... op. cit.*

<sup>113</sup> Whatwouldyouask.uservoice.com, *What would you ask those responsible for EU internet policy?* [online] Available at: <https://whatwouldyouask.uservoice.com/> [April 2016].

<sup>114</sup> Reda J., *European premiere: Digital Commissioners to stand in online hearing*, 2014. [online] Available at: <https://juliareda.eu/2014/10/european-premiere-digital-commissioners-to-stand-in-online-hearing/> [April 2016].

<sup>115</sup> Whatwouldyouask.uservoice.com, *op. cit.*

<sup>116</sup> Reda J., *#AskAnsip – first ever online hearing of a new Commissioner*, 2014. [online] Available at: <https://juliareda.eu/2014/10/askansip-first-ever-online-hearing-of-a-new-commissioner/> [April 2016].

only one held before his confirmation as a Commissioner<sup>117</sup>, a good example of how the EU could make some of its processes more inclusive.

### **Learning about e-participation platforms**

While experimenting with e-participation, Reda and her team found themselves interested in the concept of liquid democracy, a "model of democracy that combines representative and direct democracy and tries to even out the difficulties in both models<sup>118</sup>". In order to understand how to connect with a community, it is important to understand what the existing tools for participatory democracy are. For this reason, Reda's team organised a Liquid Democracy meet-up in November 2014 where liquid democracy developers and experts were invited to present their tools and theories<sup>119</sup>. The debate was also around specific challenges of participation systems, such as accreditation, transparency, anonymity or real name policies, usability, and the potential of gamification.

### **Opening up political processes**

MEPs have the possibility to work on Own-initiative (INI) reports, an important political instrument for the European Parliament which can pave the way for new legislative proposals and shape the EU's agenda<sup>120</sup>. When Reda was developing her draft report on the "Implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society<sup>121</sup>", she attempted to open up the process to EU citizens.

In the beginning, the idea was to co-write the report with citizens but this was too complicated due to time constraints<sup>122</sup>. Thus, she worked on a first draft report and decided to make it public through an online platform, where participants could comment and bring new ideas. Her team contacted an Austrian company called Cbased<sup>123</sup>, which develops toolkits for participative decision-making processes and closely collaborates with the Austrian government on several e-participation projects<sup>124</sup>. The company supported Reda and her staff in implementing one of their e-participation tools called Discuto<sup>125</sup> for the purpose of the opening up the INI process to the public.

Discuto is a platform which "helps you make better decisions<sup>126</sup>" by including multiple functions such as instant discussions, real-time, scalable polls, instant feedback and more. In this case, each paragraph of Reda's draft report could be commented and voted upon for about two months<sup>127</sup>. In total, the platform received 77 participants, 140 comments and 585

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<sup>117</sup> Interview with Christopher Clay, Assistant of Julia Reda MEP, 25 February 2016.

<sup>118</sup> Jansen A.M., *Liquid Democracy: Counteracting Democratic Deficits in German Politics*, Lap Lambert Academic Publishing GmbH KG, 2013.

<sup>119</sup> J. Reda, *Liquid Democracy*, 2014. [online] Available at: <https://juliareda.eu/events/liquid-democracy-meetup/> [April 2016].

<sup>120</sup> Europarl.europa.eu, *Completing the Legislative Cycle: Agenda Setting*. [online] Available at: [http://www.europarl.europa.eu/the-secretary-general/resource/static/files/Documents%20section/SPforEP/Own-Initiative\\_reports.pdf](http://www.europarl.europa.eu/the-secretary-general/resource/static/files/Documents%20section/SPforEP/Own-Initiative_reports.pdf) [April 2016].

<sup>121</sup> Europarl.europa.eu, *Legislative Observatory Procedure File*, 2016. [online] Available at: [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2014/2256\(INI\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2014/2256(INI)&l=en) [April 2016].

<sup>122</sup> Interview with Christopher Clay, Assistant of Julia Reda MEP, 25 February 2016., see: Cottica A., *op cit*.

<sup>123</sup> Cbased.com, *Now on discuto.io: digitization and politics*. [online] Available at: <https://www.cbased.com/> [April 2016].

<sup>124</sup> Interview with Hannes Leo, CEO of Cbased, 26 February 2016.

<sup>125</sup> Discuto.io. [online] Available at: <https://www.discuto.io/> [April 2016].

<sup>126</sup> Ibid.

<sup>127</sup> Interview with Christopher Clay, Assistant of Julia Reda MEP, 25 February 2016.

votes<sup>128</sup>. The most popular ideas were taken into considerations and a few amendments to the report were made based the contributions<sup>129</sup>.

As an e-participation tool, Discuto has proven to be a fruitful experience. However, there are still different challenges which remain unsolved when digital tools are used for citizens' engagement in decision-making. Julia Reda's team was monitoring and analysing the whole process on Discuto from the start until the final report was presented. According to them, the most difficult part of the online platform was enhancing citizens' participation mainly because of their lack of knowledge on a highly specific issue such as copyright. Although the draft report was explained through Reda's blog<sup>130</sup> in a simple and straightforward way, they felt that this was not enough to convince citizens to engage in the process. Their main conclusion was that e-information must always go together with e-participation, although it would require more effort. MEPs and civil society organisations, as intermediaries, can play an important role in facilitating the e-information process in order to allow citizens to engage more in e-consultations or other types of e-participation practices<sup>131</sup>.

### Examples of other MEPs and political parties

For the purpose of this study, we have specifically examined Reda's case in order to focus more in detail on the several possible ways e-participation activities can be implemented. Naturally, other MEPs have also been exploring ways to get closer to their constituencies through digital means. In Reda's political group, Sven Giegold MEP was inspired by the experiment with Discuto and decided to use the platform for his own-initiative reports as well. For example, he opened up his draft report on "Transparency, Accountability and Integrity in the EU Institutions" for comments and ideas and managed to receive 47 participants, 181 comments and 996 votes<sup>132</sup>.

