Yilly Vanessa Pacheco, Dulce Lopes (Eds.)

European Citizens' Initiative: A Tool for Engagement and Active Citizenship

Workbook ECI from A to Z

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Preface

It has been a long journey! From the time where the team got together to write the Erasmus + application (a moment marked by the beginning of the Covid-19 pandemic), to the time where the results were known and to the execution of the project (amidst the worsening and later on the betterment of the public health conditions and after the beginning of a war against the Ukraine) more than three years have elapsed.

It has been a collaborative journey! The watermark of the ECI: From A to Z project has been from its inception the strong and intense cooperation between the Institutional Partners and all the Team members. This is reflected in all the outputs and particularly in this workbook, coordinated by Dr. Yilly Pacheco, which showcases the project itself but also the main messages on the European Citizens' Initiative that the project tried to convey.

It has been a youthful journey! The participation and engagement of higher education students during the project's duration was the main aim of the ECI: from A to Z framework. They were the focus of most of its activities and took an active role in defining who they wish to be as European Union Citizens'. We all learned from them and felt inspired by their ideas and enthusiasm.

It has been a fruitful journey! Just a quick look at the project's website or the present workbook will show the amount and diversity of activities held, from peer learning, online sessions, intensive courses, online courses, Models ECI and even a game on the European Citizens' Initiative. We have not stopped developing new tools for active participation and engagement and hope they can inspire others to do the same.

It has been a marvelous journey! Thank you all for allowing it to take place!

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Dulce Lopes

Coimbra, 23 December 2022

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who have been made possible this publication: Shahrnoush Malekzadeh, Michelle Siedlok, and Richard Birkby. And we are also thankful to Göttingen University Press, especially Hannah Böhlke for all her assistance in the edition process and publication of this book.

Part I: The European Citizens' Initiative in Detail

European Citizens' Initiative: Constitutional Framework

*Peter-Tobias Stoll**

The European Citizens' initiative (ECI), which will be further explored in this book, is an important constitutional achievement of the European Union (EU). We immediately associate the ECI with terms like democracy, participation and legitimacy. Indeed, such terms are useful to see the ECI in context, to relate it to other means of participation and to understand its purpose and justification.

This short overview takes a constitutional perspective. Such a perspective is justified and now commonplace. Certainly, the EU still lacks a constitution in an explicit and formal sense. The Treaty Establishing a Constitution for Europe as signed on 29 October 2004 but was rejected by French and Dutch voters in 2005.[1] However, academically, it has firmly established for quite some time that international structures may exercise public authority themselves rather than being mere agents of State Parties. This is most evidently true for the EU as a supranational entity. Consequently, the EU's fundamental rules and functions for this exercise of public authority are "constitutional" in nature.[2]

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[1] See F. Laursen, *The Rise and Fall of the EU's Constitutional Treaty*, (2008).
[2] See for the debate in German constitutional thought: A. von Bogdandy & J. Bast, 'The Constitutional Approach to EU Law', in A. von Bogdandy & J. Bast (eds), *Principles of European Constitutional Law*, 2nd ed. (2009), 1-8.

Democracy: From Ideas to the EU

At its core, the ECI is an element of democracy on the level of the European Union as already witnessed by the fact that it is ruled upon in the TEU in Art. 11 (4), appearing in Title II of that same treaty, which carries the heading "Provisions on Democratic Principles".

The idea of democracy can trace its roots back to Aristotle and has been importantly further developed by such eminent thinkers as John Locke, Jean Jacques Rousseau and today is discussed by prominent philosophers such as Jürgen Habermas and John Rawls.[3] As diverse as their reflections and proposals may be, the principle of democracy in a nutshell can be said to mean that a country is governed by its people.[4]

Democracy belongs to the fundamental values of the EU as stipulated in Art. 2 TEU. It can be organised in various ways. It may be understood as the more or less permanent involvement of anybody, which may even more aim at achieving consensus or in Rousseau's words: a volonté générale. Today, a number of initiatives and proposals try to revive this idea by employing digital techniques.

However, the involvement of larger number of people in a whole country had already been recognized as a problem in Rousseau's times. Today, the sheer number of decisions to be taken, the expertise required and possibly also the need to take into account diverse political cultures in 27 member States in the EU would render it extremely ambitious to require that anybody is meaningfully involved in all decisions to be taken.

This is why actually the EU and most States in the world have parliaments in place, where representatives take the decisions which stand for election by the people for a limited time. Also, under this system, decisions can be taken by the majority. Thus, neither does the election require voters to arrive at a consensus on the composition of the Parliament, nor do members of parliament need to agree to enact legislation. The parliaments of the member states and the European Parliament stand for this model of "representative democracy".[5] The TEU reflects this in stating that the "functioning of the Union shall be founded on representative democracy", Art. 10 (1), where European "Citizens are directly represented at Union level in the European Parliament" and where "Member States are represented in the European Council by their Heads of State or Government and in the Council

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[3] See for an overview: T. Christiano & S. Bajaj, 'Democracy', in E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (2022).

[4] A. Murphy, 'Popular Sovereignty', in R. Grote, F. Lachenmann & R. Wolfrum (eds), *The Max Planck Encyclopedia of Comparative Constitutional Law*, OUP online, last updated May 2022.

[5] See generally A. Kulick, 'Representative Democracy', in R. Grote, F. Lachenmann & R. Wolfrum (eds), *The Max Planck Encyclopedia of Comparative Constitutional Law*, OUP online, last updated May 2020.

by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens", Art. 10 (2). Thus, citizens of the EU are represented in the EU in two ways: they vote in elections for the European Parliament and they vote in elections for their national parliaments and possibly additionally for their heads of States or governments, who then represent the member state in the EU.

In contrast to representative democracy, direct democracy[6] signifies a variety of concepts by which citizens have a say in the political process directly. While it had been the preferred model of democracy for someone like Rousseau, in contemporary constitutional law in Europe it exists as a complement to representation and is much more limited. This is even true for Switzerland, which among European states or even globally can be said to have the strongest tradition in this regard.[7] In any case, constitutional mechanisms for direct democracy today are limited to specific policy issues or questions. Different models exist in view of formalities and requirements of the initiative, modalities of procedure and the outcome, which might be recommendatory or even result in a fully binding piece of legislation. At EU level, the ECI is such an element of direct democracy.

Legitimacy and participation

The chance to vote on an equal footing and the majority principle are fundamentals of any kind of democratic order, in view of both its representative and direct dimensions. However, these fundamentals in themselves can hardly and sufficiently explain how democracy works or should work. Today, the complexity of modern regulation, the need for expertise, the number of levels of governance and agencies involved, and not least the intricacies of EU multilevel governance are said to have created frustration and fatigue.

From Rousseau onwards, theorists have reflected on the preconditions and modalities of democratic decision making. In more recent times, political sciences have contributed to a richer and more plausible understanding. They have introduced additional views, questions and terms. Basically, they were taking a governance perspective, where the focus is on the political process more generally, including its legislative as well as its administrative arms. In this regard, the legitimacy of the

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[6] A. Gamper, 'Direct Democracy', in R. Grote, F. Lachenmann & R. Wolfrum (eds), *The Max Planck Encyclopedia of Comparative Constitutional Law*, OUP online, last updated February 2019.
[7] G. Fossedal, *Direct Democracy in Switzerland*, (2002).

European Union has often been discussed.[8] The yardstick for good democratic governance is legitimacy in two dimensions. Output legitimacy is about the quality of the outcome of the process in terms of substantial appropriateness, effectiveness and efficiency. Input legitimacy is about who has been involved in the process and how.

At this point, participation comes into play.[9] In a broader view, this is not only about the individual, but concerns society at large. Furthermore, rather than focusing merely on the singular act of voting, democracy now is understood to involve communication and discourse. In its various versions, participatory democracy highlights this element of participation.[10] Within a number of different forms of such participatory democracy "deliberative" democracy would mean a process of exchanging and evaluating arguments in order to elaborate a rational solution. Many of these insights and thoughts were reflected in the 2001 Commission's "European Governance - A White Paper"[11] and deeply influenced the drafting of the "Constitution for Europe." Importantly, the paper highlighted "openness, participation, accountability, effectiveness and coherence" as the aim guiding political principles for European governance.[12] After its failure, much of the wording was used as a basis for the 2008 Lisbon treaty and the TEU and the TFEU respectively.

The dimension of participation is reflected in the treaties on various occasions: Art. 1 para. 1 TEU already calls for an "ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen". Art. 10 (3) repeats part of this and adds: "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."

Art. 11 (1) adds to this by calling on EU institutions to "give citizens and representative associations the opportunity to make known and publicly exchange their views [...]" and to "maintain an open, regular dialogue with representative associations and civil society. (2) Also, the European Commission is required to carry out broad consultation" (3). In this context, Art. 11 (4) sets out the framework for the ECI.

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[8] B. Kohler-Koch & B. Rittberger, *Debating the Democratic Legitimacy of the European Union*, (2007); A. Heritier, 'Elements of democratic legitimation in Europe: an alternative perspective', *Journal of European Public Policy* 6 (1999) 2, 269-282.

[9] See generally: J. Morison & Adam Harkens, 'Principle of Participation', in R. Grote, F. Lachenmann & R. Wolfrum (eds), *The Max Planck Encyclopedia of Comparative Constitutional Law*, OUP online, last updated June 2017.

[10] S. Smismans, 'The constitutional labelling of the 'democratic life of the EU: representative and 'participatory' democracy', in L. Dobson & A. Follesdal (eds), *Political Theory and the European Constitution* (2004), 138-154.

[11] Commission, 'European Governance – A White Paper', COM (2001) 428 final, OJ C 287, 12 October 2001, 1.

[12] Ibid, 28; see also: A. Alemanno, 'Unpacking the Principle of Openness in EU Law – Transparency, Participation and Democracy', *European Law Review* 39 (2014), 72-90.

It should be added that participation in a broader sense is also reflected in the citizens' rights as enshrined in Title V of the Charter on Fundamental Rights. They include a passive and an active right to vote and stand as a candidate in elections to the EP (Art. 39) and at municipal elections (Art. 40). The citizens' rights in Title V further contain rights to a good administration (Art. 41), to access to documents (Art. 42) and to refer to the European Ombudsman (Art. 43) and the right to petition the European Parliament (Art. 44). Most of these rights first and foremost concern individual concerns and can be even seen to primarily help to implement and enforce the individual fundamental rights laid down in other parts of the Charter. However, to some degree, they may also be used to raise issues of a more general and public nature or to facilitate this. This is, why they are often named as participatory elements in line with the ECI.

Summary

To sum up, the ECI is an important element of European democracy and participation. These two dimensions and the close relationship between them are often signified by the term democratic participation. The various elements and mechanisms for public participation have to be seen in context to properly assess the overall record of the European Union in giving European citizens a say and to involve them in the activities of the Union.

What kind of participatory instrument is the ECI?

Pablo Riquelme Vázquez[*]

Introduction: Identifying Problems

In the previous section, we have highlighted that the functioning of the EU is based on representative democracy (Article 10.1 of the Consolidated Version of the Treaty on the European Union,[1] hereinafter, TEU) and that the ensuing political representation has two dimensions: a governmental (or national) and a supranational one (Article 10.2 TEU). To ensure legitimate representativeness, every citizen has the right to participate in the political life of the Union. As well as in the Member States, supranational political participation is mainly channelled through political parties (at the European level, in the latter case). They "shall contribute to forming a European political awareness and to expressing the will of the citizens of the Union" (Article 10(4) TEU).

Despite this broad, double representativeness, it is widely accepted that the EU suffers from a democratic deficit that affects its legitimacy. Additionally, political representation in the EU is facing nowadays, in the same way as many other Euro-

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[1] Consolidated Version of the Treaty on the European Union [2012] OJ C 326, 13-390.

pean representative democracies, a manifold crisis. This crisis, whose most prominent manifestations are the rise of the so-called "populism"[2] as well as other political transformations, has led to an increased recognition in countries of Europe about the need to introduce legislative mechanisms or different models that will facilitate "civil"[3] together with "political" participation. Particularly in the EU, both problems ignited some years ago a long-awaited <u>debate on the state of democracy in Europe, and particularly on how to make citizens feel their voices count</u>.

The Treaties nowadays provide a strong legal basis for this objective. According to Article 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". This disposition clearly embraces forms of participation such as those recognised in Article 39 (Right to vote and to stand as a candidate at elections to the European Parliament) and 40 (Right to vote and to stand as a candidate at municipal elections) of the Charter of Fundamental Rights of the European Union (CFREU).[4] However, it is also consistent with the increasing interest in other <u>participatory democracy practices</u> such as citizen's dialogues (Article 11.2 TEU), public consultations (Article 11.3 TEU)[5] and – the object of this workbook – the European Citizen's Initiative (Article 11.4 TEU; hereinafter, ECI).

DO YOU KNOW THAT…

Since the mid-1990s, strengthening European civil society and involving it in EU affairs has become a prominent topic. The common assumption is that civil society is a remedy to the legitimacy crisis of the EU and, consequently, the involvement of civil society is a main concern: 'Civil society stood out among other conceptual categories because, like the term movement, it incorporated positive values such as morality, spontaneity and freedom' [Mastropaolo, A. (2008), 'A democracy bereft of parties: anti-political uses of civil society in Italy', in: B. Jobert and B. Kohler-Koch (eds.), *Changing Images of Civil Society. From Protest to Governance*, London: Routledge, pp. 35-36].

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[2] Secretary General of the Council of Europe, *Annual Report on the State of Democracy, Human Rights and the Rule of Law in Europe – Populism – How strong are Europe's checks and balances?*, Strasbourg, 2017.

[3] <u>The Council of Europe Secretary General's 2015 report</u> has specifically recognised the "effective and sustainable mechanisms for dialogue, consultation and co-operation between civil society and the authorities at all levels" as important vehicles that are "allowing the participation of all individuals and societal groups in democratic decision making", see Secretary General of the Council of Europe, *State of Democracy, Human Rights and the Rule of Law in Europe. A shared responsibility for democratic security in Europe*, Brussels, 2015; see also I. Rosenzweigova, V. Skoric & H. Asipovich, *Civil Participation in Decision-Making Processes. An Overview of Standards and Practices in Council of Europe Member States*, European Center for Not-for-profit Law, Strasbourg, 2016.

[4] Charter of Fundamental Rights of the European Union [2012] OJ C 326, 391-407.

[5] M. Karlsson, 'A Panacea for Pan-European Citizen Participation? Analysis of the 2009 European Citizens Consultations', in E. Amnå (ed.), *New forms of citizen participation: normative implications* (2010), 97-112.

Prior the adoption of the Lisbon Treaty, the European Commission developed several documents emphasizing the importance of public participation and providing guiding principles for its implementation in practice. The <u>White Paper on European Governance</u> adopted in 2001, for instance, highlights five principles of "good governance" in order to increase the legitimacy of the decision-making processes.

The European Commission sought to ensure the implementation of this paper by adopting in 2002 the <u>General principles and minimum standards for consultation of interested parties</u>. These standards were organized around five areas:

a) providing clear content of the consultation process,
b) defining consultation target groups,
c) organizing awareness raising publicity and publishing the consultations online,
d) defining time limits for the receipt of responses and acknowledging and
e) providing feedback on the contributions received.

It must be emphasised that many of the aforementioned debates focused on the need to avoid shallow gestures that pretend to involve citizens in political decision-making, but fail to really do so. Building on the problem of the false expectations, for instance, some citizens' movements argued that the ECI – presumably the key innovation in participatory terms at EU level in recent years – risked falling into this category. Despite being in place for more than a decade, no initiatives had led to the level of change asked for. But does it really make any sense to claim that the ECI has created false expectations?

In taking stock of the ECI and assessing whether it lives up to its democratic ideal of empowering the citizenry of the EU, a broader perspective on democracy and participation can be very useful. In particular, two questions are central to this section.