In the last decade, new political parties in Europe with strong positions on participatory democracy have emerged in the political scene. Italy's Five Star Movement, promotor of more exchanges between politicians and citizens, has recently developed a new digital platform called Rousseau<sup>133</sup> where MEPs can post the European Parliament reports of which they are rapporteurs and receive comments from citizens (party members only). Spain's Podemos is also known for experimenting with technology when enhancing citizens' participation in policy-making<sup>134</sup>, using tools such as Reddit<sup>135</sup> Loomio<sup>136</sup>, and Agora Voting<sup>137</sup>.

E-participation is increasingly becoming a way for political parties to reconnect with their citizens. Both national and European politicians' experiences are worth studying more thoroughly to have a deeper understanding of this field.

<sup>128</sup> Cbased.com, *Evaluation of the EU Copyright Directive*, 2015. [online] Available at: <https://www.discuto.io/en/consultation/6240?page=2> [April 2016].

<sup>129</sup> Interview with Christopher Clay, Assistant of Julia Reda MEP, 25 February 2016.

<sup>130</sup> Reda J., *Reda Report draft – explained*. [online] Available at: <https://juliareda.eu/copyright-evaluation-report-explained/> [April 2016].

<sup>131</sup> Interview with Christopher Clay, Assistant of Julia Reda MEP, 25 February 2016. see: A. Cottica, *op cit*.

<sup>132</sup> Giegold S., *Transparency, Accountability and Integrity in the EU Institutions*, 2015. [online] Available at: <http://www.sven-giegold.de/clean-politics-report/> [April 2016].

<sup>133</sup> Movimento 5 Stelle, *Che cos'è Rousseau?* [online] Available at: <https://rousseau.movimento5stelle.it/> [April 2016]

<sup>134</sup> Deželan T. and Vobič I. (eds.), *(R)evolutionizing Political Communication through Social Media*, 2016, pp. 107.

<sup>135</sup> Reddit, Podemos, <https://www.reddit.com/r/podemos>

<sup>136</sup> Loomio, <https://www.loomio.org/>

<sup>137</sup> Agora Voting, <https://agoravoting.com/>

### 3.4 Summary and Conclusions

In this chapter, we identified and assessed several e-participation tools and initiatives adopted and implemented by the EU.

From a legal point of view, the Lisbon Treaty states under Art. 10 (1) TEU that the EU is founded on a representative democracy, in which participation is a core element according to Art. 10 (3) TEU. Since the notion of e-democracy is not meant to replace our traditional form of democracy, e-participation tools are simply intended to support EU citizens in exercising their participation rights through technology. Although only a few participation tools have been specifically provided for in the Treaties, the overall framework is inclusive enough to allow for more direct participation in EU policy-making through other means.

The main EU e-participation tools we have identified are the European Citizens' initiative, the petitions to the European Parliament and EU public consultations. However, it is interesting to see what has been done to foster e-participation in the EU beyond the Treaties. There has been an increase of e-participation projects co-funded by the European Commission and run by civil society organisations to investigate this field. 'Puzzled by Policy' was an example of how several European associations worked together to implement a digital platform which could enhance citizens' engagement in EU policy-making through three elements: information, consultation and empowerment.

At the same time, the European Commission has also been working in recent years on its own e-participation platform, Futurium, as part of its eGovernment Action Plan. Although it is still in its experimental phase, it could become an important instrument of transparency, openness and inclusiveness of the EU's government process.

Last but not least, MEPs have been working on the development of e-participation at the EU level. This is the case of Julia Reda MEP who has been exploring ways of enhancing citizens' engagement in both the EU's policy-making processes, for example in EU public consultations, and her own policy-making, in opening up her Own-initiative reports for ideas. In the following chapter, we will look more closely into two of the main EU e-participation tools we identified, the European Citizens' Initiative and online EU public consultations, in order to explain their strengths, weaknesses, opportunities and threats.



## 4. E-PARTICIPATION INNOVATION IN THE EU INSTITUTIONS: EXPLAINING STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

### KEY FINDINGS

- A SWOT analysis is a simple strategic management tool which can be used to assess the potential and challenges of e-participation.
- The biggest challenges for EU e-participation tools are citizens' disinterest in EU politics and that these tools are often unknown to people.
- The ECI has led to great disappointment; its cost-effectiveness, user-friendliness and rules must be improved.
- The EU should always provide quality results and feedback on time for online EU public consultations and overcome the digital divide by ensuring an offline component to this tool.
- E-participation mechanisms have the potential to encourage participation and active citizenship, reduce the perceived democratic deficit, foster grassroots support for the EU and be an alternative to 'traditional' policy-making.

### 4.1 Why a SWOT for E-Participation?

A SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis is a business tool created in the 1960s in the United States<sup>138</sup>. Despite its initial role for mainly corporate purposes, it has been adapted since for many other goals<sup>139</sup>. A SWOT is basically a more detailed and defined 'pros and cons' list whose main function is to reveal both positive forces that work together and potential problems that need to be addressed<sup>140</sup>. According to experts, "the ideal outcome of a SWOT is accurate data that can be utilised to create a solid action plan for addressing weaknesses and threats, and highlighting or positively exploiting your strengths and opportunities"<sup>141</sup>. In that sense, it is a strategic management tool that can be applied in both private and public sectors.

A SWOT analysis can serve as an instrument of policy development, helping to identify problems, establishing goals and creating a final action plan. Our main goal is to evaluate two of the e-participations tools at the EU level which were mentioned in the previous chapter: the European Citizens' Initiative and online EU public consultations, in terms of their strengths, weaknesses, opportunities and threats. While strengths and weaknesses indicate the immediate advantages and disadvantages of the e-participation tools, opportunities refer to external elements which the tools could exploit to their advantage and threats are the external elements which could cause trouble. The aim is to analyse the mutual relations between these elements, considering above all how the opportunities can become strengths, how to fight the existing weaknesses and finally how to avoid threats becoming weaknesses.

<sup>138</sup> Goodrich R., "SWOT Analysis: Examples, Templates & Definition", *Business News Today*, 2015. [online] Available at: <http://www.businessnewsdaily.com/4245-swot-analysis.html> [January 2016].