1) What type of participatory instrument is the ECI?
2) And, more generally, what is to be expected of instruments such as the ECI in terms of (a) *citizens' political awareness*, (b) *procedural transparency* and (c) *problem-solving capacity*?[6]

Answering these questions requires an attempt to situate the ECI within a broader range of possible democratic innovations that have a decidedly bottom-up dynamic

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[6] For more details on these criteria to evaluate the ECI, see K. Jacobs, 'The Promises and Pitfalls of the European Citizens' Initiative', in D. Van Reybrouck *et al.*, *The Malaise of Electoral Democracy and What to Do About It* (2014), 36-39.

in terms of putting policy issues on the agenda. In other words, a basic conceptual comparison of different decision-making procedures is the most suitable exercise at this stage. To this purpose, we have no choice but to begin by establishing some conventional definitions.

Clarifying Concepts: From "Political" to "Civil Participation"

Even if only for our current purposes, we shall conventionally distinguish between "political" and "civil" participation. Both can of course be considered forms of participation in the democratic life of the Union (Article 10.2 TEU), but the former ("political participation") occurs only during times of election and has its more palpable manifestation in the right to vote and to stand as a candidate at elections (arts. 39 and 40 CFREU). In a different vein, the latter ("civil participation") takes place in between elections during the various stages of development of policies and laws, i.e., when public authorities aim to develop and adopt a policy document, strategy, law, regulation, or any process where a decision that affects the public or a segment of it is made. One could say that civil participation goes in parallel with classical representative democracy, namely the processes which happen during free and fair elections. Thus, civil participation has contributed to broadening the traditional notion of "citizenry" by adding to it the engagement of individuals, NGOs and civil society at large in decision-making processes by public authorities.

DO YOU KNOW THAT…

Civil participation in political decision-making shall be also separated from "political activities" in terms of direct engagement with political parties and from lobbying in relation to business interests. Since there are recent examples by countries to limit participation by characterizing it as "political activities", it is important to distinguish between activities related to policy and decision-making processes and outright political activities such as campaigning for a party, collaborating with it or contacting its members. See for a classical scholarly perspective Verba, S., Nie, N. H. & Kim, J. (1978), *Participation and Political Equality. A seven-nation comparison*, Cambridge, CUP, 310-316.

Be that as it may, the European Center for Not-for-profit Law has warned that, "*the term 'political activity' is sometimes applied restrictively to limit NGO activities and ability to voice opinions or criticism of actions by public authorities. In terms of good practice, when countries regulate political activities they explicitly list what is considered as 'engagement in political activities'*" [European Center for Not-for-profit Law (2016), *Civil Participation in Decision-Making Processes. An Overview of Standards and Practices in Council of Europe Member States*, May, 5].

You can read more about this issue in:

a) Committee of Ministers of the Council of Europe, <u>Guidelines for civil participation in political decision making</u>, 27 September 2017;

b) Conference of INGOs of the Council of Europe, <u>Revised Code of Good practice for civil participation in the decision-making process</u>, October 2019;

c) European Commission for Democracy Through Law (also known as "Venice Commission"), *Guidelines on Political Party Regulation*, 2nd ed., 14 December 2020.

Both civil and political participation as well as political activities require an enabling political and legal environment. This prerequisite for meaningful participation is made up of a set of other fundamental rights. Among them we find freedom of assembly and of association (Article 12 CFREU), freedom of expression (Article 11 CFREU) and the protection of human rights defenders.[7] In the words of the Secretary General of the Council of Europe: "*Freedom of assembly and freedom of association are inextricably linked to freedom of expression. Exercised together, they support an inclusive and effective system of checks and balances, in which power is held to account. A guaranteed enjoyment of these rights is a precondition for the active participation of civil society in decision making at all levels of government*".[8]

Finally, paramount to both political and civil participation is the issue of economic resources. The latter are needed to actively participate in decision-making processes, because political parties, as well as NGOs, for instance, need resources to cover costs related to the time their personnel spend attending official meetings, writing comments, reaching out to constituencies or asking for feedback. They cannot rely only on their own resources, so that they must be able to raise funds and countries should facilitate a supportive (although differentiated) financing framework.

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[7] Report of the Office of the United Nations High Commissioner for Human Rights, *Factors that impede equal political participation and steps to overcome those challenges*, A/HRC/27/29, 30 June 2014.
[8] Secretary General of the Council of Europe, supra note 3.

TO SUM UP		
Enabling Environment		
Representative Democracy		Civil participation
Political (Electoral) Participation	Political Activities	
Funding		

Our Concern: to Involve Individuals and Organised Groups Actively in Policy Formulation

Drawing on the INGO Code of Good Practice,[9] we can identify three different levels for civil participation. The first one, the *access to information*, enjoys the *status* of a fundamental right (Article 42 CFREU) and will not be considered here. The second level, *consultation*, has been taken into consideration in Article 11(3) TEU, but its analysis is out of the scope of this workbook. We will just focus on the third one, the *active involvement* of individuals and organised groups.

All these kinds of participation (access to information, consultation and active involvement) can occur in the different policy phases. We can mainly identify three phases, namely:

(1) developing laws and policies (policy formulation),
(2) implementing them (policy realisation), and
(3) monitoring their impact on the ground (policy *learning*).

The European Commission recognizes the importance of participation in all phases by stating "the quality of EU policy depends on ensuring wide participation throughout the policy chain – from conception to implementation".[10] We are only interested in the first one because, on a preliminary basis, it is the one that shows the clearest, strongest connection with the ECI.

The *policy formulation* phase typically starts with the decision to introduce a new policy (or regulation), or amend an existing one. During the process of setting policy priorities, strategic planning or concrete drafting of the policy or regulations, public authorities can include input from participation harvested through various levels and mechanisms of participation. This way, the influence of other sectors of society, such as the business sector, NGOs and other segments of society, is allowed.

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[9] Conference of INGOs of the Council of Europe, *Code of Good Practice for Civil Participation in the Decision-Making Process*, CONF/PLE(2009)CODE1, 1 October 2009.
[10] Commission, *Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties*, COM/2002/0704, 11 December 2002.

Instruments Designed to Promote Citizens' Political Participation

Although there is no common terminology in this field, we try below a simplified classification of the instruments designed to promote citizens' political participation. To this end, we will use information produced by the *Research Center of Citizen Participation / Institute for Democracy and Participation Research* at the *Bergische Universität Wuppertal* in cooperation with the *NGO Democracy International*. These institutions have created the "Navigator to Direct Democracy" platform. The definitions drawn from this platform have, in turn, been grouped according to a downward empowerment criterion. This is based on the answers given to two basic questions:

1) Who activates the participatory mechanism?

2) Who makes the final decision and how much discretion is allowed?

Direct Democracy Mechanisms

Within the so-called "Direct Democracy Mechanisms" we mainly find the so-called Popular or Citizens' Initiative (with or without authorities counter-proposal) and the Popular- or Citizen-initiated Referendum (also with or without authorities counter-proposal). In all cases, the procedure is initiated by a prescribed number of eligible voters. These have the political right either to put their own proposal onto the political agenda of a public authority (in most cases, a municipality) and to force thereafter a popular vote on it, or to initiate a referendum so that the whole electorate decides, for instance, whether a particular law should be directly enacted or repealed. Within the framework of both processes, a representative public authority is sometimes entitled to formulate a counter-proposal. Both the proposal and the counter-proposal are then voted on at the same time by the citizens. When both are accepted, the decision on whether the PI proposal or the authority's counter-proposal is to be implemented can depend on either the number of positive votes received by every proposal or the answer given to a specific settling question.

Plebiscitary Mechanisms

The "Plebiscitary mechanisms" entail a lower level of participation than those of direct democracy. They can be activated in cases (Mandatory Referendum) provided for in the law (*ope legis*) or on the initiative of a representative authority (Authority-initiated Referendum, Authorities' minority Referendum, Veto-plebiscite and Authorities minority veto-plebiscite).

Bare Deliberative Mechanisms

Finally, within the "Bare Deliberative Mechanisms" we may include, amongst others, the <u>Deliberative Polling</u> and the <u>Agenda (setting) initiatives</u>. As you will fully understand after having read this workbook, the European Citizens' Initiative belongs to this latter category. Hence, it is essential to remember the rationale that inspires it: *the active and direct participation of European citizens in formulating the EU's policies is in each case mediated by its institutions*. If we look back at the second questions we deemed central to this section (What is to be expected of instruments such as the ECI in terms of (a) citizen's political awareness, (b) procedural transparency and (c) problem-solving capacity?), citizens' political awareness and procedural transparency may appear as a plausible expectation. The question concerning an ECI's problem-solving capacity still remains open.

What is a European Citizens' Initiative for

Purposes of an ECI

Mihaela Tofan[*]

In order to answer the question "what is a European Citizens' Initiative useful for?" we need to establish the purposes of European Citizen Initiatives, as a regulatory framework and a method of action to directly include the populace in the legislative procedure at European Union level.

The European Union, this wonderful institutional mechanism which connects countries, nations and peoples, was born out of an economic cooperation mechanism and evolved into its present genuine integrationalist status, which constantly develops not necessary for the benefit of the states but for all the individuals living in its territory and beyond.

The European Citizens' Initiative (ECI) emerged from the idea to reinforce European democracy by taking significant steps towards a Europe of the citizen and for the citizen. European law is constantly developing in order to give the best possible protection to people's individual and collective rights. Looking for precise means to improve communication and cooperation between European citizens, without consideration to their country of origin, trans-European participatory democracy seems to be the ideal solution in order to empower citizens with the means of action to make their voices heard and considered.

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The European Citizens' Initiative is the first supranational instrument of direct democracy as it creates an additional direct link between European Union citizens and the institutions of the Union.[1] In the literature, the ECI is considered a significant innovation for at least two reasons: it is the first example of a transnational participatory mechanism relying on the mobilisation of individual citizens;[2] and it has the potential to transform the existing relations between European civil society and EU institutions. The ECI is also a powerful tool for changing EU law in accordance with the will and needs of its citizens.

There are citizens' initiative mechanisms regulated in different constitutional systems, such as American states (e.g., California) and in European countries (e.g., Portugal[3] and Italy[4]) but until the advent of the ECI no such mechanism existed in the international arena.[5]

Collective action by individuals in the European Union was encouraged from the very beginning of European communities. Free movement and the unique internal market generated the framework and proved the efficiency of the joint actions, in comparison with the unilaterally developed projects. This manifested itself at the beginning in business fields and it spread continuously to other areas of cooperation like many social domains, culture, and public administration, etc.

Recently, EU legislative procedure has shown itself in need of a new approach, a switch in its steps and mechanisms, to make it more responsive to the material sources of law, so volatile in this century. The answers to this need is to actively involve the subjects of law in the regulatory phase, to let them participate in the procedures, and to offer them the precise mechanisms needed to obtain the correct legal mechanisms for pressing topics.

The main goal of the European Citizens' Initiative is to empower citizens to take an active part in EU policy making. Those who are determined to take action on a particular issue have the chance to create a citizens' initiative and influence the European Commission's legislative initiative by putting the particular proposal forward for new EU legislation on that issue.

Beyond identifying the general goal of the ECI, i.e., to actively involve the citizen from different EU member states in participating in this regulatory procedure,

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[1] L. Bouza García, V. Cuesta-López, E. Mincheva, D. Szeligowska, 'The European Citizens' Initiative – A First Assessment', College of Europe, Bruges Political Research Papers No. 24, 2012.

[2] B. Kaufmann, *The European Citizens' Initiative Pocket Guide*, Green European foundation, Belgium, 2012.

[3] Legislative Initiative by Citizens in Portugal, 4 June 2003, available at https://www.parlamento.pt/sites/EN/Parliament/Documents/LeiIniciativaCidadaosEN.pdf.

[4] V. Cuesta López, 'A Comparative Approach to the Regulation on European Citizens' Initiative', *Perspectives on European Politics and Society* Vol. 13/3 (2012), 257-269.

[5] L. Bouza García, 'The Significance of the European Citizens' Initiative for Pan-European Participatory Democracy', *International IDEA Sweden* (2013), 6.

the relevant literature on the ECI distinguishes various purposes for the use of this instrument by citizens,[6] according to their main interest regarding regulation on a particular topic and also to the interests of the ECI organisers, such as:

Gas pedal ECI, which consists of using an ECI to accelerate a direction of action within the EU law, where such citizens are not happy with the relatively slow pace of action of European legislation.

An example for this particular type of ECI is, in our opinion, the initiative "VOTERS WITHOUT BORDERS, Full Political Rights for EU Citizens". The proposal aimed at strengthening the existing rights of EU citizens to vote and stand in European and municipal elections in their country of residence and new legislation to extend them to regional, national elections and referendums.

The main objectives were to:

- Remove barriers to voter registration of EU citizens both to vote and stand in European and local elections either in their country of residence or origin.
- Reaffirm Universal Suffrage as a fundamental right and value. EU citizens should have the right to choose whether to vote in their country of residence or origin for all elections and referendums.
- Research the impact of such genuine Europeanization of voting rights, the necessary safeguards, and how they could include third-country nationals.

These reforms were meant to remove a stain on European democracy and create a space for transnational politics. The collection of votes for this ECI closed on the 11th of June 2022 and unfortunately, it was not successful.

Brake pedal ECI, when use of an ECI is intended to stop or to delay a certain EU proposal which is not so popular among European citizens.

The ECI entitled Freedom to share is an example of brake pedal ECI, the declared objectives aiming at legalising sharing – via digital networks, for personal use and non-profit purposes – of files containing works and other material protected by copyright, related rights and sui generis database rights. The intention was to strike a balance between the rights of authors and other rights holders and the universal right to science and culture. The proposal was withdrawn on the 23rd of June 2022, its expressed goals being considered, eventually, in contradiction with the European rule of law in force (details about this ECI procedure are available at http://www.freesharing.eu/).

Improving tool ECI, when using the ECI helps to improve or correct existing legislation, according to European citizens' perceptions on a particular topic.

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[6] B. Kaufmann, supra note 2, 18-25.

One of the ongoing ECI procedures particularly illustrates this feature (i.e. to improve the existing regulation), aiming at excluding livestock farming from a list of activities eligible for agricultural subsidies and include ethical and environmentally friendly alternatives, such as cellular agriculture and plant proteins. At the same time, the incentives for the production and sale of plant-based products and those made using cellular agriculture are to be cancelled.

This ECI is named End The Slaughter Age and the available campaigning website is https://www.endtheslaughterage.eu/. The collection of supporting votes is ongoing until the 5th of June 2023.

Negotiating tool ECI, when the mechanism is used not necessarily with the intention to modify the law, but above all to allow the expression of discontent at a higher level of influence, thus determining a change in EU regulatory policy.

An example of this type of ECI is Stop Finning – Stop the trade, which collected 1.119.996 valid signatures. This proposal aims to extend the scope of Regulation (EU) No 605/2013 on the trade of fins and therefore ask the Commission to develop a new regulation, extending "fins naturally attached" to all trading of sharks and rays in the EU. The removal of fins on board of EU vessels and in EU waters is prohibited and sharks must be landed with their fins naturally attached, yet the EU is among the biggest exporters of fins and a major transit hub for the global fin trade. The EU is a major player in the exploitation of sharks and as inspections at sea are scarce, fins are still illegally retained, transshipped, or landed in the EU. The ECI aims to end the trade of fins in the EU including the import, export and transit of fins other than if naturally attached to the animal's body.

Catalyst ECI, which means using the ECI process to build broad alliances across the EU, creating trans-European networks of citizens that can be easily activated to balance a specific initiative, even when an ECI procedure will not be successful.

This type of ECI is illustrated by the ongoing procedure for Stop (((5G))) - Stay Connected but Protected, whose deadline for collection of votes is on 1 March 2023. The declared objectives of this ECI are to protect citizens and the environment from the threats 5G deployment is putting our rights to a healthy environment, freedom and privacy at stake.

Canvasser ECI, which means using the ECI as an opportunity to make a group or a particular person better known in the public sphere and therefore spread their message.

This ECI can be illustrated by the 7th submitted initiative Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment, that collected 1.054.973 valid signatures. The declared objectives are to protect bees and people's health by calling on the Commission to propose legal acts to phase out synthetic pesticides by 2035 in order to restore biodiversity, and to support farmers in the transition. The proposal is aimed at:

- phasing out synthetic pesticides in EU agriculture with 80% by 2030, starting with the most hazardous, to become free of synthetics by 2035;
- restoring natural ecosystems in agricultural areas so that farming becomes a vector of biodiversity recovery;
- reforming agriculture by prioritising small scale, diverse and sustainable farming, supporting a rapid increase in agro-ecological and organic practice, and enabling independent farmer-based training and research into pesticide- and GMO-free farming.

The aim is to reduce (eliminate) the use of pesticides in agriculture, while the indirect goal is to promote apiculture and raise the profile of apiarists in the public sphere.

While the six types of ECI presented above exist in law and are supported by current examples, the above list should be considered more as exemplifying the indirect goals of the ECI, than the direct aim of the ECI, which was to create a method of launching and developing participatory democracy within the EU. The involvement of European citizens in the legislative procedure at EU level is a strong expression of the EU model if participatory democracy and this purpose was partially achieved, as relatively soon after the ECI system coming into force, various means for upgrading the procedure and the scope of the ECI were being considered. Raising the awareness of European citizens as to the possibility of initiating effective legislative procedures is important for achieving the general purpose of regulating ECI procedure and our students are the best means we have to disseminate this message to the wide family of Europeans. Such a course as this one and the exercise of building together with colleagues from other universities in EU a particular proposal will expand both the knowledge and the use of the ECI in the following years.

What is an ECI for? Views from Students

Fernando Borges ∗

During the "ECl: From A to Z" Project, the students participated in an ECI e-learning course with 8 modules. As part of an evaluation in the 8th module, all the participants were invited to think up a slogan to promote the use of the ECI by citizens. This activity showed what the view of the students on "What is an ECI for?" was. The analysis of the slogans carried out by the students showed how they interpret the goals of the ECI and their role in the EU landscape.

The slogan had to convey the importance of the ECI as an instrument of direct democracy and communicate the relevance of its strategic use. Students could use oral, written or sign language, verbal and non-verbal communication and present the slogan in two different supports (text, audio, video, prototype, map, performative arts, etc.). They had to explain the idea behind the slogan they had created, the message it wanted to convey, the emotions it aimed to catalyse, the attitudes it expected to initiate.

There were two e-learning courses during the period of the project. In the first edition, a total number of 71 students participated and 51 submitted a slogan. In the second edition, 47 slogans were submitted. The slogans had to be presented in at least 3 European official languages, but for this chapter, we will use only the English version:

Some of the slogans were presented with images. They were among the award-winning slogans, chosen by the tutors on the ECI course:

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Figure 1. Slogan by Inês Cardoso,University of Coimbra
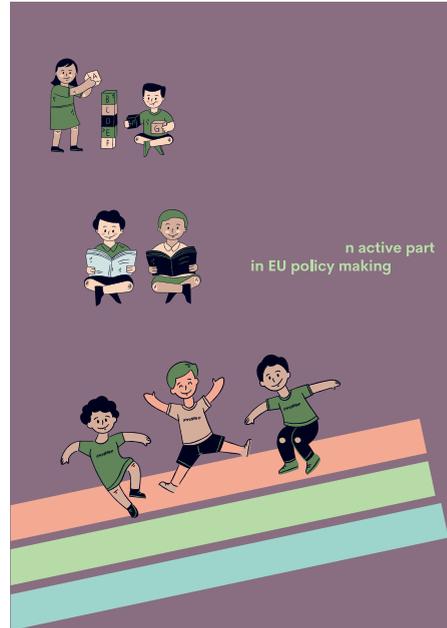
Figure 2. Slogan by Ruxandra Agache, University of Iasi

Figure 3. Slogan by Dorothé Sartorious, University of Göttingen

Figure 4. Slogan by Miruna Iosub, University of Iasi

Figure 5. Slogan by Luiz Faria, University of Coimbra

Based on the slogans presented, there is a clear indication that the citizenship aspect is fully understood. Notwithstanding the indirect associations, four slogans cited the democratic importance of the ECI, even clarifying the importance of the ECI as a tool for the EU's democratic system. Within the same spectrum, there were slogans that underlined the idea of dialogue between citizens and EU institutions and the active role people play in politics.

Very close to the idea of dialogue is the issue of participation. Many slogans, directly or indirectly, referred to the ECI as a form of having the citizen's voice heard and the opportunity for an active involvement in EU matters. The students understood the two-fold opportunity that the ECI offers as a democratic instrument: people can propose the topics to be addressed and they are also invited to assemble around common goals and needs. Thus, for democratic purposes the voice must be coupled with active participation to work, as a slogan highlighted: "The ECI gets people together to speak up and participate in European legislation".

With the ability to rally people comes the power to change things. As such, the students also saw the ECI as a tool for empowering people, that is, at arm's length to the EU-Citizen. And with power comes the chance to shape the future, build a better Europe or change things in the present. The idea of power and moving things forward in the EU was clearly expressed in the slogan "Be an engine for the European Union".

All in all, if we take the students' views in order to answer the question "What is the ECI for?", there is no doubt that it is to strengthen the democratic system, by means of more participation. The ECI is a channel to hear the people's voices but with an important filter of collaboration between people that need to work together, based on shared values and goals for the benefit of a better future for the European Union landscape.

Political Participation as Democratic Training: The case of the ECI and the broader ecosystem of European engagement tools

*Hendrik Nahr**

In 2004, the German Punk-Rock band Die Ärzte sang "*Es ist nicht deine Schuld, dass die Welt ist, wie sie ist. Es wär'nur deine schuld wenn sie so bleibt*".[1] Broadly translated, it means that "it is not on you that the world is how it is – but it would be on you if it does not change". In fact, the same counts for Europe. How Europe has been built so far is not the responsibility of most of us – especially the younger generations. But how we take it from here lies in our hands. This counts even more with increased citizenship rights in the EU - and more and more political competences at European level.

To enable the change that we want to see in Europe, the European Citizens' Initiative (ECI) establishes an important tool. Since 2012, many citizens have organised initiatives and even more signed them. With the introduction of the ECI, people were empowered to make their voice heard in Europe. Crucially, this empowerment also came with a substantive democratic learning exercise. Based on that, it is relevant to better explore (1) the link between participation and democratic skills. The case of (2) the ECI is of particular interest in that regard. At the same time, it is not the only way to engage at the European level. Already today, one finds a whole ecosystem of participation in the EU that stimulates democratic action.

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[1] Die Ärzte*, Deine Schuld* (2004), Hot Action Records.

Therefore, it is relevant to investigate, (3) how innovative democratic tools would not only strengthen participation in Europe but also contribute to raising democratic skills in the EU. Finally, to summarise, (4) the need for an ongoing democratic reinvention is discussed in this contribution.

Participation as a way to gain democratic skills

Democratic skills can be gained in many different ways. As it is stated by Schugurensky and Myers, "citizenship education is a vast field that includes a wide range of philosophical, political and ideological perspectives, and of pedagogical approaches, goals and practices".[2] This diversity highlights the notion that defining a single method to strengthen democratic skills is impossible. To break down this vast field, this thought piece makes use of the distinction that was applied by Moxon: he draws a line between "formal learning" and "experiential learning".[3] In the context of this contribution, those categories will be translated into *conscious* and *unconscious* learning.

Cases in which citizens either take the deliberative decision to learn more about engaging politically, or where they are confronted with it (e.g. by teachers) can be considered as *conscious* ways of learning. Some may call it "classic citizenship education", as it is for example also put forward by the Council of Europe[4] and many other actors on all administrative levels in Europe. Moxon writes that in those cases, "*the teacher is the expert in the topic and their role is to give knowledge to the students.*"[5] This way to gain democratic competences is very relevant and important. Yet it should not be the focus of this thought piece.

More relevant at this point is what should be considered as *unconscious* education: learning by doing. By engaging with a tool provided for democratic participation, citizens gain important skills. Those are not only directly applied, but also assessed based on the experience gained. Again, referring to Moxon, it means that "*using the experiential learning method, they would start by launching the campaign, and then learning from whatever successes and failures might happen*".[6] Investigating the potentials of global citizenship, Brunell carried out interviews that "*reveal[s] the close connections among interest,*

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[2] D. Schugurensky & J.P. Myers, Citizenship education: Theory, research and practice, in Encounters on Education, *Journal of the Theory and History of Education International Research Group* Vol. 4 (2003), 1-10.

[3] D. Moxon, Skills Development for Participation, available at https://participationpool.eu/de/resource-category/youth-participation/understanding-participation/skills-development-for-participation/.

[4] Council of Europe, Competences for life in democracy, available at https://www.coe.int/en/web/education/competences-and-qualifications.

[5] D. Moxon, supra note 3.

[6] D. Moxon, supra note 3.

knowledge, and action and how these lead to a feeling of global citizenship".[7] Again, the close link between action and learning is highlighted in that context. On top of that, Salzano described experiential learning by emphasising that "*on one side, it facilitates students' involvement, who find themselves reflecting on issues that affect them personally. On the other hand, leading students through a path of discovery that start from everyday place or situations, allows them to become familiar with the values and principles of the democratic process and to understand the meaning and usefulness of citizenship itself*".[8]

In short, many findings point on a strong link between participation and acquiring democratic skills. But how does this theory translate practically? To answer this question, two examples will be considered: the first one is (probably) the most prominent figure of Fridays for Future Germany: Luisa Neubauer. Today, she is a well-known public person. Reflecting on the early days of her activism she shared her view that "*it was a long way, and I am happy that so many other people take shortcuts. I would say about half a year. I then started and was looking out for what exists (to engage in)*".[9] Later in the interview, she then describes how she got increasingly engaged in different activist activities - until eventually becoming a largely established part of German political life. In short: the action of engaging does not only lead to societal progress, but is also an important learning adventure for citizens to increase their democratic skills.

The second example is the project "WeEuropeans". It was carried out in 2018 ahead of the European elections. Citizens were approached en masse with an online consultation and asked about "concrete steps to reinvent Europe".[10] 1.7 million people participated in the initiative. Many of them had indeed not been politicised before. Yet, the consultation platform provided them with a chance to engage and to be part of a democratic project. The diversity of backgrounds of the people that shared the most successful ideas show that the activating element worked well for many people: novel ways of engagement were applied and new thoughts were triggered. Bearing in mind the experimental learning experiences and the *unconscious* appropriation of democratic skills, it can be concluded that here too, participation triggered learning experiences by opening new doors.

To sum up, those two examples, which could easily be extended to many more, show that beyond *teaching* about citizenship rights, *applying* them is an important

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[7] L. Brunell, Building Global Citizenship: Engaging Global Issues, Practicing Civic Skills, *Journal of Political Science Education* 9 (1) (2013).

[8] R. Salzano, 'The Role of Experiential Learning In Citizenship Education: Lessons From The Field', *Proceedings of the 2nd International Conference of the Journal Scuola Democratica*, *Reinventing Education* Vol. 1 (2021): Citizenship, Work and The Global Age.

[9] Deutschland 3000 (14 December 2021), Luisa Neubauer, wann wirst du zynisch?, Podcast, available at https://www.ardaudiothek.de/episode/deutschland3000-ne-gute-stunde-mit-eva-schulz/luisa-neubauer-wann-wirst-du-zynisch/funk/95782180/.

[10] Civico Europa & Make.org, *We Europeans: An unprecedent civic initiative to reinvent Europe*. Final Report – October 25th 2019, (2019).

educational element, too. This is yet another reason why citizens' rights to partici-
pate must be ensured – including more than just in elections. It was shown that
taking part in the political process strengthens democratic learning. For this, how-
ever, citizens have to be provided with the option to do so. This is where the ECI
plays an important role.

Democratic skills and the ECI

Beyond its extremely relevant role of making for change and bringing along new
ideas to the public debate, the ECI can also be considered as an instrument that
supports and strengthens the democratic skills of European citizens. Here again,
the two above-mentioned aspects should be considered: *conscious* and *unconscious*
learning.

   Conscious. Indeed, there are tools in place that proactively provide learning expe-
riences on matters related to the ECI. In that context, the European Commission's
portal on the ECI must be highlighted, including the extensive FAQ section. Be-
sides this, the ECI Forum (operated on behalf of and under contract to the Euro-
pean Commission) is a valuable resource, too. At the same time, further initiatives,
such as the ECI A to Z, also provide meaningful material for citizens. In short:
different sources provide the way to *consciously* learn more about the ECI.

   Unconscious. Beyond that, engaging with the ECI can also be an important source
of democratic skills to many Europeans. As one of the organisers puts it in a testi-
mony on the ECI Forum, "*basically, everyone can start such a European citizens' initiative,
because I had no idea about politics or the instrument before I started the European citizens'
initiative*".[11] This revelation establishes a great example of *unconscious* learning: not
only does the opportunity to engage provide a way to bring about long-term societal
change, it also helps one to become a student of democratic skills, as well as an
advocate for them.

   Considering the large number of people that have engaged with an ECI, this
finding is extremely relevant and significant. By 2022, 763 individual organisers[12]
were recorded. There is little doubt that, just like the example cited above, they not
only learnt more about citizen participation, but also acted as advocates for it. On
top of that, the citizens that signed an ECI also engaged in the democratic process,
which can also be considered to be a learning experience. By July 2022, 11,942,119
citizens had signed initiatives that were either answered or were (at that moment)
under verification.[13] That indicates that the total number of people who signed any
ECI must be even higher. Therefore, it is valid to assume that more than 11 million

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[11] European Citizens' Initiative Forum, 'Learning by doing, with passion', available at https://eu-
ropa.eu/citizens-initiative-forum/learn_en.
[12] European Citizens' Initiative Forum, Infographic, available at https://europa.eu/citizens-initiative-
forum/sites/default/files/2022-05/ECI_Infographic_2022.pdf.
[13] Official information of the website of the European Citizens' Initiative.

citizens engaged with an ECI as signatories. That provides for an important and substantive part of democratic life and citizenship competences in Europe.

Again, it must be stated that, on the one hand, the first and most important function of an ECI is to bring along societal change rather than to raise democratic skills. (Nonetheless, it is an important part that should also be considered.) On the other hand, democratic education should not stop and limit itself to the *unconscious* ways of learning. Still, it is an important way that is worth taking into account.

Further potential in the European ecosystem of participation

The examples above have shown that diversified avenues to engage help to raise democratic skills. As a consequence, that indicates that more engagement tools would lead to more ways for people to promote change, and will also increase civic competences. Indeed, the OECD stated in the 2021 trust in government report that "*government's actions to strengthen individuals' ability to participate in politics, and improve perception of meaningful opportunities to participate among those who are sceptical, will help to improve trust in government*".[14] Surely, the factor of "trust in government" is different from participating in democratic life more generally. Still, the underlying message remains substantially in line with previous findings: by enabling more citizens to participate, the whole polity will be enriched.

When discussing (new) avenues to politically participate in Europe, the Conference on the Future of Europe (COFOE) must, of course, be considered. Especially when it comes to online participation, many important lessons can be learnt from the COFOE experience: two of them being that massive outreach is relevant and that balanced participation is important. In fact, both points are also relevant for the ECI. Looking at the demographics of the COFOE online platform in the mid-term report, certain countries, genders and ages appear to be overrepresented.[15] One clear challenge must be drawn from this: how do we activate people that are not engaged yet ensure more balanced representation? The question of creating civic experiences for everyone to have a say (and to benefit from the *unconscious* education that was previously discussed) is highly relevant in that context.

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[14] OECD, *Building Trust to Reinforce Democracy: Main Findings from the 2021 OECD Survey on Drivers of Trust in Public Institutions*, (2022).

[15] Conference on the Future of Europe, 'Multilingual Digital Platform of the Conference on the Future of Europe – Interim Report', (2021), available at https://cultureactioneurope.org/files/2021/09/FirstInterimReport.pdf.

Focusing on the European level, this could, on the one hand, lead to further development of the ECI. In fact, some voices are already pushing for that,[16] even after its reform in 2019.[17] On the other hand, it also points to the value of exploring new modes of participation generally. With the overall development of society and technology, there is more potential to exploit.

Constant reinvention will keep democracy alive

In this light, it appears valuable to further diversify the ecosystem of participation in Europe. Special focus should be put on ongoing engagement activities between elections. Novel ways for citizens to engage should be user-friendly and fit in with their everyday life realities and habits.[18] Such new modes would then enable more people to engage and diversify the pool of participants. As a consequence, besides creating a more citizen-centric EU, it would also trigger more ways of (*conscious* and *unconscious*) democratic learning.