<sup>139</sup> Jackson S. et al., "Recent Research on Team and Organizational Diversity: SWOT Analysis and Implications", *Journal of Management*, 2003. [online] Available at: <http://web.mit.edu/> [January 2016].

<sup>140</sup> Renault V., "Chapter 3, Section 14. Swot Analysis: Strengths, Weaknesses, Opportunities, and Threats", Community Tool Box, 2015. [online] Available at: <http://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/swot-analysis/main> [January 2016].

<sup>141</sup> Goodrich R., *op. cit.*

The goal of our SWOT analyses will be to assess the European Citizens' Initiative and online EU public consultations as e-participation tools for EU citizens. The SWOT analyses were developed in two phases. In a first phase, we formulated a longlist of strengths, weaknesses, opportunities and threats on the basis of our screening of the literature (see Annex 2 and Annex 4) and some expert input. In a second phase, we asked experts to rate these strengths, weaknesses, opportunities and threats in an online survey in order to reach a shortlist of these elements, which we then ranked in terms of their importance.

The respondents could rate each element from 1 (not a priority) to 7 (a very important priority) in the sections strengths, weaknesses, opportunities and threats. After receiving the results of the online survey, we determined the average score of the elements and proceeded with a ranking based on their scores (see Table 8 and Table 9). We also took into account the standard deviation for the elements which ended up with the same scores.

In the following paragraphs, we will be examining the results of the SWOT analyses by dividing the elements into three categories based on their average scores:

**Table 7: Level of priorities based on SWOT analysis scores**

Average Score	Level of Priority
> 5 points	High Priority
3 to 5 points	Medium Priority
< 3 points	Low Priority

Although all elements of a SWOT analysis are worth discussing, we will be assessing only the elements that fall into the category 'High Priority' in the interest of conciseness and pragmatism of this study. The recommendations which follow are based solely and exclusively on the SWOT analysis results.

## 4.2 SWOT Analysis of EU tools<sup>142</sup>

### 4.2.1 The European Citizens' Initiative SWOT Analysis

The ECI SWOT analysis (see Table 8) is based on 21 respondents (see Annex 3) which includes academic researchers, civil society organisations, EU stakeholders, former ECI organisers and current ECI organisers. The experts were selected because of their thorough knowledge on the ECI (theoretical and practical) and in order to ensure the results would represent opinions from varied sectors of society. As mentioned earlier, the SWOT analysis built upon elements identified in the literature (see Annex 2) and was sent to these respondents for comments through an online survey. The respondents had the possibility to rate the importance of each SWOT element, and provide additional comments and elements if they considered it necessary. In general, they seemed to be satisfied with the shortlist identified and only a few additions were made.

<sup>142</sup> Both SWOT analyses were conducted with the support of Joanna Marczuk.



## Strengths

The results show a clear distinction between high, medium and low priority strengths. The most important strength of the ECI is that it *encourages participation and active citizenship (5.8 score)*. Respondents commented that there is a huge potential for it to reinforce mainly online activism and serve as a trigger to foster other types of activism and discussions. However, some experts also replied that in its current state, the ECI also discourages active citizenship because of the excessive complexity in using the tool and the poor outcomes.

A second important strength of the ECI is that it *is a non-partisan tool (5 score)*. Although this score is rather high on average, opinions varied greatly and the respondents were divided into two big groups. The first group clearly considered this an essential characteristic of the ECI by stressing how important it is for citizens to have a tool where they can simply express their own interest. The second group gave a more neutral score of 4 because of different reasons: some had no opinion on it, some did not consider it to be a priority of the tool and some stated that although political parties are not necessarily involved, the ECI is often 'hijacked' by interest groups.

Another important strength of the ECI is that it *gives citizens agenda-setting power on the EU level (5 score)*. Many respondents gave valuable comments regarding this point. By using the ECI, citizens can bring in ideas which reflect trends and make EU institutions more aware of the public opinion. One respondent also stated how the ECI has the power to put certain topics on the table when the EU lacks political courage or shies away from certain directions. A former ECI organiser also argued that the ECI manages to reach the EU legislative agenda through more indirect means, for example by bringing the European Parliament to call on the European Commission to introduce new legislation.

An additional strength added by multiple experts was the ECI's ability to trigger cross-national debates, particularly through the intermediary role played by civil society organisations in ECI campaigns. This is considered a strength since the pan-European ECI can contribute to building a European identity and enhance solidarity among the peoples of Europe.

## Weaknesses

The shortlist of weaknesses of the ECI was compiled of 16 elements, more than double the elements under strengths, because of the clear problems which have emerged from this tool since its creation. In the SWOT survey, the respondents gave much higher scores to the weaknesses than to the strengths, which shows a general agreement that the weaknesses of the ECI are more evident than the strengths. Out of the 16 elements, 10 of them were considered to be high priority and can be divided into three clusters.

The first cluster includes all the weaknesses related to the impact of the ECI. The ECI *leaves citizens more frustrated due to its lack of impact (6.19 score)* and this is one of the biggest problems of this tool. The experts also associated this element to the fact that the ECI *is not cost-effective, considered the great efforts required to organise it and the low certainty of impact (5.8 score)*. They commented that only if the efforts were lower then also the expectations would likely be lower. Another weakness connected to this point is that *the results of the ECI are not-binding (5.14 score)*. However, most respondents clarified that 'binding results' do not necessarily mean a direct change in EU legislation because of a successful ECI, as it would both be undemocratic and lead to 'dangerous waters'. What they

mean is that there should be more efforts by the European Commission to reach a binding follow-up, for example an inter-institutional debate on the ECI results.