The EU did not shy away from the brave step of introducing the ECI in the treaty of Lisbon in 2007[19] and launching it in 2012. Today, it is an established instrument in the EU participation toolbox. Yet, democratic innovation should never stop. Societal and technological progress must be constantly considered, when reflecting on the way to create a democratic future. As outlined above, this could lead to a more future-proof ECI on the one hand, and the introduction of novel modes of participation in the EU on the other. Opening new avenues for people to engage politically will not only bring about societal progress, but also increase the level of democratic skills generally.

By the end of the song quoted in the first paragraph of this thought piece, the band sings: *"Darum lass sie Deine Stimme hören, weil jede Stimme zählt,"*[20] (translation: "so, let them hear your voice, because every voice counts"*).* While it is indeed up to citizens to raise their voices, it is up to policymakers and administrations to diversify the provided channels to do so - for people to make a change and to gain new democratic skills.

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[16] C. Berg & T. Hieber, 'The European Citizens Initiative is now at a crossroads – The Member States can show which path to follow in the Future', *EUI transnational democracy blog*, (2021).

[17] Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (Text with EEA relevance.) [2019] OJ L 130.

[18] F. Grazian & H. Nahr, *Next Level Participation: Citizen-Driven E-Democracy Tools*, (2020).

[19] Treaty of Lisbon, [2007], OJ C 306.

[20] Die Ärzte, supra note 1.

What is an ECI for?

Anastasia Karatzia*

Is the ECI an instrument to influence EU legislation? Is it a procedure used to steer EU policy towards a specific direction? Is it a platform to encourage dialogue and debate on a particular subject matter? Or is it, perhaps, an instrument targeted towards enhancing a sense of *demos* and community among EU citizens?

This brief contribution targets the question of the purpose of an ECI by looking at the ECI's revised legal framework and specifically what happens after an ECI has collected one million signatures. It does not purport to give a comprehensive answer to the question posed, but rather to offer a starting point for discussion regarding the EU legislators' perspective on the purpose of the ECI, and the future of the ECI in light of the recently adopted legislation that governs the ECI procedure (Regulation 2019/788, from here on 'New ECI Regulation').

The initial legal framework of the ECI consisted of Regulation 211/2011, which described the ECI as a *procedure* affording citizens 'the possibility of directly approaching the Commission with a request inviting it to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties (…)' (Preamble, para.1). In 2019, Regulation 211/2011 was replaced by Regulation 2019/788 (New ECI Regulation). The New ECI Regulation explicitly refers to the ECI as *a citizens' right* rather than a *procedure*; it states that '[t]he Union's citizens are granted the right to approach the Commission directly with a request inviting it to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties' (Recital

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1 of the Preamble). It is on the basis of this right that the ECI 'contributes to en-hancing the democratic functioning of the Union through the participation of citi-zens in its democratic and political life'. This change in the wording of the Regula-tion corresponds to the emphasis placed by the European Court of Justice (ECJ) on the nature of the ECI as a citizens' right. In both cases that reached the ECJ (i.e. Case T-450/12 *Anagnostakis v Commission* and Case T-561/14 *One of Us v Commission*), the Luxembourg judges referred to the *citizens' right to submit an ECI*.

The Preamble, however, balances out the emphasis placed on the character of the ECI as a right to participate in the EU political life. It states that the ECI should be seen as part of a bigger collection of means by which 'citizens may bring certain issues to the attention of institutions of the Union' such as dialogue with repre-sentative associations and civil society, consultations with concerned parties, peti-tions to the European Parliament, and applications to the Ombudsman. According to the New ECI Regulation, in the process of bringing issues to the attention of EU institutions, the ECI is also meant to be 'a tool to foster debate' (Recital 5).

It appears from the above overview that the EU institutions have defined the purpose of the ECI as allowing citizens to approach the Commission with a legis-lative request and to foster debate on the issues that form the subject matter of an ECI. In light of this purpose, the Regulation makes procedural changes to the way in which an ECI is submitted, collects signatures, and receives the response of the EU institutions. We will not go into the detail of all these changes. Instead, in an attempt to decipher the purpose that the EU legislators have attributed to the ECI, we will focus on the way in which the New ECI Regulation has modified the 'fol-low-up' stage of an ECI, meaning the stage that comes after the ECI has collected a minimum of 1 million signatures.

With regard to the follow-up stage of an ECI, the Preamble of Regulation 211/2011 obliged Commission to examine the ECI and to set out its legal and po-litical conclusions separately. The Commission had three months to set out the ac-tion it intended to take in response to the Initiative and explain the reasons for its intended action or inaction. In the meantime, the organisers were entitled to present their initiative at a public hearing at the European Parliament, with the participation of the Commission and other EU institutions and bodies that wished to participate. Six initiatives have gone through this process so far: 'Water and sanitation are a human right!'; One of us ; Stop vivisection ; Minority SafePack ; Ban glyphosate ; and, End the Cage Age. One other ECI has completed the signature stage (Save bees and farmers).

The New ECI Regulation maintains the public hearing at the EU level. In a notable change, the Regulation places the responsibility of organising the public hearing to the European Parliament, which is now required to 'ensure a balanced representation of the interests of relevant stakeholders, including civil society, social partners, and experts' (Article 14). The Council is also mentioned for the first time in this process, as an EU Institution that should have the opportunity to participate in the hearing to guarantee 'its inclusive character and further its public interest'

(Preamble 26). Beyond the responsibility for the public hearing, the European Parliament is also formally given an oversight role: it should assess the political support for a valid initiative after the public hearing (Article 14), and the Commission's response to the initiative (Article 16).

After the public hearing, and within six months of the publication of the initiative, the Commission has to publish a Communication with 'its legal and political conclusions on the initiative, the action it intends to take, if any, and its reasons for taking or not taking action' (Article 15). The Communication must be made public and must be notified to the organisers, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The New ECI Regulation adds a requirement for the Commission to include a timeline for any actions it intends to take as a response to the Initiative.

One key observation that can be made from the above with regard to the objectives of the ECI to allow citizens to approach the Commission with a legislative request and to foster debate is the increased role of the European Parliament in the follow-up stage of the ECI. As the institution representing EU citizens, the European Parliament has been involved with the ECI from the very early stages of the ECI's life. For instance, the European Parliament formally supported the first successfully submitted ECI by adopting a Resolution calling on the Commission to take further action on the objectives of the Initiative. The New ECI Regulation solidifies this involvement by giving the European Parliament a role in the organisation of the public hearing, the assessment of the ECI after the public hearing, and the accountability of the Commission in properly responding to ECI organisers. In this way, the ECI's legislative framework strengthens the link between citizens' representation in the EU (through the elected Members of the European Parliament - MEPs) and citizens' participation in EU law-making (through a successfully submitted ECI).

An example of the European Parliament's involvement can be seen in the follow-up of the 'End the Cage Age', which is the latest ECI to have collected the required number of signatures. After attending the ECI's public hearing, the European Parliament debated the ECI in Plenary and adopted a Resolution asking the European Commission to act on the proposals of the ECI. This follow-up action of the European Parliament might have contributed to the Commission's response to the ECI: in June 2021, the Commission announced in its Communication to the organisers that it intends to put forward a legislative proposal to achieve the goals of the ECI. According to the text of the European Parliament's Resolution, MEPs took into consideration 'the importance of the ECI in shaping EU policy initiatives and developments' as well as 'the lack of action to follow up previous successful ECIs'.

The role of the European Parliament becomes even more important when we consider the status of a successful ECI proposal in legal terms. Legally, the ECI is not binding on the EU institutions. As such, the European Commission is not bound to propose legislation or any other policy measures as a response to an ECI.

It has the discretion to refuse to act on an ECI altogether, as long as it examines it properly (i.e. based on the principles of good administration) and explains the reasons behind the decision to refuse to act. This status of a successfully submitted Initiative was clarified by the ECJ in the case of *Puppinck and Others v Commission* (Case C-418/18 P), where the Court stated that the ECI is designed to invite the Commission to submit a legislative proposal rather than to oblige the institution to do so.

According to the ECJ, the non-binding nature of the ECI does not deprive it of its added value as a participatory instrument, which lies in the 'possibilities and opportunities that [the ECI] creates for Union citizens to initiate debate on policy within the EU institutions without having to wait for the commencement of a legislative procedure.' As explained in this short contribution, the stronger involvement of the European Parliament, the inclusion in the public hearings of relevant stakeholders representing various interests, as well as the potential engagement of other EU institutions and bodies with the process of following-up an ECI facilitates the possibilities and opportunities that the ECI creates.

Virtuosities and Shortcomings of the ECI

Carmen Montesinos Padilla*

Democratic Deficit, European Citizens' Initiative and EU Policies

Since its origins, one of the most repeated criticisms of the European project has been its weak democratic legitimacy. Democracy constitutes the central means for legitimising political power. Consequently, underlying most of the measures proposed and adopted so far in the fight against the European Union's (EU) well-known democratic deficit is the ambition to provide political weight to citizens' opinions.

Traditionally, policy-making at the EU level has remained far removed from the understanding, participation and control of European citizens. It was made clear in the 2001 White Paper on European Governance and the preparatory document for the recent Conference on the Future of Europe. Both documents focused on citizen disaffection and the lack of public confidence in European public representatives. Furthermore, it explains the continued commitment to bringing citizens closer to the decision-making processes at the EU level. This aim has been incorporated into measures relating to the European Parliament (EP) and the European Commission (EC).

In the first case, we can think of the organisation of the election of the EP's members by universal suffrage, the gradual increase in the EP's decision-making

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powers to the point of occupying the position of co-legislator, and even the more recent push for the creation of genuine transnational lists of candidates. But, in addition, there is no lack of measures that, with the same objective, have focused on the EC. Let us recall, in this case, the promotion of the (unconsolidated) Spitzenkandidaten system for the appointment of its president. In short, the recognition of Europeans' rights to political participation and the corresponding institutional reforms have strengthened their sense of citizenship and belonging to the EU and their responsibility as protagonists of the political process. But electoral rights can be supplemented by multiple tools to enable more direct citizen participation in formulating European policies, thereby contributing to a necessary halt to the alarming alienation of citizens from the EU project.

Indeed, it was with the declared intention of contributing to a more open democracy that the Lisbon reform, inspired by the failed Constitutional Treaty, incorporated the European Citizens' Initiative (ECI) into European law. Already in its preamble, the Lisbon Treaty underlines the desire to complete the process initiated by the Treaties of Amsterdam and Nice "to enhance the effectiveness and democratic legitimacy of the Union" and, let us not forget that the ECI is a continuation of an existing practice of greater stakeholder involvement within the EU's institutional system. Over the years, the EU has introduced numerous instruments of direct participation, such as stakeholder forums and citizens dialogues. However, in laying the foundations for the democratic architecture of the EU institutions, the post-Lisbon Treaty on EU (TEU) declares that "the functioning of the Union is founded on representative democracy" (Art. 10.1). This statement is of the utmost interest here.

Notwithstanding the scope and significance that the ECI may have for direct democracy in the European arena, citizen participation in EU policies continues to be channelled through representative democracy. In practice, the weight of the ECI in the EU decision-making process is meagre. However, this does not prevent us from affirming its relevance in diversifying the range of subjects participating in EU policy-making.

The ECIs Boundaries: Design Problems and Inherent Limits

The ECI is defined and regulated in Art. 11.4 TEU (substantive dimension), Art. 24 of the Treaty on the Functioning of the EU (TFEU) and in Regulation (EU) no. 2019/788, adopted on 17 April 2019 (procedural dimension).[1] Systematic analysis

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[1] Regulation replacing Regulation (EU) 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative [2011] OJ L 65.

and practical application of these regulatory instruments lead us to assess with particular caution the contributions that this institution has made and can make to strengthening the democratic nature of the EU.

On the one hand, it should be borne in mind that the EC acts as both judge and party to the process.[2] We could therefore see in the ECI itself a further symptom of the marked democratic deficit from which the EU still suffers. However, we should not forget that the EC has the primary role of ensuring that the values of the EU, namely human dignity, freedom, democracy, equality, the rule of law and respect for human rights, are duly respected and safeguarded. It is therefore essential to intervene in the ECI procedure, the inadmissibility of which it can declare *a limine* as soon as it breaches any of the founding values *ex* Art. 2 TEU. Think, for example, of the "Mum, Dad & Kids" ECI launched in 2016 with content that discriminates against families formed by homosexual persons by proposing to define marriage in a European regulation as "a union between a man and a woman". In short, although greater involvement of the EP in the ECI admission phase could reinforce its democratic character, we cannot lose sight of the EC's role as "guardian of the Treaties" and, with it, of the values, principles and objectives on which the European project is based.

On the other hand, the lack of obligation of the EC to submit the corresponding draft legislation to the Council and the EP once the initiative has been accepted may be more open to criticism.[3] Strictly speaking, the ECI cannot be classified as a citizens' initiative but rather as a "proposed initiative". In reality, it is an "agenda-setting tool". While in a popular initiative, the decision-maker is the people (using a referendum, they decide whether or not they want the proposal to be implemented), in the ECI, the decision-maker is the EC. In any case, nor can we forget the EC's

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[2] The procedure for handling an ECI starts with its preparation by a committee which has to include at least seven EU citizens (provided they are of voting age in the EP) residing in seven different Member States (regardless of their nationality). The committee must register (via the web) the initiative, with the EC having two months to verify, among other things, whether the initiative is manifestly outside its powers, manifestly abusive, excessive or vexatious, or contrary to EU values. Following such verification, the EC may reject the registration or accept it in whole or part. Reasons must be given for the rejection, and citizens have two means of control: judicial control through an action for annulment before the Court of Justice (CJEU) and extrajudicial control through the European Ombudsman. Subsequently, the system for collecting signatures or statements of support must be certified. The collection of signatures will take place for a maximum of 12 months, with a possible delay of up to six months after registration. Once the competent national authority has verified the signatures, the ECI organisers have three months to submit it to the EC, which has to publish it in the official register, as well as transmit it to the institutions concerned and to national parliaments. Finally, the EC must adopt a formal response six months after publication, although it is under no obligation to follow it up.

[3] Although it has not been the norm, ECIs can indeed result in the adoption of EU legislation. This was the case with the Stop Glyphosate ECI, which eventually led to the adoption of Regulation (EU) 2019/1381.

obligation to consider the initiative very seriously and to explain in a clear, understandable and detailed manner the reasons that led it to take a specific decision.[4]

The impossibility of resorting to an ECI to request treaty reform and of its use by residents who are nationals of third countries cannot be overlooked either. The ECI objective scope is delimited in a positive way. It is limited to those matters for which the EC has legislative initiative or competence. No list of excluded topics has often led to criticism of an excessive EC margin of decision. In fact, for the ECI to be legitimate, so-called qualifiers limiting the range of topics the proposal may cover are required. But it is precisely in this respect that we must bear in mind that an ECI must not be manifestly abusive, frivolous or vexatious, or contravene any of the EU's values contained in Art. 2 TEU. Likewise, as we have already pointed out, the EC must give reasons for rejecting the registration of the initiative. Nonetheless, it seems unquestionable that ECI legal regulation should be interpreted in the sense that it cannot serve as a vehicle for proposing treaty reform. And there is no doubt that this limitation restricts its democratising potential. The impossibility of using the ECI to push for a reform of the EU Treaties prevents citizens from playing an active role in major political issues. Moreover, the exclusion of non-EU residents as legitimate subjects for implementing and supporting an ECI is also not well understood. This choice means that non-EU nationals residing in the EU are deprived of any possibility of participating in the European public debate, thus contributing to the social fracture and lack of internal cohesion that the EU claims to be fighting against.

In addition to what has been said so far, other ECI aspects could be improved. Consider the difficulties associated with its financing and consequent instrumentalisation by interest groups. We should not forget it is common for transnational lobbies to resort directly to an ECI to defend their interests or to support civil society initiatives that benefit them.[5] It is true that Regulation (EU) 2019/788 provides some safeguards against the possible capture of an ECI by lobbyists. To ensure full transparency, the new EU Regulation obliges organisers to regularly report on funding sources and other forms of support, with any contribution above EUR 500 to be declared. The 2019 Regulation also provides further support for the start-up of ECIs through a collaborative online platform offering information and assistance, practical support and legal advice on the ECI.

Notwithstanding these improvements, the fact is that the ECI is still biased towards the participation of particular groups of people. The transnational character of the organising committee, the lack of financial support at the supranational level

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[4] Let us recall the possibility of appealing decisions on registration before the Luxembourg jurisdiction ex-Art. 263 TFEU. In this respect, however, it should be noted that most judgments have signed the EC's refusal decision. However, there are also some exceptions. It is the case, for example, of the General Court judgments (First Chamber) of 3 February 2017 in case T-646/13 (Minority SafePack) and of 10 May 2017 in case T-754/14 (Stop TTIP).

[5] Consider, for example, the FUEN (Federal Union of European Nationalities) group's push for the ECI Minority SafePack or Aquafed's fierce opposition to the ECI Right2Water.

and the varying levels of European culture have much to do with this bias. All this without forgetting the pressing digital divide between urban and rural areas. Thus, experience shows that initiatives sponsored by professionalised and transnational NGOs are still more successful, with English-speaking activism standing out.

Final Considerations on the ECI's Functionality

The EC's mediation between the citizens' will and the ECI normative result leads us to state that the ECI's functionality depends, to a large extent, on how it fits into the political agenda of the EU institutions and on the latter's attitude towards the demands made by European citizens. In addition, ECI legal set-up limits have been highlighted in practice.[6] According to information on the official website, of the 90 initiatives registered, only 6 have received a response from the EC. In the light of these figures, it does not seem out of place to recall the dangers of encouraging citizens to participate and later ignoring their demands. Let us not forget that this is about fighting a deep-rooted disaffection among citizens, about narrowing the gap between EU citizens and EU policies.

Despite the shortcomings in its design and the perhaps still insufficient ECI roots, we must not forget that the relevance of this institution lies in the fact that citizens and civil society organisations can make their voices heard and influence the EU's political agenda through it. In addition, the ECI makes it possible to incorporate new issues that had hitherto been alien or insufficiently treated within European public debate, thereby helping to deepen the most neglected European values. For example, the initiatives that have emerged in recent years are clearly geared toward an increasingly social and sustainable Europe.[7]

The ECI empowers EU citizens to promote rules that make them feel like protagonists, fostering an awareness of belonging to a supranational community. In

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[6] Thus, for example, from the entry into force of Regulation (EU) 211/2011 until the publication of the first report on its implementation (2012/15), 51 ECIs were filed, of which the EC refused to register 20 because they were manifestly outside the scope of its competences. This restrictive interpretation of the material scope of the ECI was challenged through the filing of 6 actions for annulment, of which the General Court dismissed 5, upholding only the one relating to the Stop TTIP ECI. Of the remaining 31 ECIs, 10 were withdrawn by their organisers, 12 did not receive the necessary support, and only 2 received a response from the EC (Right2Water and One of Us). During the 2015/18 period (second report n the Regulation (EU) 211/2011 implementation), the EC relaxed its interpretation of the registration criteria, no longer automatically invoking the argument that they exceeded the scope of its competencies. It resulted in a reversal of the trend compared to the previous period. Thus, out of 17 ECIs submitted, 15 were accepted and 2 were rejected (Stop Brexit and British Friends -Stay with us in the EU). The high acceptance rate led to a corresponding decrease in the number of appeals before the CJEU, which in this period only heard nullities based on previous rejection decisions (Stop TTTP and Minority SafePack -one million signatures for diversity in Europe). However, the EC's lack of responsiveness remained the predominant feature.
[7] Examples from this period are the ECI Good Clothes Fair Pay, End the Slaughter Age, Green Vat or Start Unconditional Basic Incomes (UBI) throughout the EU.

short, it reinforces the very idea of European citizenship. To the extent that we see ourselves as active participants in the joint project that is the EU, we perceive that our identity transcends the national sphere. Thus, European identity is being constructed as more than a mere aggregate of national identities. The ECI can therefore be seen as an essential instrument for democratising Europe.

Through this institution, it is possible to bridge the gap between citizens and the EU. All this without forgetting that, despite its lack of binding force, the ECI provides the EC with the democratic legitimacy that it has traditionally lacked vis-à-vis the Council and the EP. For their part, both the EP and the Council see in the ECI a means of tempering the EC's condition as the sole holder of legislative initiative. However, there is still a long way to go. It was highlighted on 2 June 2022 at the European Citizens' Initiative Day event. The need to strengthen the deliberative nature, accessibility and financial and digital dimension of the ECI, as well as the desirability of bringing this instrument of participatory democracy closer to the younger population, was again emphasised then.

What is an ECI for? The ECI under the new regulation

Ángel Fernández Silva*

The legal and political typology of the ECI

The European citizens' initiative (Article 11.4 of the Lisbon Treaty) is an attempt to involve Europeans in the political debate. In this sense, the EU has been interested in facilitating citizenship participation almost from the beginning, despite the fact that the institutional design of the EU and the complexity of many issues do not always facilitate this task.

The creation of the European Citizens' Initiative (ECI) also responded to the attempt to remedy a certain democratic deficit in the Union. The institutions wanted to generate greater confidence in their decisions and a greater sense of belonging among Europeans. For many reasons, the EU has not been immune to the crisis of confidence that has affected liberal democracies more intensely in the last decade and a half, and this explains this openness towards the voices of civil society.

The reception of the ECI as an *innovative figure*[1] was positively valued by the doctrine. Some authors pointed out that it would *allow decision to be linked more to the*

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[1] Cotino considers that the ECI "*not only represents an innovative and transnational element of direct democracy, but also an essential means of communication to enliven the European political debate*", see L. Cotino, 'El Reglamento de la Iniciativa Ciudadana Europea de 2011. Su especial regulación de la recogida de apoyos vía internet y de la protección de los datos de los ciudadanos', *Revista de Derecho Político* 81 (2011), 330.

idea of choice and less to that of necessity.[2] This helps to overcome an excessively plebiscitary vision of our democracies, allowing citizenship to raise an alert about problems or propose new issues. ECI involves movements and associations in the defence of transnational policies within the application of the Treaties. In this sense, the EU has tried from the beginning to remove national, populist and Eurosceptic issues from the ECI in order to give the instrument of participation a positive character.

The Treaty of Lisbon[3] consolidated a greater political weight of the Union. One of the aims of this interest in investing European citizens with political rights was to strengthen the ties of Europeans with the Union.[4] In turn, the EU tries to cultivate a political culture among the members that make up the community to create a true European people.[5] For some authors, the recognition of participation rights pursues "*the feeling of belonging of citizens to the European Union, and their responsibility as leading actors in the political process*",[6] and also allows them "*from above to build and articulate a European citizenship.*"[7]

In the same way, some authors have considered that the tool could be "*taken seriously*" if "*fragments of public opinion (associations, social movements...) manage to reorganize themselves*".[8] I agree with the author in pointing out that the mobilization capacity of such organizations is fundamental. An ECI can only prosper if the proponents obtain the minimum number of signatures within a quarter of the Member States of the Union, and for this it is necessary that such a group either have a strong presence in a large part of Europe (environmental groups, animalists, defence of the family...) or it is helped by political parties.

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[2] J. E. Illueca, 'La iniciativa ciudana europea: una institución participativa sui generis en proceso de revisión', *Revista de derecho constitucional europeo* 32 (2019), 2.

[3] The Treaty of Lisbon, [2007], OJ C 306, already recognized in the preamble its desire to "complete the process initiated by the Treaty of Amsterdam and the Treaty of Nice in order to reinforce the effectiveness and legitimacy Union democracy".

[4] Y. Gómez, 'La iniciativa ciudadana en la Unión Europea', *Revista Panorama Social* 17 (2013), 60.

[5] The Commission admitted in a report in 2015 that the instrument has "*the purpose of linking citizens more closely in the elaboration of the EU program" and "strengthening the democratic legitimacy of the Union*" Report on the application of the Regulation (EU) No. 211/2011 on the citizens' initiative, COM/2015/0145 final, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0145.

[6] J. M. Bilbao, 'La iniciativa ciudadana europea (Art. 11.4 TUE)', *Cuadernos Europeos de Deusto* 46 (2012), 55.

[7] L. Burguera,'Centralidad parlamentaria e iniciativa ciudadana en el proceso legislativo', *Revista de Estudios Políticos* 171, (2016), 126.

[8] G. Allegri, 'Il diritto di iniziativa dei cittadini europei (ECI) e la democracia partecipaiva nell'Unione europea: prime riflessioni', in Federalismi.it, *Rivista di diritto pubblico italiano, comunitario e comparato* 23 (2010), 10.

Advantages and problems of the mechanism

According to Article 11.4 of the EU Treaty, a group of at least one million citizens may take the initiative to invite the European Commission to adopt a legal act in application of the Treaties. The precept makes it clear that the Europeans will be able to "invite" the Commission to adopt a legal act and, therefore, the instrument lacks binding force. Even if all the requirements are met, the Commission may refuse to adopt the proposal,[9] which discourages the use of this mechanism.

The ECI maintains another important difference with the popular legislative initiative of the states, since the latter is admitted into the legislative procedure through a proposal that aspires to become law. The European mechanism, however, allows a hybrid tool such as the Commission to be urged to adopt "a legal act". An ECI can be substantiated in a legislative amendment or innovation, but also in a political orientation or decision of the Commission, or a request to another institution or Member State. This gives greater versatility to the mechanism and allows citizens to propose its use on a greater range of issues.

The formal and material delimitation of the mechanism does not end there. The content of the legal act must be within the framework of the powers of the Commission,[10] and serve for the application of the Treaties. This reduces the material scope of the figure and has raised the question of whether an ECI can urge the Commission to sign a Treaty or to refrain from signing it.[11]

It may also draw attention to the fact that the tool has the Commission as its only interlocutor (in the state popular initiative, it is the Parliament). This is due to the important executive and legislative powers that the Commission retains. However, the decision undermines the legislative nature of the ECI. The tool appears less as a counterweight and more as an instrument of participatory democracy linked to the executive power.

On the other hand, Article 3.1 of the new Regulation 2019/788 states that the signatures of one million EU citizens must come from at least a quarter of the Member States. That amount must represent in each State its number of deputies in the European Parliament multiplied by the total number of deputies. This makes it more feasible to obtain signatures in states with smaller populations. This forecast

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[9] The Commission is only obliged to make its decision public in a reasoned manner.

[10] In addition, and as Freixes & Poptcheva have pointed out, the inclusion of the excerpt "within its powers" should emphasize that an ECI is only possible in matters in which the Commission has the right of initiative; T. Freixes & E. M. Poptcheva, 'Iniciativa legislativa: Estudio Comparativo de la situación legal en los estados Miembros de la Unión Europea y previsión de su futuro desarrollo a nivel de la UE', *Pliegos de Yuste* 9-10 (2009), 44.

[11] The General Court in a judgment of 10 May 2017 clarified on the "Stop TTIP" initiative that, for the purposes of admitting an ECI or not, the interpretation of the proposal was as open as possible, including even Negative actions, such as withdrawing from negotiations or stopping a legislative procedure; see more: General Court of the European Union, Press Realease No. 49/17, Judgment in Case T-754/14, Luxembourg, 10 May 2017, available at https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-05/cp170049en.pdf.

seems equivalent to that of Regulation 211/2011 (multiplying the number of deputies from each State by 750) because until the United Kingdom left the EU, the number of deputies was set at 751. The number of signatories required in each country is set out in Annex 1 of Regulation 2019/788.

The complex requirements of the instrument and the required representativeness leave the ECI under the influence of organizations, unions and political parties with a strong territorial presence. Most of the initiatives that have prospered are presented by powerful organizations and even the direct or indirect support of political parties.

This fact is not a problem because it can help the effectiveness of the instrument and the mobilization of citizens. The requirement facilitates cooperation between the Commission and the management of the organisations. However, I believe that the figure is blurred when it is a political party that uses a participation mechanism, since these actors would be occupying a space that does not correspond to them.

ECIs in practice

If we look at the data, of the 90 initiatives registered until the beginning of 2022, only six have been accepted by the Commission: the ECI against Glyphosate (1,070,865 supports); the "Stop Vivisection" initiative, which proposed the end of experimentation with animals (1,173,130 supports); the "One of Us" initiative that proposed the end of funding for experimentation with human embryos (1,721,626 supports), the ECI for the right to water and sanitation as a human right (1,659,543 supports); the ECI "Minority SafePack" (1,123,422 supports) that aims to improve the protection of national minorities and linguistic diversity, and more recently the ECI "End the cage age" that proposed the progressive elimination of cages for farm animals.[12]

On the ECIs accepted, the Commission has sometimes disagreed on the way and means to achieve these objectives. This can 'decaffeinate' the initial proposal of the promoters. For example, in the "Right2water" initiative, the Commission made a political commitment to support a series of objectives, although it recognized that water sanitation and universal access remained in the hands of state authorities.[13] In the "Stop vivisection" initiative, the EU Commission admitted that "*although the*

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[12] More information available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21 _3297.

[13] More information available at https://ec.europa.eu/commission/presscorner/detail/en/IP_14_ 277.

Commission shared the conviction that animal testing must be eliminated in Europe, its approach to achieving this objective differs from that proposed in this initiative".[14]

The objective of the new Regulation 2019/677 is to improve the operability of the instrument and facilitate the requirements. Until its entry into force, of the 97 initiatives presented, 13 had been declared inadmissible by the Commission, and 38 initiatives had not obtained the minimum level of support. The rest of the ECIs were accepted (5), withdrawn, or rejected by the Commission.[15]

The improvement of the instrument must consist in softening its requirements, especially the obtaining of signatures. For this, the new Regulation has created a new online support collection system and the electronic signature has been introduced. It is important that the Commission manages to increase the number of JITs served and that the initiatives really generate changes in its policies or in its regulations.

Conclusion

It is evident that the measure helps organized civil society to alert the European institutions to citizens' demands. However, I believe that achieving a participatory European culture will not be easy because it goes beyond legal matters. The legitimacy of the European institutions is not a legitimacy of origin that is granted "from the bottom up". In the case of the Union, we are facing a finalist or functionalist legitimacy. It is in the EU's interest to give itself a more democratic and participatory appearance, and for this the ECI contributes very valuable voices from civil society.[16]

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[14] More information available at https://ec.europa.eu/commission/presscorner/detail/en/IP_15_5094.

[15] All data can be found here: https://europa.eu/citizens-initiative/_en

[16] I. Báez Lechuga, *Análisis jurídico-político de la Iniciativa Ciudadana Europea en el Contexto de un equilibrio institucional complejo: posibles efectos dinamizadores a partir de la introducción de la iniciativa ciudadana en la Unión Europea*, (2016), 39-54.

What is in a European Citizens' Initiative?

Content of an ECI: The Request for Registration Online Form

Yilly Vanessa Pacheco ∗

The submission of an ECI should follow the basic rules established in Regulations (EU) 211/2011 and 2019/788. Organisers should create an account on the EU login page and fill out a registration form with detailed information about the organizers, initiative, support, and funding.

Only the representative fills in and submits the registration form. They are required to declare that they have been designated by the group of organizers to be their representative and that they have read the privacy statement.

Group of Organisers

Organisers

In this first section, organisers should provide information on each group member, including full name, postal address, nationality, and date of birth. The representative and their substitute should additionally indicate their email addresses and telephone numbers.

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It is important to remember that organisers must be EU citizens old enough to vote in elections to the European Parliament. The group of organisers must be composed of at least 7 members residing in 7 different EU Member States. Members of the European Parliament cannot be among these 7 members. The representative organizer and their substitute are additional to these 7 members, meaning that the representative may reside in the same country as one of the 7 members. It is possible to provide information on up to 9 members.

Legal Entity (Optional)

If organisers have created a legal entity, they may provide the name of this entity, the country where it is registered and document(s) that prove:

- its creation in accordance with the national law of a Member State specifically for the purpose of managing the initiative.
- That the representative of the group of organisers has a mandate to act on behalf of the legal entity.

The representative can also provide the link to the legal entity's website.