The second cluster regroups the weaknesses connected to the user-experience of the ECI. Another extremely significant weakness of the ECI is that *requirements for identification and personal data are excessive (6.19 score)*, which is also one of the main reasons why they consider the *ECI not user-friendly (5.9 score)* enough. According to the respondents, the amount of information required to sign an ECI is excessive and discourages participation particularly considering the low impact of the results but also the fear of online data theft. However, through the Online Collection System (OCS) citizens cannot leave their email addresses which is also a flaw because *ECI organisers are unable to provide clear feedback to supporting citizens (5.33 score)*. The respondents think it is essential to give feedback to create interaction and have the possibility to form a community around a certain topics of interest. Another important problem is that the *ECI is unknown to citizens (6 score)* mainly due to the fact that the tool is not publicised enough, for example rarely picked up by national media, and that since it seen as an unsuccessful tool, people tend to ignore its existence.

The third cluster refers to the weaknesses linked to the inflexible and complex ECI regulation. One particular point which has led to a lot of frustration is that *rules regarding the start of the time period for ECI support collection are inflexible and hinder the process unnecessarily (5.90 score)*. ECI organisers have stated to have lost months of their collection period due to bureaucratic requirements, the certification of the OCS and poor management from the European Commission. If the ECI is truly meant to be a tool for citizens to share their views with the EU institutions, then the timeframe should allow the optimal situation for ECI organisers. Furthermore, since it is a pan-European tool, ECI coordination should be simplified as it is currently *unnecessarily complex due to the lack of harmonised rules for identification requirements (5.8 score)*. This point has been a serious problem for ECI organisers as it hinders European associations in building up alliances because of the complexity in working together to collect ECI signatures. There is the need for Member States to also agree upon a European common set of requirements, which should include facilitating the signing of ECIs by expats as *they currently cannot sign an ECI in their country of residence (5.14 score)*.

As for the additional comments, the respondents seemed to be satisfied with the amount of weaknesses identified in the SWOT survey and did not have further elements to add.

## Opportunities

Respondents have identified the *rise of alternative forms of engagement and (young) people's disengagement in 'traditional' politics (5.52 score)* to be the most significant opportunity for the development of the ECI. Especially if linked with ICTs, the ECI could grasp this opportunity and exploit it to its advantage by reaching out to certain groups of our societies. For example, young people who prefer to be involved in newer forms of participation<sup>143</sup> would be more inclined to voice their opinions to decision-makers by using e-participation means such as the ECI. There is also currently a *lack of grassroots support for European policy (5.19 score)* meaning that the ECI could represent one of the tools which could help foster citizens' interest in EU policy-making.

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<sup>143</sup> Quintelier E., *Differences in political participation between young and old people*, Contemporary Politics, Volume 13, Number 2, Routledge, 2007. [online] Available at: [https://lirias.kuleuven.be/bitstream/123456789/183907/2/CP\\_Youth%2520and%2520Politics.pdf](https://lirias.kuleuven.be/bitstream/123456789/183907/2/CP_Youth%2520and%2520Politics.pdf) [April 2016].

According to the SWOT analysis, the *perceived democratic deficit in the EU* scored higher under the category Opportunities (5.38 score) than under Threats (4.19 score). Interestingly enough, although the ECI's current form risks to widen the EU's democratic deficit, experts still think that it has the potential to contribute to the overall legitimacy of the EU. This point is also linked to the fact that the EU suffers from *weak notions of 'European Citizenship' and 'European demos'* (5.09 score); another opportunity for the EU to use the ECI as a pan-European tool to "provide a channel for EU demoi, activated by the presence of the instrument"<sup>144</sup>. Since the EU is composed of 28 Member States with their own specificities and languages, campaigning an ECI helps foster a European public space which is not found often.

Additionally, the experts also stated how the multiple crises faced by the EU inevitably call for more 'thinking out of the box' and could be a window of opportunity for innovation in participatory democracy.

### **Threats**

The highest threat for the ECI is *people's disinterest in general EU-level politics* (5.42 score). If citizens are not interested in EU politics, they will not be inclined to use an EU tool such as the ECI because they do not care about expressing their opinions to EU institutions. However, according to some comments, their disinterest can be due to their lack of trust in the EU and because they do not think the EU can solve their problems. In this case, this disinterest should be transformed from a threat into an opportunity for the EU, as the ECI could be used by policy-makers to engage with the citizens and show them they care about their ideas.

While the multiple crises of the EU were considered to be an opportunity in the previous category, respondents have explained how they could also be considered a threat. Because of the current problems, such as the refugee crisis or the financial situation, there is growing anti-EU sentiment which could hinder the further development of the ECI.

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<sup>144</sup> Comment by one of the ECI SWOT analysis respondents.

**Table 8: Results of the ECI SWOT Analysis**

Strengths	Weaknesses
<ol style="list-style-type: none"> <li>1. The ECI encourages participation and active citizenship (5.8)</li> <li>2. The ECI is a non-partisan political tool (political parties are not necessarily involved) (5)</li> <li>3. The ECI gives citizens agenda-setting power on the EU level (5)</li> <li>4. The ECI can educate citizens about decision making and the political process of the EU (4.57)</li> <li>5. The ECI reduces the democratic deficit by forming a bridge between citizens and the EU executive power (4.42)</li> <li>6. Citizens can easily find and access information about the ECI (3.28)</li> <li>7. The results of the ECI are non-binding (2.42)</li> </ol>	<ol style="list-style-type: none"> <li>1. The ECI leaves citizens more frustrated due to its lack of impact (6.19)</li> <li>2. Requirements for identification and personal data are excessive (6.19)</li> <li>3. The ECI is unknown to citizens (6)</li> <li>4. The ECI is not user-friendly (5.9)</li> <li>5. Rules regarding the (start of the) time period for ECI support collection are inflexible and hinder the process unnecessarily. (5.9)</li> <li>6. The ECI is not cost-effective, considering the great efforts required to organise it and the low certainty of a meaningful impact (5.8)</li> <li>7. ECI coordination is unnecessarily complex due to lack of harmonised rules for identification requirements (5.8)</li> <li>8. ECI organisers are unable to provide clear feedback to supporting citizens, as the OCS does not provide this facility (5.33)</li> <li>9. The ECI excludes expats, who cannot sign an ECI in their country of residence (5.14)</li> <li>10. The results of the ECI are non-binding (5.14)</li> <li>11. The OCS is an inefficient and ineffective platform (4.90)</li> <li>12. The EC does not provide clear feedback about its decision regarding successful ECI's to organisers (4.76)</li> <li>13. The ECI admissibility criteria and the procedure of the EC's admissibility check are unclear (4.61)</li> <li>14. The unlimited personal liability carried by individual ECI organisers is intimidating and discourages new initiatives. (4.57)</li> <li>15. Rules and procedures for ECI registration are unclear (3.85)</li> <li>16. The ECI excludes young people (-18) (3.57)</li> </ol>
Opportunities	Threats
<ol style="list-style-type: none"> <li>1. Rise of alternative forms of engagement and (young) people's disengagement in 'traditional' politics (5.52)</li> <li>2. The perceived democratic deficit in the EU (5.38)</li> <li>3. Current lack of grassroots support for EU policy (5.19)</li> <li>4. Weak notions of 'European Citizenship' and European demos (5.09)</li> <li>5. Technological advancements in ICTs, which make traditional democratic institutions look sluggish, irresponsive and 'outdated' (4.61)</li> </ol>	<ol style="list-style-type: none"> <li>1. People's disinterest in general EU-level politics (5.42)</li> <li>2. The perceived democratic deficit in the EU (4.19)</li> <li>3. The digital divide between countries, both in terms of digital infrastructure and in terms of citizens' experience with e-participation (4.09)</li> </ol>