Data Protection Officer (Optional)

In accordance with the General Data Protection Regulation,[1] the organisers can designate a data protection officer in case the processing of personal data of the initiative's signatories is considered to be an instance of processing special categories of data. Such categories refer to, for example, personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, and data concerning a natural person's sexuality or sexual orientation.[2]

The information to provide of the Data Protection Officer refers to:

- Full name
- Personal Email
- Telephone number
- Country

Initiative

In the second section of the online form, information about the language, title, and objectives of the initiative is required. Organisers should also specifically indicate the provisions of the treaties that they consider relevant to the proposed initiative

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[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) [2019] OJ L 119.
[2] Ibid, Articles 9 and 37.

and the categories to which the initiative belongs. Finally, some extra information about the subject, objectives, and background of the initiative, as well as the design logo, may be uploaded.

Language

An ECI may be submitted in any of the official languages of the European Union. When filling in the form, the representative should select a language.

Title

In no more than 100 characters (without spaces), organisers should provide a concise title for the citizen´s initiative. Organisers can consider drafting both a short version and a long version of the title of an initiative.

Objectives

In this section, a detailed description of the objectives of the citizen´s initiative is required. Organisers should indicate the goals of their initiative in no more than 1100 characters (without spaces).

Relevant Treaty Provisions

In accordance with the ECI regulations, an initiative should provide the provisions of the treaties which would allow the European Commission to make a proposal for legislative action on the subject of the initiative. In this section, organizers may mention the specific article(s) or provide broader references in 255 characters (without spaces).

Important

- It is always good to reference the Articles 289 and 294 of the TFEU because they give the power to the Commission to propose legislation. Mentioning other articles depends on the field where the organisers want to trigger legislative action. It could be good to provide a range of different articles.
- If organisers refer to Treaty articles, they should explain their choice of provision (e.g. in the annex). This makes it easier for the European Commission to assess the registration.
- The European Commission has the possibility to register initiatives, even if organisers failed to provide the correct provisions.
- Article 288 of the TFEU is always a good starting point to understand a legal act.

Source: European Citizens' Initiative Forum. Based on "Drafting a European Citizens' Initiative: Highlights from webinars"

Website

Organisers should provide the link to the website of their citizens' initiative.

Annex

To submit the initiative, organizers may upload some documents to complement their request to register the initiative regarding the subject, objectives, and background. A draft of a legal act may be also submitted. An annex is very helpful to clarify the initiative's objectives when the topic is very technical.

Categories

The online form to request the register of an initiative provides different categories to which organizers might link their initiative. In this section, organizers may select up to three categories. The categories include:

- Agriculture
- Aid and development cooperation
- Business and economy
- Consumers and health
- Culture and media
- Digital economy and society
- Education, youth and sport
- Employment and social affairs
- Energy

- Environment and climate
- External trade and relations
- Justice and fundamental rights
- Maritime affairs and fisheries
- Migration and asylum
- Regional development
- Research
- Security
- Transport

Avoid Common Mistakes!

The European Citizens' Initiative Forum identified the most common mistakes by organisers. Avoid them:

- Mixing too many aspects in their demand. It is important to not merge different ideas into one initiative.
- Not being aware of the competencies of the EU. Organisers have to make sure that the EU has actually the right to legislate in the field of their demand.
- Not checking whether or not the Commission has the power to propose a legal act on the specific issue that the proposed initiative seeks to address.

Source: European Citizens' Initiative Forum. Based on "Drafting a European Citizens' Initiative: Highlights from webinars"

Initiative logo/image

It is recommended that the logo/image has the following properties: rectangular, landscape oriented, and a ratio of 4:3.

Support and Funding

Following the Regulation on the European citizens' initiative, organisers must provide at least every two months updated information on all sources of support and funding for their initiative of a value of more than €500 per sponsor. Information on the organizations assisting the organizer group on a voluntary basis, where such support is not economically quantifiable shall also be provided.

In the online form, organisers should clearly indicate the name of the sponsor, the date of the contribution, and the amount of funding provided or the estimated value of in-kind contribution.

If the initiative has no sources of support and funding, organisers must declare it.

Procedures and Conditions

Finally, the representative and the other members of the group of organisers must indicate that they have read the procedures and conditions and are aware of the liability and penalty provisions set out in Article 5 of the Regulations on the European citizens' initiative.

Procedures and conditions include:

- Privacy policy concerning citizens' initiative organisers' personal data in the ECI Register

- Privacy policy concerning signatories' personal data collected using the central online collection system
- Privacy policy concerning signatories' personal data collected using an individual online collection system or paper forms
- Privacy policy concerning signatories' email addresses collected through the central online collection system
- Privacy policy concerning ECI newsletter subscribers' email addresses
- Privacy policy concerning the operation of the ECI online collaborative platform
- Privacy policy concerning the ECI Communication campaign
- Privacy policy concerning the ECI targeted consultation activities

Article 5.5 of the Regulations on the ECI provides that the members of a group of organisers shall be jointly and severally liable for any damage caused in the organization of an initiative by unlawful acts committed intentionally, or with serious negligence, under applicable national law.[3] These include in particular infringements of the regulation for false declarations and the fraudulent use of data.[4]

Review and Submit

After checking all the fields in the form, the "Request registration" button to conclude the submission process may be pressed.

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[3] Without prejudice to the liability of the representative of the group of organisers as data controller under Article 82(2) of the General Data Protection Regulation.

[4] Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative [2019] OJ L 130. Art. 5.6

The ECI and ECAS

Vasiliki Mustakis*
Elisa Lironi**

Prior to the launch of the European Citizens' Initiative in 2012, Civil Society Or-
ganisations (CSOs) had been campaigning to the European Union for a transna-
tional instrument of participatory democracy. Prior to that, the main tools available
to citizens at the EU level was the right to petition the European Parliament (Art.
20 TFEU) or the possibility to participate in an online consultation initiated by the
European Commission. However, neither of these allow citizens to set the EU's
policy-making agenda. On 1 April 2012, the European Citizens' Initiative was
launched under Regulation 211/2011, based on the Treaty of Lisbon, Art 11(4)
TEU. As a result, now European citizens have the opportunity to play an active role
in EU policy-making. At least 1 million European citizens have the right to ask the
European Commission to legislate on a certain issue as long as it is within the com-
petences of the Commission. This transnational tool, the European Citizens' Initi-
ative, directly connects European citizens with their EU institutions, allowing citi-
zens to directly propose new laws for the European Commission to consider.

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The Role of ECAS and the ECI Support Centre

European Citizen Action Service (ECAS) was among those Civil Society Organisations advocating for a transnational participatory democracy tool and has continued to have an active role in the dissemination and in the supporting of European Citizens' Initiatives. ECAS is a Brussels-based non-profit organisation with the mission to empower citizens to exercise their rights in the EU, mainly by implementing activities under its two focus areas of EU Rights and EU Democracy. It has always been part of ECAS's mission to promote and defend citizens' rights and by developing and supporting mechanisms to increase citizens and organisations' democratic participation in, and engagement with, the EU.

Since the very beginning of the European Citizens' Initiative, ECAS took on the task of making this participatory democracy tool better-known and accessible to citizens. Apart from its policy and advocacy work, such as constant dialogues with policy-makers to improve the Regulation and organising awareness raising events, ECAS felt the need to implement something more practical with concrete support to organisers. This is why in June 2013. ECAS decided to launch The ECI Support Centre, a joint initiative together with Democracy International and Initiative and Referendum Institute Europe. The purpose was to provide advice and information to ECI organisers before and during the process of developing and implementing an initiative. The Centre provided up-to-date information on ECIs, research and policy analysis of the implementation of the ECI regulation at national and European levels, tailor-made advice to ECI organisers and online tools to assist organisers and citizens in using ECIs. The ECI Support Centre offered organisers free legal, campaigning, and fundraising advice, truly acting as a support system for ECI organisers. The Support Centre also included a bi-monthly newsletter, ECI Watch, which provided around 800 subscribers with updates on the launching of new initiatives, upcoming events, and current initiatives.

Along with the ECI Support Centre, ECAS also developed the Knowledge Centre on the ECI which offers access to case studies, research, evaluations, papers, toolkits and more on the European Citizens' Initiative. The aim of the Knowledge Centre is to help organisers, researchers, CSOs, policy makers and interested citizens navigate and educate themselves on the information available on the European Citizens' Initiative. For example, ECI organisers and interested citizens through the Knowledge Centre have access to documents such as the First Lessons of Implementation of ECIs, 10 Recommendations to Make a Success of European Citizens' Initiatives and many more.

The Launch of the European Citizens' Initiative Forum

The ECI Support Centre was the stepping stone for the current ECI Forum of the European Commission. In January 2018, ECAS, in consortium with the European

Service Network and CARSA, started operating the European Citizens' Initiative Forum Pilot Project on behalf of and under contract to the European Commission. The European Citizens' Initiative Forum (ECI Forum), similar to the ECI Support Centre, is an online collaborative platform that supports citizens when organising a European citizens' initiative. After the successful implementation of this two-year Pilot Project, the European Citizens' Initiative Forum officially became part of the new regulation on the European Citizens' Initiative that entered into force on the 1 January 2020. The aim of the European Citizens' Forum is to provide advice and information to current and potential organisers before, during and after the launching and implementation of an initiative. ECAS, in cooperation with Democracy International and ProMedia, has been operating the European Citizens' Initiative Forum since December 2019 on behalf of and under contract to the European Commission.

The European Citizens' Initiative Forum is split into four sections: *Learn, Discuss, Connect* and *Seek Advi*ce. The Forum is an essential tool for organisers where they are able to receive practical information, advice, connect and discuss with other organisers any topics related to the European Citizens' Initiative. ECAS actively monitors and manages this online platform on a daily basis and implements activities so that citizens can mainly use the Forum to do the following as listed below.

Receive Guidance and Advice: Through the Forum users have access to webinars, guidance notes, blogs, success stories and testimonials from current and/or past organisers. Users also have the ability to request free legal, campaigning, and fundraising advice at any time before, during and after the launching and implementation of their initiative. ECAS monitors and manages these 'seek advice' requests collaborating with more than 20 legal experts across Europe and campaigning and fundraising experts to provide organisers with tailor-made advice in a timely manner. ECI organisers also have access to the Organisers group, which is a dedicated space for users to easily access information relevant to a user's role as an organiser. ECAS continually evaluates this online platform, providing feedback and suggestions to the Commission on ways in which to improve this platform for organisers.

Receive Training: In addition to the online platform, ECAS along with Democracy International offers newly registered initiatives and tailor-made training prior to the start of the collection process to inform organisers of all the tools that are at their disposal. One of those tools is the online course: Essential Skills for European Citizens' Initiative Organisers. ECAS developed and launched the online course in 2021 with the aim of providing users with the opportunity to learn about the process and practice of developing successful European Citizens' Initiatives in an interactive online environment, under the guidance of experts in the respective practical field as course tutors. After the launch of the online course, ECAS evaluated the course and launched an updated version of it in May 2022. The online course complements

the material available on the European Citizens' Initiative Forum and assists in dis-seminating the European Citizens' Initiative as a transnational participatory tool for democracy. As of December 2022, 564 users have interacted with the course and 23% of those users have completed the course. ECAS continues to evaluate the course to further improve it as an effective learning tool for citizens and future and current ECI organisers.

Participate in Events: Under the framework of the ECI Forum, ECAS has been organising and participating in events to promote the ECI to citizens. Since 2015, ECAS, in partnership with the European Economic and Social Committee as well as Democracy International, the European Committee of the Regions and the ECI Campaign, from the launch of the European Citizens' Initiative in 2012, has organ-ised a high-level annual conference where current and future ECI organisers and stakeholders exchange information, experiences and present their initiatives. ECAS has been contributing all these years by communicating about these events and bringing its expertise on different ECI-related issues by organising workshops, con-sultations, joining high-level panel discussions and holding an information stand. On the latest ECI Day 2022, ECAS organised and participated in a panel on youth participation mainly to discuss and explore the growing use of the European Citi-zens' Initiative by young people as well as the challenges faced by current youth ECI organisers. These interventions by current ECI organisers are important in the evaluation and improvement of both the European Citizens' Initiative and the Fo-rum. ECAS actively reaches out to current and past organisers to understand the challenges faced and if there is any way to help these organisers overcome these challenges through all the various tools ECAS monitors and manages for organisers.

Be more Aware: One of the difficulties of the European Citizens' Initiative is the lack of awareness of the tool among EU citizens. One of the ways in which ECAS has tried to overcome this challenge is disseminate the European Citizens' Initiative and the Forum to university students. According to data and figures of the Euro-pean Citizens' Initiative Forum (2022), the majority of organisers are 21 to 30 years old (162 out of 552). At the start of 2022, ECAS reached out to over 60 Universities with European Studies programmes at the graduate and postgraduate level. So far, ECAS has presented the European Citizens' Initiative and the Forum to over 300 students in 13 different Universities across Europe.[1] The ECI Forum allows citi-zens, for example, teachers, to reach out to ECAS in case they would like a collective presentation for their students.

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[1] Babes-Bolyai University – Romania, Leiden University – Netherlands, Lusofona University – Por-tugal, University of Wroclaw – Poland, University of Tartu – Estonia, University of Latvia – Latvia, University of Wroclaw, Institute of International Studies – Poland, College of Europe – Belgium, University of Gothenburg – Sweden, Riga Stradina University, FHNW School of Business, Bremen University of Applied Sciences – Germany, and Almaty Management University.

Past, present and Future

Since its launch, ECAS has played a continual and active role in the dissemination and support of the European Citizens' Initiative. As the use of participatory democracy tools, and specifically digital democracy tools, have increased over the years, what will the European Citizens' Initiative look like in the future and how will ECAS continue to play an active role?

Looking at the data, the launch of the European Citizens' Initiative in 2012 resulted in the creation of 27 initiatives, 19 of which met the registration requirements, and campaigned for signature collection signifying the excitement of this transnational participatory democracy tool at the disposal of EU citizens. However, as shown in the graph below, after 2012-2013 there was a decline in the number of initiatives registered as citizens became aware of how challenging and time-consuming it was to launch and maintain a campaign which at times may not result in a new regulation from the European Commission. It was not until 2019 where there seemed to be a positive increase in the number of initiatives launched and registered. Citizens, once again, became engaged with this transnational instrument of participatory democracy.
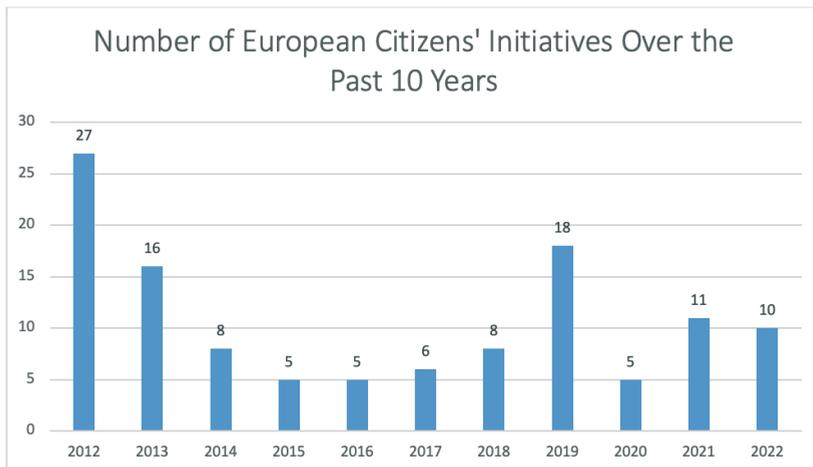
Source: *European Citizens' Initiative Forum, Infographic (May 2022). European Citizens' Initiative – Data & Figures*

Overall, in the past 10 years, six initiatives have successfully collected 1 million signatures and submitted their initiatives to the European Commission. These initiatives are One of Us (2012), Right2Water (2012), Stop vivisection (2012), Minority

SafePack (2017), Stop glyphosate (2017) and End the Cage Age (2018). As of December 2022, there are three valid initiatives[2] that have submitted their initiatives to the European Commission and are awaiting a response. These initiatives are Save Bees and Farmers (2019), Stop Finning – Stop the trade (2020) and Save Cruelty Free Cosmetics (2021). As of December 2022, there are four initiatives in the verification process, which, once verified will be submited to the European Commission. These initiatives are Stop Extremism (2017), and Cohesion policy for the equality of the regions (2019). In addition to these initiatives waiting for verification, there are 10 initiatives that are still campaigning and collecting signatures. Regarding the topics of the initiatives, out of the 11 ongoing initiatives, almost half are focused on environmental issues (6 initiatives/54%). These initiatives directly reflect the issues about which European citizens are concerned, as 45% of citizens who participated in the Special Eurobarometer survey regarded climate change as the main global challenge affecting the future of the EU.[3]

The ways in which the European Citizens' Initiative is viewed as a participatory democracy tool has changed over the past 10 years. This is evident in the drastic decrease of initiatives after the launch of the ECI and the recent increase in 2019.

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[2] Successfully collected 1 million signatures, completed verification process and submitted to the European Commission

[3] Special Eurobarometer survey on the Future of Europe, March 2021.

This increase and interest once again in the ECI may be due to the increased awareness of the tool amongst EU citizens. The impact of the European Citizens' Initiative as a participatory democracy tool will continue to change as more and more EU citizens become aware of this tool at their disposal. Citizens have also managed their expectations of the tool, as the data has shown only six initiatives over the past 10 years were successful. Based on interviews and consultations ECAS conducted in the framework of the ECI Forum, it is evident that citizens have accepted the fact that not all initiatives lead to new legislation and use the ECI as a campaigning tool.

Regarding the dissemination of this transnational participatory democracy tool, ECAS has particularly noticed that young people have been increasingly using the ECI as a tool to raise awareness on specific causes they have at heart (such as on environmental issues and education). ECAS will continue its effort to reach out to university students in European studies programmes and forge synergies with students and professors at those universities as the majority of initiative organisers from 2012 to 2022 are between the ages of 21-40, according to data and figures of the European Citizens' Initiative Forum. In addition to this, ECAS will start targeting high school students as more Member States are beginning to lower the voting age requirement for signing European Citizens' Initiatives. For example, as of 1 May 2023, EU citizens in Belgium who are 16 years old and older will be able to sign and support initiatives. Research has shown that there is a potential for participatory democracy tools to contribute to civic education.[4] When citizens decide to participate in processes such as participatory budgeting, crowdsourcing, consultations, citizen assemblies and so on, one thing that emerges is that there is a learning opportunity for people to have a better understanding of how policy-making processes work. Hence, targeting these age groups is important to increasing awareness of the European Citizens' Initiative and connecting young people to the EU's institutions, as well as making them active citizens.

10 years have passed since the launch of this first official EU transnational tool for participatory democracy. There have been cases of success, cases of failure but most importantly a constant learning process on how to develop a democratic European culture of more citizen engagement in EU policy-making processes. ECAS's approach and effort will continue to be not only about supporting organisers but mainly about listening carefully to the challenges they face in using this tool. While helping them overcome these challenges in the short term ECAS believes that the European Citizens' Initiative remains the first of its kind - an innovative transnational participatory democracy instrument that allows European citizens to set the EU's agenda together, which should adapt and change to the needs of citizens and organisers in order to improve its impact. Only continual evaluation and dialogue between organisers, citizens, Civil Society Organisations and the European institutions can further improve the ECI so that one day it can become a truly exemplary

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[4] E. Lironi, *Potential and Challenges of E-participation in the European Union* (2016), 22-24.

case of how citizens from different nations, cultures, languages, can set aside differ-ences and come together to strive for a better European democracy.

Who intervenes in a European Citizens' Initiative?

Roadmap of the ECI procedure and actors involved

Ana-Maria Bercu ∗

For connecting people to the EU on their main subjects of concern, the European Citizens Initiative (ECI) has become the participatory democracy tool that connects EU institutions with EU citizens, giving them the opportunity to act as a unique voice. First included in the Lisbon Treaty (which entered into the force on 1 December 2009), the ECI become the first democratic European instrument of participation.

According to the provisions of the Lisbon Treaty,[1] "the functioning of the Union shall be founded on the representative democracy" (Art. 10.1 TEU) and "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 citizens" (Art. 10.3 TEU).

The EU citizens can invite the European Commission to propose regulations within its areas of competence if the organisers of the initiative can collect one million signatures in support of the initiative's objectives. This represents only 0.2% of all EU citizens. The citizen initiatives represent a way to create new frameworks for debating the subjects that are important for society around the EU. If the Commission decides to propose legislation, then the European Parliament and the Council of the EU will co-decide on the issues at hand (in some cases, only the Council will decide).

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[1] Treaty of Lisbon, [2007], OJ C 306.

The regulatory framework of the ECI is established by the Treaty of the European Union (TEU), Article 11, paragraph 4 and Treaty of the Functioning of the European Union (TFEU), Article 24. The first article mentions mainly the substantive aspects of the citizens' initiative (the scope and the limits) and Article 24 determines the regulation of the procedural aspects of the ECI.

Complementary to treaty law, on 16 February 2011, the European Parliament and The Council of the EU adopted Regulation no. 211/2011, which gave the possibility to the promoters of an ECI to freely choose its subject, within the limits set forth in article 2(2)(b to d). More recently, Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative was introduced.

The new Regulation established several changes based on the Commission's Reports on the application of Regulation (EU) No 211/2011 and on the European Parliament's Resolution of 28 October 2015 on the European citizens' initiative[2]. One of its main traits had to do with the introduction of a public hearing held by the European Parliament – article 14 (2) – and the possibility of manifestation of its political support to the Initiative – article 14 (3), as well as a follow-up assessment of the measures taken by the Commission – article 16 - thus creating another layer of democratic relevance of the ECI.

The Regulation sets some requirements that are mandatory for an ECI proposal, the most important being:

- The supporters should be citizens of the European Union and should have the right to vote in elections to the European Parliament (except where member States decide to allow their nationals to support initiatives at a younger age) and fulfil the limit set out in article 3 of the Regulation.
- A Committee of seven persons (organisers) entitled to vote for the European Parliament should be formed by resident citizens in at least seven different Member States.
- The initiatives could be introduced in areas of the European policies where the European Commission has the power to submit a proposal for a legal act. For example, social policy, environmental policy, protection of human rights, the protection of human health, and education policy are just a few areas where a citizens' initiative could take place. However, there are some areas where the European Commission doesn't have the requisite competencies to promote initiatives (such as foreign and security policy).

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[2] Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union [2012] OJ C 326/01.

- An initiative should have as main aim the promotion of new laws or of amendments to existing legal acts, i.e. regulations, directives and decisions, since these are the main European Union acts that have binding effects.

Data provided by the European Citizens Initiative Website[3] reveals that in the period 2012-2020 signatures were validated for 6 successful initiatives: Right2Water (2014), One of Us (2014), Stop vivisection (2015), Ban glyphosate (2017), Minority SafePack (2020), End the Cage Age (2020). Up until December 2021 110 requests had been submitted and 85 initiatives registered, 13 initiatives had collected signatures and 6 initiatives had been successful. As a whole, more than 14 million EU citizens have supported an initiative since 2012. High numbers for a still developing democratic tool!

The following scheme shows the roadmap to an ECI and illustrates how it depends on the interaction of several actors, private and public, European and national, and binds them all together in the transformative tool that the ECI is.

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[3] European Citizens Initiative Website is available at https://europa.eu/citizens-initiative/spread-word/communication-material_en#Infographics-and-Factsheets (last visited 18 January 2023).

Step 1: ECI Preparation - Get started

- Set a group of organisers: at least 7 EU citizens from 7 different EU states.

- Prepare and plan the campaign to collect signatures.

- Check if the European Commission has the competences to act in the policy area addressed (education, social policy, environment, agriculture etc.).

Step 2: ECI Registration

- The Commission will register only the initiatives that meet the mandatory requirements.

- The representative of the group of organisers needs to set up an **organiser account** with his/her email address and fill in the required fields.

- If accepted, it will be published on the official ECI website of the European Commission. The Commission provides with the translation of the initiative in all official languages (except for the content of the Annex and legal drafts submmitted).

Step 3: Getting support - Collection

- At least 1 million people from at least **7 differrent countries.**

- Collecting on paper side or **on-line.**

- Deadline:12 months (with the possibility of choosing the starting date within a six-month timeframe after the registration).

Step 4: ECI Verification - Get statements

- Initiatives are sent to being verified by the competent authorities of the EU states.

- Maximum 3 months

Step 5: ECI Submission

- After the verification of signatures period closes, initiatives that succesfully collected more than one million valid signatures are submitted to the European Commission for an answer.

- Commission's decision (answer) will be provided within the next six months of the submission.

Step 6: ECI Examination and European Commission decision

- **Within 1 month:** meet with representatives of the Commission so you can explain the issues raised in your initiative in detail.

- **Within 3 months:** Organisers present their initiative at a public hearing at the European Parliament.

- **Within 6 months:** the Commission will adopt a decision and will inform the organisers.

Step 7: EC follow-up actions (if necessary)

The Interplay between the Commission and the CJEU

Rita Aroso Duarte∗

Preliminary Considerations

Envisaged as a crucial instrument for participatory democracy at EU level under Article 11(4) TEU, the European Citizens' Initiative (ECI) has been subject to scrutiny by the Court of Justice of the European Union (CJEU) in multiple circumstances.

Considering the actors who take part in the ECI procedure, the CJEU case law on the ECI is inherently linked to the role played by the Commission as an institutional mediator whose interference is decisive for the outcome of each ECI proposal.[1]

With this chapter, our aim is to assess how the CJEU's case law has influenced the interpretation and implementation of the ECI legal admissibility test as well as the Commission's substantial review of successful ECI proposals.

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[1] S. Russack, 'Pathways for Citizens to Engage in EU Policymaking', *CEPS Policy Insights* 14 (2018), 1, 2-3.

The role of the Commission in the ECI procedure

The European Commission plays a prominent role in the ECI procedure, which is well defined both by the former Regulation (EU) no. 211/2011 of the European Parliament and of the Council, of 16 February 2011, and the current Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European Citizens' Initiative.

In the framework of the Citizens' Initiative, the Commission intervenes at two stages: firstly, it decides whether or not it will register the initiative (generally known as the "admissibility stage"), allowing the subsequent collection of signatures by the organizers; secondly, it assesses whether or not it will forward a successful ECI proposal to the EU legislature (the "follow-up stage").

Regarding the first stage, the Commission verifies, within two months, if the proposal meets the mandatory requirements established by Article 6(3) Regulation (EU) 2019/788. If these conditions are not fulfilled, the initiative is not registered and the Commission is obliged to state reasons for its decision as well as to inform the group of organizers of all possible judicial and extrajudicial remedies available to contest it.

With respect to the second phase, when the Commission receives an ECI proposal which has collected the required number of signatures, it publishes a notice to that effect, transmits the initiative (Article 14(1) Regulation (EU) 2019/78) and receives the group of organizers within one month of its submission (Article 15(1)). Afterwards, the Commission must, within six months of its publication, set out in a communication its legal and political conclusions on the initiative, the action it intends to take, if any, and its reasons for taking or not taking action (Article 15(2)).

According to Sophia Russack, "(t)he Commission is by far the most important player in the ECI"[2]. Considering its role as the promoter of the general interest of the Union (Article 17(1) TEU) and its (quasi-)monopoly of legislative initiatives (article 17(2) TEU), the Commission plays a key part in the ECI procedure, by performing the functions of assistance, organization, supervision and decision-making and, therefore, leading and being in control of all the important stages of an ECI cycle.[3] However, legal scholarship has criticised the (allegedly) strict and legalistic interpretation and application of the admissibility test laid down in Article 6(3) by the Commission, which had been, *per se*, characterized as "overly burdensome and non-user-friendly".[4]

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[2] Ibid, p. 5.

[3] Ibid, p. 6.

[4] A. Karatzia, 'Revisiting the Registration of European Citizens' Initiatives: The Evolution of the Legal Admissibility Test', *Cambridge Yearbook of European Legal Studies* 20 (2018), 147, 150. For further development on this criticism see J. Organ, 'Decommissioning Direct Democracy? A Critical Analysis of Commission Decision-Making on the Legal Admissibility of European Citizens Initiative Proposals', *European Constitutional Law Review* 10 (2014) 3, 422, 435-439.

Case law on the ECI

Considering the significant contribution of the CJEU to the development of EU law, we will now analyse its case law concerning the ECI procedure.

First of all, acknowledging the significant number of ECI proposals whose registration is rejected, the majority of claims before the Court are connected to the (allegedly) strict interpretation of the legal admissibility test carried out by the Commission. Moreover, the legal and political conclusions adopted by the Commission at the end of the ECI procedure have also been contested in some cases of dissatisfaction as to the course of action followed, with discretion, by the Commission.

The relevant CJEU case law on the ECI is simplified in the following table:

Admissibility stage	
Anagnostakis v Commission **(T-450/12 and C-589/15 P)**[5]	*Costantini and Others v Commission* **(T-44/14)**[6]
ECI proposal: *One Million Signatures for a Europe of Solidarity* called for the establishment of the "principle of the state of necessity" at EU level, which would allow a Member State to refuse the repayment of its debt if the State's financial and political existence is endangered. **Subject-matter**: Annulment of Commission Decision C(2012) 6289 final of 6 September 2012 to reject the application for registration of the ECI proposal.	**ECI proposal**: *Right to Lifelong Care: Leading a life of dignity and independence is a fundamental right!* requested the adoption of legislation to guarantee adequate social protection. **Subject-matter**: Annulment of Commission Decision C(2013) 7612 final of 5 November 2013 rejecting the request for registration of the ECI proposal.
Izsák and Dabis v Commission **(T-529/13 and C-420/16 P)**[7]	*Minority SafePack v Commission* **(T-646/13)**[8]
ECI proposal: *Cohesion Policy for the Equality of the Regions and the Preservation of Regional Cultures* suggested that the EU ensures, through	**ECI proposal**: *Minority SafePack - one million signatures for diversity in Europe* suggested the proposal of 11 acts from different policy areas (such as education and regional policy)

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[5] *Anagnostakis v Commission*, T-450/12, Judgment of 30 September 2015, EU:T:2015:739. Appealed in *Anagnostakis v Commission*, C-589/15 P, Judgment of 12 September 2017, EU:C:2017:663.

[6] *Costantini and Others v Commission*, T-44/14, Judgment of 19 April 2016, EU:T:2016:223.

[7] *Izsák and Dabis v Commission*, T-529/13, Judgment of 10 May 2016, EU:T:2016:282. Appealed in *Izsák and Dabis v Commission*, C-420/16 P, Judgment of 7 March 2019, ECLI:EU:C:2019:177.

[8] *Minority SafePack v Commission*, T-646/13, Judgment of 3 February 2017, EU:T:2017:59.

its cohesion policy, the sustainment of development of regions with particular cultural characteristics. **Subject-matter**: Annulment of Commission Decision C(2013) 4975 final of 25 July 2013 refusing to register the applicants' proposal in dispute.	with the objective of protecting national and linguistic minorities. **Subject-matter**: Annulment of Commission Decision C(2013) 5969 final of 13 September 2013 rejecting the request for registration of the proposed ECI.
Efler and Others v Commission (**T-754/14**)[9]	*HB and Others v Commission* (**T-361/14 and C-336/17 P**)[10]
ECI proposal: *Stop TTIP* requested the termination of the negotiations for the agreements Transatlantic Trade and Investment Partnership (TTIP) and EU-Canada Comprehensive Economic and Trade Agreement (CETA). **Subject-matter**: Annulment of Commission Decision C(2014) 6501 final of 10 September 2014 rejecting the request for registration of the ECI proposal.	**ECI proposal**: *Ethics for Animals and Kids* asked for legislation on the protection of stray animals. **Subject-matter**: Annulment of Commission Decision C(2014) 2119 final of 26 March 2014 rejecting the request for registration of the ECI proposal.
Romania v Commission (**T-391/17 and C-899/19 P**)[11]	
ECI proposal: *Minority SafePack - one million signatures for diversity in Europe* (aforementioned). **Subject-matter**: Annulment of Commission Decision (EU) 2017/652 of 29 March 2017 on the proposed ECI.	
Follow-up stage	
Puppinck and Others v Commission (**C-418/18 P**)[12]	

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[9] *Efler and Others v Commission*, T-754/14, Judgment of 10 May 2017, ECLI:EU:T:2017:323.

[10] *HB and Others v Commission*, T-361/14, Judgment of 5 April 2017, EU:T:2017:252. Appealed in *HB and Others v Commission*, C-336/17 P, Judgment of 8 February 2018, EU:C:2018:74.