## Recommendations for the ECI

The SWOT analysis is a simple framework which allows us to highlight the most important priorities for the ECI. We should try to maintain its strengths, solve its weaknesses, grasp the opportunities to develop it and avoid the threats.

To maintain the ECI's strengths:

- Keep promoting the ECI as a tool that encourages participation and active citizenship in the EU, especially with the current rise of Euroscepticism.
- Keep encouraging citizens to use the ECI to express their own interests and make sure they have a chance to put those interests on the EU's agenda by using it.
- Keep stressing its importance as the official pan-European tool which triggers cross-national debates and brings citizens to have a stronger European sense of belonging rather than only national.

To solve the ECI's weaknesses:

- Improve the cost-effectiveness of the ECI by reducing the efforts to use it and by clearly (re)defining the outcomes of successful ECIs and start fulfilling them.
- Improve the user-experience of the ECI:
  - Reduce the excessive identification and personal data requirements to enhance participation.
  - Add a function to the OCS which allows ECI organisers to contact the people who have signed their ECI so that they can provide them with feedback and stimulate interaction.
  - Make the ECI more known. For example, the EU's communication channels and national media should both publicise the ECI more often.
- Improve the ECI's rules, with a revision of the regulation if necessary, to make them more flexible and less complex
  - The European Commission needs to revise the regulation to allow ECI organisers to start the collection of signatures in a more optimal timeframe.
  - Member States need to harmonise the rules for identification requirements.
  - Allow expats to sign ECIs in their country of residence to make it a truly pan-European tool.

To grasp the opportunities:

- Promote the ECI as an alternative form of engagement in order to capture citizens who are tired of 'traditional' forms of politics, such as young people.
- Use the ECI to reduce the democratic deficit and strengthen the currently weak notions of 'European citizenship' and 'European demos'.
- Use the ECI to gather grassroots support for European politics.

To avoid the threats:

- Enhance citizens' interest in EU politics in general. Regain their trust in the EU and enhance education in European affairs.

#### 4.2.2 Online EU Public Consultations SWOT Analysis

The online EU public consultations SWOT analysis (see Table 9) gathered the opinion of 12 stakeholders (see Annex 5) including scholars, civil society representatives and other experts. It was conducted in exactly the same way as the SWOT on the ECI, with a first study of the literature (see Annex 4) both on consultations in general and more specifically on EU public consultations. A shortlist of the SWOT elements was then sent out through an online survey to a few experts in this field and different organisations, which usually take part in EU public consultations.

As in the previous SWOT exercise, we have analysed only the elements which fall under the category 'High Priority' based on their scores.

##### **Strengths**

Respondents agree that *online EU public consultations encourage participation and active citizenship (5.08 score)* and that it is a tool which actually *reduces thresholds to participation (5.08 score)*. The experts pointed out that physical, practical and geographical barriers to participation of online EU public consultations are very low (access to the Internet is enough); the format is relatively user-friendly and they are available in different EU languages. Theoretically these characteristics enable decision-makers to reach out to a wide scope of citizens. However, some respondents highlighted that the public consultations are still mainly designed for people who have a strong policy-making background and that they are too technical for average citizens.

##### **Weaknesses**

Just as with the ECI, one of the more significant weaknesses of online EU public consultations is that they are *unknown to citizens (6 score)*. This comes from the fact that there should be more effort to promote opportunities for engagement in general. Furthermore, citizens ignore their existence because EU public consultations are often very technical and the questions are too long, thus they are not interested in taking part in them. This could be possibly changed by preparing two types of questionnaires for each public consultation: a more technical one to be sent out to key stakeholders and a simpler one to receive the general public's opinion.

Another significant weakness is that *clear feedback and results of online EU public consultations are rarely published by the European Commission, which inhibits transparency and accountability (5.33 score)*. The respondents stated that the results are sometimes not published at all or not published in time and that when they are available, they sometimes lack a complete and accurate analysis of the EU public consultations.

An additional weakness proposed by one of the respondents was that it is highly complex to adequately assess the impact of the introduction of EU consultations on policy-making due to two problems: first the difficulty of tracing the causal paths of the impact (i.e. Did consultations actually cause better quality in policy-making?) and second the difficulty of assessing the counterfactual scenario (i.e. What would have happened to policy quality in the absence of consultations?). The European Commission needs to spend resources on evaluating its consultation programmes more (input legitimacy, output legitimacy, etc).

## Opportunities

According to the experts, there are many opportunities for further development of online EU public consultations.

The most important one is the *perceived democratic deficit in the EU (5.83 score)*. Exactly as in the ECI SWOT analysis, the respondents see this element more as an opportunity rather than a threat (4.5 score). If people were to feel empowered and connected to the EU via different forms of engagement, then they would be more likely to continue participating in policy-making by using the tools proposed.

The *rise of alternative forms of engagement and (young) people's disengagement in traditional politics (5.5 score)* is also a reason to increase online EU public consultations. The European Commission needs to reach out to its citizens by providing not only the online consultation portal but also by using other platforms, such as social media. This could be a way to help solve the problem of *current lack of grassroots support for European policy (5.08 score)*.

Last but not least, *academic advances in representative statistical sampling methodology toward a more scientific approach for representative consultations (5.25 score)* is an opportunity to grasp. Rather than having open consultations, which may not be completely representative because the European Commission does not control who participates, more statistically grounded sampling methodologies could lead to more representative sample and make public consultations more manageable and more legitimate.

## Threats

One of the biggest threats to online EU public consultations is *the digital divide between countries, both in terms of digital infrastructure and in terms of citizens' experience with e-participation (5.83 score)*. Unlike the ECI, where signatures can also be collected offline, EU public consultations are exclusively online and are only for citizens who can access the Internet. This means that this tool excludes all those who do not have access to the Internet due to a variety of reasons, for example technical, social or economic.

Another significant threat is *people's disinterest in general EU-level politics (5.66 score)*. According to some respondents, this is not only a threat the EU is facing but also one at national level. Public consultations in general are usually answered by a very low percentage of the population because people are not too interested in participating in them and not because they do not have the possibility to do so.



**Table 9: Results of the Online EU Public Consultations SWOT Analysis**

Strengths	Weaknesses
<ol style="list-style-type: none"> <li>Online EU public consultations reduce thresholds to participation (5.08)</li> <li>Online EU public consultations encourage participation and active citizenship (5.08)</li> <li>Online EU public consultations increase democratic legitimacy of the EU decision-making process (4.66)</li> <li>EU public consultations increase the quality and transparency of EU rules and decisions (4.66)</li> <li>EU public consultations are a cost-effective way to organise participation in decision-making (4.75)</li> <li>Online EU public consultations influence the political process outside of the electoral cycle and outside of political parties (4.58)</li> <li>Online EU public consultations reduce the democratic deficit by forming a bridge between citizens and the EU executive power (4.41)</li> <li>Participation in online EU public consultations has the potential to educate citizens about the political process of EU decision-making (4.25)</li> <li>Online EU public consultations increase accountability of the EU decision-making process (3.41)</li> </ol>	<ol style="list-style-type: none"> <li>Online EU public consultations are unknown to citizens (6)</li> <li>Clear feedback and results of online EU public consultations are rarely published by the Commission, which inhibits transparency and accountability (5.33)</li> <li>Online EU public consultations are rarely representative for EU citizens (4.91)</li> <li>Online EU public consultations are not user-friendly (4.75)</li> <li>The single access point for information about online EU public consultations, Your voice in Europe, is unattractive, intransparent, not user-friendly and ineffective (4.66)</li> <li>Online EU public consultations are unlikely to have a meaningful impact on EU decision-making (4.66)</li> <li>Participation in online EU public consultations has the potential to frustrate citizens about the political process of EU decision-making (4.58)</li> <li>Online EU public consultations are rarely available in all 24 official EU languages (4.5)</li> <li>Online EU public consultations are designed by people without specific expertise on running consultation process (4.25)</li> <li>Assessing online EU public consultations is difficult due to a lack of evaluation criteria and Key Performance Indicators (4.25)</li> <li>Online EU public consultations' participants often lack skills to participate effectively (4.08)</li> <li>Online EU public consultations fail to empower individual citizens vis à vis organised interest groups (4)</li> <li>Contributions to consultations process are usually based on personal opinions rather than on informed and factually based arguments (3.58)</li> <li>Online EU public consultations create additional administrative burden on Commission DGs and divert resources away from other essential tasks (2.5)</li> </ol>



Opportunities	Threats
<ol style="list-style-type: none"> <li>1. The perceived democratic deficit in the EU (5.83)</li> <li>2. Rise of alternative forms of engagement and (young) people's disengagement in 'traditional' politics (5.5)</li> <li>3. (Academic) advances in representative statistical sampling methodology toward a more scientific approach for representative consultations (5.25)</li> <li>4. Current lack of grassroots support for European policy (5.08)</li> <li>5. Weak notions of 'European Citizenship' and European demos (4.5)</li> <li>6. Technological advancements in ICTs make traditional democratic institutions look sluggish, irresponsible, non-interactive and 'outdated' (4.16)</li> </ol>	<ol style="list-style-type: none"> <li>1. The digital divide between countries, both in terms of digital infrastructure and in terms of citizens' experience with e-participation (5.83)</li> <li>2. People's disinterest in general EU-level politics (5.66)</li> <li>3. The perceived democratic deficit in the EU (4.5)</li> <li>4. The enthusiasm for e-government innovations versus resistance to fundamental change of underlying decision-making structures (online consultations as old wine in new bags (4.41)</li> </ol>

## **Recommendations for Online EU Public Consultations**

The SWOT analysis has allowed us to identify the most important priorities for online EU public consultations. We should try to maintain its strengths, solve its weaknesses, grasp the opportunities to develop it and avoid the threats.

To maintain the online EU public consultation's strengths:

- Keep using online EU public consultations to reduce thresholds to participation in the EU.
- Keep promoting the EU public consultations as a tool that encourages participation and active citizenship in the EU.

To solve the online EU public consultation's weaknesses:

- Improve online EU public consultations by making them more known to citizens. Participation and interest can be enhanced by making them more accessible and less technical.
- Always publish the results of EU public consultations and meaningful feedback to ensure transparency and accountability. Make sure that the results are also published on time and that they are an accurate analysis of the public consultation.

To grasp the opportunities:

- Promote online EU public consultations as an alternative form of engagement in order to capture citizens who are tired of 'traditional' forms of politics, such as young people.
- Use online public consultations to stimulate grassroots discussions and engagement in core EU politics. This could reduce the democratic deficit and gather grassroots support for European politics.
- Consider transforming consultations from an open model to a representative sample model.

To avoid the threats:

- Make sure participants are not left out of EU public consultations because of the digital divide. Ensure complementary offline tools to gather citizens' input on policy-making.
- Enhance citizens' interest in EU politics in general. Increase their interest by engaging them in a more accessible manner.

## 4.3 Summary and Conclusions

The two SWOT analyses on the ECI and online EU public consultations illustrate the challenges raised by the implementation of e-participation tools in the EU and their potential in the short and long term.

### Challenges

According to the results, one of the biggest challenges for e-participation is *European citizens' disinterest in EU-level politics*. One of the reasons mentioned for citizens' disinterest in EU politics was that they lack trust in the EU or/and do not think the EU can solve their problems. However, this can represent a more general challenge since e-participation tools, such as public consultations, have a very low participation rate at national levels as well. This situation leads to two possible directions: either the EU tries to solve the citizens' lack of interest in (EU) politics in order to enhance their e-participation or they use e-participation tools to show citizens they care about their ideas to regain their trust and interest. The latter would transform citizens' disinterest in EU politics from a challenge into an important opportunity for the EU, provided EU decision-makers commit on systemic engagement and deliver on their promises.

Another significant challenge is the fact that these e-participation tools are simply *unknown to citizens*. This is generally because of three reasons: the EU and Member States are not putting enough effort to promote opportunities for engagement; EU citizens are not interested in discovering ways for e-participation because they perceive these tools as unsuccessful (lack of meaningful impact); last but not least, citizens find e-participation tools too complex or technical and this discourages from engagement in the policy process.

The EU is also facing some more specific challenges for both the ECI and online EU public consultations. From the results of the two SWOT analyses, we can see that experts were clearly more outspoken regarding the weaknesses of the ECI, since 10 out of 16 elements were considered high priority. The EU and Member States must work on improving the ECI's *cost-effectiveness, user-friendliness and rules*.

Regarding online EU public consultations however, out of the 14 weaknesses we presented, only two of them resulted as high priority. This could be for several reasons: online EU public consultations work much better as an e-participation tool than the ECI; experts could not identify with the weaknesses because they were incorrect; it is not clear what online EU public consultations exactly are; or experts simply have lower expectations when it comes to public consultations compared to the ECI. Since the SWOT analysis cannot provide us with answers, further exploration on this point could be done through interviews with the experts.

However, the SWOT analysis has revealed that one of the biggest challenges specifically for online public consultation tools is the *digital divide between countries*, both in terms of digital infrastructure and in terms of citizens' experience with e-participation. This was not the case of the ECI because it includes the offline component. Nevertheless, one of the weaknesses of the ECI was the excessive data requirements in the online signature collection which discourages participation also because of peoples' fear of data theft.

## Potential

The greatest strength identified by the experts for both e-participation tools is that they *encourage participation and active citizenship*. Respondents commented that there is a huge potential for them to reinforce EU citizens' online activism, serve as a trigger to foster other types of activism and discussions and to reduce thresholds to participation. Since this strength is an already existing characteristic in these e-participation tools, the EU must maintain and further develop this feature.

There are also several long term benefits of implementing e-participation tools. According to the experts, both the ECI and online EU public consultations can contribute to *reducing the perceived democratic deficit in the EU*. This is an opportunity the EU should definitely grasp because by proposing e-participation tools, citizens could potentially feel empowered and connected to the EU and would be more likely to continue participating in policy-making by using the tools proposed.

The EU also needs to consider the *rise of alternative forms of engagement and (young) people's disengagement in traditional politics* as an opportunity to introduce new forms of engagement to capture peoples' interest. Since technology does not cease to evolve, this is a long term perspective which cannot be ignored. This could also be a way to *foster more grassroots support for the EU* which is currently missing.

As our SWOT analyses have revealed, implementing e-participation tools can certainly bring benefits to the EU. The ultimate goal should be to transform the potentials into elements of strength of these e-participation tools. However, in order to develop these potentials, it is essential to solve their specific weaknesses and face the challenges previously mentioned.

## 5. CONCLUSIONS AND POLICY RECOMMENDATIONS

The development of e-participation at the EU level requires answers to two questions, one functional, one normative. The functional question is *how* to introduce more direct participation. The normative question is whether the EU *should* introduce more direct participation.

Regarding the functional question, e-participation entails e-enabling, e-engaging and/or e-empowerment and we have shown some national cases to examine how Member States have been implementing these mechanisms. It is important to stress that the EU represents an institutional singularity due to its *sui generis* nature as a supranational organisation. This means that although national experiences can inspire the EU, these e-participation experiments cannot be simply transposed to the EU but must be adapted to its particular form of government. After examining the e-participation tools at the EU level, we conclude with three possible scenarios:

1. The EU continues working on e-participation the way it is without changing anything.

This is not recommended because the SWOT analyses have identified significant weaknesses in two of the main e-participation tools at the EU level. This situation could lead to growing frustration of EU citizens, discourage them from taking part in other participation activities and increase their disinterest and distrust in policy-making.

2. The EU focuses on improving existing e-participation tools at the EU level.

This is definitely recommended and the SWOT analyses have shown which priority weaknesses to tackle for the ECI and for online EU public consultations. We have proposed recommendations for both tools:

- For the ECI, to improve its cost-effectiveness, user-experience and regulatory framework. Citizens who have organised ECIs are highly disappointed about this tool and there is a great risk this will backfire on the EU if it is not improved in the short term.
- For online EU public consultations, to reduce their complexity and always make sure to publish the results on time and accurately and ensure meaningful feedback. An additional recommendation is to consider transforming consultations from an open model to a representative sample model in order to make consultation results more balanced, more manageable and more legitimate.

It is also essential to make sure e-participation tools are accompanied by an offline component because the digital divide is still a strong barrier to participation.

3. Particular EU institutions/actors take individual initiatives to foster new ways of e-participation.

This is highly recommended since effective e-participation comes with experimentation. Although a limited number of participation tools are envisaged by the Treaties, we have shown there is room for manoeuvre to enhance e-participation mechanisms:

- The European Parliament could strengthen its representative character. There are several ways in which MEPs can facilitate and allow citizens' participation in EU policy-making by using digital platforms: MEPs can open up their own-initiative report processes more often to collect ideas from their constituents; MEPs can support citizens in participating in online EU public consultations by explaining technical issues to them; and MEPs can contribute to EU public hearings by fostering interaction with citizens.
- The EU institutions, in particular the European Commission and the European Parliament, could explore how to develop a crowdsourcing experiment inspired by the national cases we have presented and taking into account the weaknesses of EU e-participation tools we have identified.

Regarding the normative question, the EU should decide whether it wants to implement e-participation mechanisms in order to enhance its legitimacy. We recommend that it should do so. Our national cases and SWOT analyses show that there are many potential benefits when fostering e-participation, including:

- Enhancing participation and active citizenship
- Ensuring a learning process
- Engaging young people in policy-making
- Ensuring innovative ideas for policy-making
- Increasing political trust and legitimacy

These are all reasons to develop e-participation at the EU level especially in the current challenging political context. However, it is important to stress that these potentials can only be achieved if the EU invests efforts and resources in solving the weaknesses of these tools and in encouraging more participation.

E-participation tools can represent an alternative form of engagement for citizens who are tired of 'traditional politics' and help promote more grassroots support for EU policy. The democratic deficit should be grasped as an opportunity for the EU to show that it cares about its citizens by giving them the possibility to participate in the decision-making process in a more collaborative manner. Euroscepticism and extremism should not allow the EU to shy away from opening up its policy-making processes through technology. On the contrary, if implemented properly, these tools could help the EU regain citizens' trust and support.

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## ANNEX

### Annex 1: Digital Tools and Scotland's Participatory Budgeting Programme

Tool	DEMO	Functions
Dialogue	<a href="http://www.pb.dialogue-app.com">www.pb.dialogue-app.com</a>	suitable for idea generation, discussion and prioritisation of ideas and projects
Your Priorities	<a href="https://scotland-pb-demo.yrpri.org/">https://scotland-pb-demo.yrpri.org/</a>	suitable for idea generation, discussion and prioritisation of ideas and projects
Open Active Voting	<a href="https://tiny.cc/pbscot">https://tiny.cc/pbscot</a>	suitable for allocating funding to projects
Participare	<a href="https://myalba.participare.io/">https://myalba.participare.io/</a>	suitable for idea generation, discussion of ideas and voting to allocate funding to projects
Democracy21	<a href="http://tiny.cc/pbd21">http://tiny.cc/pbd21</a>	suitable for voting to allocate funding to projects
Zilino	<a href="http://scotland-pb-demo.zilino.com/">http://scotland-pb-demo.zilino.com/</a>	suitable for co-production of ideas and in-depth deliberation and discussion of ideas to receive funding

### Annex 2: ECI SWOT Analysis: References

• ECI References
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**Annex 3: ECI SWOT Analysis: Survey Respondents**

Surname	Name	Organisation/ECI	Position
Beier	Bengt	Common Borders	Campaign Coordinator
Bouillard	Clio	Stop Plastic in the Sea ECI	ECI Organiser
Brombo	Pierluigi	European Economic and Social Committee	Head of Unit of the Unit "Relations with Civil Society Organisations and Forward Studies"
Conrad	Maximilian	University of Iceland	Associate Professor (Political Science)
Delakorda	Simon	Institute for Electronic Participation	Expert on E-Participation and ECI UBI activist
Głogowski	Paweł	The ECI Campaign	Campaigner / Researcher
Hatton	Lucy	University of Warwick	Doctoral Researcher on ECI
Hvid	Mads	Fair Transport Europe ECI / European Transport Workers' Federation	Campaign Assistant
Kavrakova	Assya	European Citizens Action Service	Director ECI Support Centre
Kozdój	Anna	European Economic and Social Committee	ECI Administrator
Lefkofridi	Zoe	University of Salzburg	Assistant Professor on Comparative Politics (ECI expert)
Menache	Andre	Antidote Europe ECI	ECI Organiser
Merz	Prisca	End Ecocide in Europe ECI	ECI Organiser
Pari	Irini	European Economic and Social Committee	President of the ECI Ad Hoc Group
Pronckute	Simona	Fraternité 2020 ECI	ECI Organiser
Sambor	Klaus	Unconditional Basic Income ECI	ECI Organiser
Sharma	Madi	Act4Growth ECI / Madi Group/ European Economic and Social Committee	ECI Organiser / Entrepreneur
Soignet	Marc	Wake Up Europe ECI / European Humanist Federation	Campaign Manager
Vallinoto	Nicola	New Deal 4 Europe ECI/ Movimento Federalista Europeo	Campaign Manager
Von Hatzfeldt	Sophie	Democracy International	European Programme Manager (Responsible for ECI)
Weger	Christian	European Economic and Social Committee	Unit "Relations with Civil Society Organisations and Forward Studies"



**Annex 4: Online EU Public Consultations: References**

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**Annex 5: EU Public Consultations SWOT Analysis: Survey Respondents**

Surname	Name	Organisation/ECI	Position
Carroll	Brendan	Leiden University	Assistant Professor
Chalmers	Adam	King's College London	Lecturer of European Political Economy
Garrahy	David	European Youth Forum	Head of Policy and Advocacy
Keijzer	Remmert	The Consultation Institute	Policy & Communications Manager
Leo	Hannes	Cbased	CEO
Massé	Estelle	Access Now	Policy Analyst
Naranjo	Diego	European Digital Rights (EDRI)	Advocacy Manager
Prykhodko	Oksana	INGO European Media Platform	Director
Quittkat	Christine	MZES/University of Mannheim	Researcher
Stoddart	Alistair	The Democratic Society	Scotland Network Manager
Tomkova	Jordanka	Innovabridge Foundation	Senior Governance Advisor
Tuzzi	Arjuna	University of Padova - Italy	Associate Professor









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