[11] *Romania v Commission,* T-391/17, Judgment of 24 September 2019, ECLI:EU:T:2019:672. Appealed in *Romania v Commission,* C-899/19 P, Judgment of 20 January 2022, ECLI:EU:C:2022:41.

[12] *One of Us and Others v Commission*, T-561/14, Judgment of 23 April 2018, ECLI:EU:T:2018:210. Appealed in *Puppinck and Others v Commission*, C-418/18 P, Judgment of 19 December 2019, ECLI:EU:C:2019:1113.

> **ECI proposal**: *One of us* aimed at the protection through law of the dignity, the right to life and the integrity of every human being from the moment of conception in the areas of EU competence where such protection is relevant.
>
> **Subject-matter**: Annulment of Commission Communication COM(2014) 355 final of 28 May 2014 on the proposed ECI.

As evidenced by the table, the above-mentioned actions for annulment (Article 263 TFEU) were pending before the General Court, in accordance with Article 256 TFEU, and some of them were later appealed to the Court of Justice, allowing it to clarify multiple aspects of the ECI process for the first time.

We will now analyse the CJEU's case law in both phases of the Commission's intervention: the admissibility stage, which precedes the registration of ECI proposals, and the follow-up stage, marked by the Commission's legal and political conclusions.

Admissibility stage

In the first group of cases, concerning the admissibility stage, the applicants argued that the Commission infringed the provisions of art 4(2)(b) of Regulation (EU) no. 211/2011 by misapplying the ECI legal admissibility test and incorrectly refusing the registration of the proposed initiatives. In this context, it is worth reflecting on certain aspects of the Court's decisions.

First of all, in the cases *Iszák and Dabis* and *Minority SafePack*, the applicants contested the Commission's interpretation of the respective legal bases in relation to the initiatives' objectives. In particular, in *Iszák and Dabis,* the Commission had rejected the ECI proposal by considering that there was no appropriate legal basis in the Treaties for the adoption of the proposed legislation, while the applicants argued that the Commission misinterpreted the objective of the "Cohesion Policy" initiative.[13] As noted by Anastasia Karatzia, a duty of the Commission to consider all the information provided by ECI organisers in order to decide on its registration derived from these two judgments.[14]

Connected to the analysis of the ECI proposal's legal basis is the Commission's duty to give reasons for the rejection of the ECI's registration. Moreover, besides

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[13] *Izsák and Dabis*, T-529/13, para. 28. For more information about this case, in which the General Court rejected the applicants' request to annul the decision, see B. Tárnok, 'The Szekler National Council's European Citizens' Initiative for the Equality of the Regions and Sustainability of the Regional Cultures at the Court of Justice of the European Union', *Hungarian Yearbook of International Law and European Law*, Eleven International Publishing, Haia 1 (2016), 489, 495 *et seq.*

[14] Karatzia, supra note 4, 156. For further information regarding Court's decisions regarding the legal basis of ECI proposals see A. Karatzia, 'The European Citizens' Initiative in Practice: Legal Admissibility Concerns', *European Law Review* 40 (2015) 4, 509, 518-525.

clarifying the Commission's duties, the CJEU case-law has also reaffirmed the ECI organisers' duties at the admissibility stage.[15]

Furthermore, the Court has indirectly delineated the ideal depth of the analysis carried out by the Commission before the registration of ECI proposals, especially concerning the requirement laid down in Article 6(3)(b) of the current ECI Regulation according to which the Commission needs to ensure that "none of the parts of the initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties". In cases *Iszák and Dabis* and *Costantini*, the Court distinguished the initial and formal examination of the information provided by the organisers in the admissibility stage and, on the other hand, a more exhaustive assessment carried out after the proposal's registration, clarifying their role in the ECI's lifecycle.[16]

Another substantial contribution of the Court's case law is the clarification of the ECI's scope. In this context, the case *Michael Efler and Others,* regarding "Stop TTIP" which proposed the termination of negotiations of the TTIP and CETA, is particularly relevant. The Commission rejected the proposal, considering it fell outside the framework of its powers and arguing the ECI could not invite the Commission to adopt preparatory acts or take a decision not to adopt a legal act.[17] In this case, the General Court decided that the initial refusal was unlawful and the Commission was obliged to register the ECI proposal.[18] Thereby, the Court broadened the scope of the ECI by overruling the Commission's restricted interpretation of the legal admissibility test[19] and opened the door to ECI proposals concerning the negotiation of international agreements.[20] As noted by Marise Cremona, the extension of the ECI's legal scope occurred at an appropriate point in time, characterised by a new approach to transparency in trade negotiations.[21]

From a procedural perspective, the issue of whether the Commission can register only some parts of an ECI proposal was issued for the first time before the General Court in the case *Minority SafePack*. According to Anastasia Karatzia, the judgment has led to a change to the subsequent approach of the Commission, which started to partially register some proposed ECIs that would otherwise have been

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[15] Karatzia, supra note 4, 158.
[16] *Iszák and Dabis*, T-529/13, para 60. *Costantini and others*, T-44/14, paras 14–17.
[17] Karatzia, supra note 4, 167.
[18] *Efler*, T-754/14, para. 51.
[19] Ibid, para. 35.
[20] J. Organ, 'EU Citizen Participation and the ECI: The TTIP legacy', *Common Market Law Review* 54 (2017) 6, 1713, 1714.
[21] M. Cremona, 'Negotiating the Transatlantic Trade and Investment Partnership (TTIP)', *Common Market Law Review* 52 (2015) 2, 351, 351.

rejected altogether.[22] Currently, the possibility of partial registration of an ECI proposal is enshrined in Articles 6(4)(b), (5) and (7) of the new ECI Regulation and its recital 19, according to which "it is appropriate to partially register an initiative in cases where only part or parts of the initiative meet the requirements for registration under this Regulation".

Lastly, it is important to note that the Court of Justice, in the appeal of *Anagnostakis*, emphasised that the Commission is bound "to conduct a diligent and impartial examination"[23] of each ECI proposal, as well as to "to provide assistance and advice to the organisers of an ECI, particularly with regard to the registration criteria"[24], according to the principle of good administration.[25]

In brief, the CJEU has highlighted that the Commission's decision to refuse an ECI proposal's registration is subject to judicial review, particularly on the basis of its duty to provide adequate reasons and the principle of good administration, and clarified the contours of the Commission's intervention in the admissibility stage.

Follow-up stage

After the collection of one million signatures, the Commission carries out a more comprehensive examination of the ECI proposal with significant discretion, adopting legal and political conclusions on its substance, according to Article 10 of the ECI Regulation. Regarding this follow-up stage, it is particularly relevant to consider the *Puppinck* case, in which two issues were raised: the question of whether the Commission is actually obliged to exercise its legislative initiative following a successful ECI and the question of whether its communication can be challenged under Article 263 TFEU.

In this case concerning the ECI "One of us", in which the Commission adopted a communication indicating that it would not undertake any action following the proposed ECI, the Court started by emphasising the discretion of the Commission during the final phase of the ECI procedure.[26] Therefore, regarding the first issue, the Court of Justice concluded that, considering the wording of (then) Article 10(1)(c) TEU ("the action it intends to take, if any"), the Commission is not obliged to submit a proposal following a citizens' initiative that meets all the requirements, given its (quasi-)monopoly of legislative initiative, which remains intact.[27]

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[22] Karatzia, supra note 4, 159.

[23] *Anagnostakis*, C-589/15 P, para. 47.

[24] Ibid., para. 46.

[25] Ibid., paras. 47 and 48.

[26] *Puppinck and Others v Commission*, C-418/18 P, para. 129.

[27] N. Vogiatzis, 'The Commission's 'Communication' on a Successful European Citizens' Initiative before the Court of Justice', 16, *European Constitutional Law Review*, (2020) 4, 691, 691.

Concerning the reviewability of the Commission's communication, the Court of Justice found, in line with AG Bobek's opinion, that the communication produced binding legal effects likely to affect the appellants' interests and concluded that the action was admissible.[28] It should be noted, however, that judicial review is limited to manifest errors of the Commission, given its wide margin of discretion.

In a nutshell, while the success of the citizens' initiative does not give rise to any obligation of legislative initiative on the part of the Commission, the communication presented by the Commission (containing its legal and political conclusions on the ECI) can be challenged under Article 263 TFEU.

Brief critical analysis

The ECI was thought to be a valuable instrument of participatory democracy through which EU citizens can influence the Union's agenda. On the other hand, the intervention of the Commission, as the institution to which the promotion of the general interest of the EU was entrusted, is crucial for the ECI procedure and is, according to Nikos Vogiatzis, "arguably compatible with the constitutionalisation of the Union."[29]

In order to sort out this conflict of interests, the Court sought to dissuade the Commission from adopting a narrow interpretation of the legal admissibility test, by emphasizing the need to comply with the principle of good administration. Furthermore, the Court reaffirmed the Commission's discretion in the follow-up stage while assuring an appropriate balance between this prerogative and the democratic aspirations of the ECI through the reviewability of the Commission's communication under Article 263 TFEU.

In addition to this important institutional aspect, connected to the principle of institutional balance, it is worth noting that the case law of the CJEU has influenced ECI procedure both at a procedural and a substantial level. On a procedural level, besides making the ECI procedure more flexible by allowing the partial registration of ECI proposals, the Court has established a precise distinction between the Commission's intervention at the admissibility stage and at the follow-up phase.[30]

On a substantial level, the Court expanded the ECI's scope of application by, *inter alia*, confirming the admissibility of ECIs regarding the negotiations of international agreements, the legal basis of which is Article 352 TFEU.[31] Moreover, the

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[28] *Puppinck and Others v Commission*, C-418/18 P, para. 133.

[29] N. Vogiatzis, 'Between discretion and control: Reflections on the institutional position of the Commission within the European citizens' initiative process', *European Law Journal* 23 (2017) 3 and 4, 250, 270.

[30] Karatzia, supra note 4, 178.

[31] Ibid.

CJEU has clarified and developed the duties of both the ECI organisers and the Commission, reinforcing the respective responsibility within the scope of the ECI procedure.[32]

Notwithstanding this important contribution by the Court, many insufficiencies can be identified. Besides the classical criticism against the high number of signatures demanded, Justin Greenwood states that "(t)he ECI was promoted as a key innovation to boost the democratic features of the EU, but in an ill-defined way".[33]

Regarding the potentially excessive margin of discretion afforded to the Commission in the follow-up stage, Nikos Vogiatzis proposes measures that ensure the effective promotion of the general interest of the EU, such as an increased involvement of the European Parliament[34]. Furthermore, Anastasia Karatzia suggests reinforcement of the transparency of the follow-up process.[35]

However, it is important to note that these shortcomings, in particular the absence of any obligation on the part of the Commission to take action following a successful ECI, do not mean that the ECI lacks effectiveness.[36] Although there is a discrepancy between the intention of the Commission and the expectations of EU citizens, the ECI can still achieve its objective of promoting public debate regarding topics worthy of citizens' concerns, and the Commission's decision is not entirely arbitrary, considering the duty to provide adequate reasons.

Concluding remarks

Considering the brief analysis here carried out of the CJEU's case law on the ECI, we ought to conclude that the interpretation and application of an ECI's legal admissibility as well as the approach adopted by the Commission after the registration of a successful ECI have evolved since the first judgment of the Court on this matter.

Although the Court has ruled against ECI organisers in the majority of cases, its decisions have contributed significantly to a relevant clarification of the Commission's intervention in the ECI procedure as well as the legal scope of the Citizens' Initiative.

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[32] Karatzia, supra note 4, 154.

[33] J. Greenwood, 'The European Citizens' Initiative: bringing the EU closer to its citizens?', *Comparative European Politics* 17 (2019) 6, 940, 954.

[34] Vogiatzis, supra note 29, 269.

[35] A. Karatzia, 'The European Citizens' Initiative and the EU institutional balance: On realism and the possibilities of affecting EU law-making', *Common Market Law Review* 54 (2017) 1, 177, 208.

[36] A. Parol, 'The European Citizens' Initiative Reform: Does It Matter?', *Review of European and Comparative Law* 40 (2020), 67, 81.

How effective is the European Citizens' Initiative?

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Fernando Borges**
Eduardo A. S. Figueiredo***

Introduction

The European Citizens' Initiative (ECI) is an innovative mechanism for citizen participation that was created by the Treaty of Lisbon in 2007. The ECI represents a new generation of transnational participatory democracy instruments. This tool has the potential to tackle the so-called "democratic deficit" and overcome the Union's legitimacy crisis, by bringing European civil society into debates of *policy* and *law-making* at the European Union (EU) level. This will contribute to the emergence of a European *demos* and to foster the creation of solid and fruitful alliances between

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social actors, and also between European institutions, organs and organisms.[1] Participatory mechanisms may help as well to beat populism, euroscepticism and extremism, engaging citizens in European policies and promoting a new legitimization of Europe's political decision-making processes.[2] In short, the ECI can be qualified as a *democratic achievement* for the EU as a whole, empowering its citizens by offering them a structured channel for expressing their views and concerns, their ambitions and protests as well as for receiving feedback. The ECI has the potential to transform the EU when it is used to launch novel areas of operation or to trigger new European laws and policies.

The 'Democracy Syllogism' Applied to ECI

Democracy is a good governance system.
The ECI strengthens democracy in the EU.
Therefore, the ECI is a good governance system for a more democratic Union.

Expectations and Obstacles of the European Citizens' Initiative

The auspicious democratic effects of the ECI are not spontaneous or automatic. In fact, there are numerous substantial, technical and procedural requirements to fulfil, several practical obstacles to overcome and many expectations to manage.

As explained previously in this Workbook, the *requirements to present an ECI* are both defined by the Treaties[3] and EU secondary law.[4] Although one must recognize

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[1] As stated by S. Aloisio, G. Grimaldi, U. Morelli, A. Padoa-Schioppa, "by offering expertise and by representing transnational groups, civil society players can enhance the legitimacy of EU actions as well as proving useful to institutions in implementing effective and shared policies". For further information, see S. Aloisio, G. Grimaldi, U. Morelli, A. Padoa-Schioppa, 'The European Citizens' Initiative: Challenges and Perspectives' in R. Matarazzo (ed.), *Democracy in the EU After the Lisbon Treaty* (2011), 65, 68; and also, L. Bouza García, *The Significance of the European Citizens' Initiative for Pan-European Participatory Democracy* (2013), 16.

[2] Concerning this topic, see E. Longo, 'The European Citizens' Initiative: too much democracy for EU polity?', *German Law Journal* 20 (2019) 2, 181, 183.

[3] See articles 11(4) of the Treaty on European Union (Consolidated Version of The Treaty on European Union [2008] OJ C115/13) and 24 of the Treaty on the Functioning of the European Union (Consolidated Version of The Treaty on the Functioning of the European Union [2008] OJ C115/47).

[4] See Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019, on the European citizens' initiative [2019] OJ L130/55; Commission Implementing Regulation (EU) 2019/1799 of 22 October 2019 laying down technical specifications for individual online collection systems pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council on

the significant efforts made over time by European institutions to build a legislative framework that is more "citizen-friendly" and able to increment the potential of ECI as a participatory mechanism, many authors still consider that this potential is not being harnessed due to a "faulty regulation of the mechanism".[5] Some of the main criticisms concern (1) the European Commission's excessive centrality in each phase of the ECI procedure, (2) the burdensome formalities and technicalities imposed upon citizens and ECI organizers during that same procedure, for example, concerning the signature collection process; (3) and the fact that the Commission is not legally obliged to submit a legal proposal even when an ECI has been successful.[6]

Besides the above, each phase of the citizens' initiative procedure can be full of *practical obstacles* that are hard to overcome. For example, during the process of gathering support of a minimum of one million European citizens in at least one quarter of the Member-States within twelve months, several barriers must be defeated, as in the case of the so-called *digital divide*[7] (signing an ECI requires access to the internet and skills in using a computer or a smartphone), *citizen inertia* (signing an ECI can be quite laborious and takes time), *citizen myopia* (long-term objectives are hard to convey and to understand for the majority of people) and *citizen selfishness* (European-wide altruism may not be so appealing as selfish nationalistic or personal benefits). Also, taking a look at past experiences, one may conclude that the number of resources and the campaigning skills behind an ECI are important criteria for its success. This also might be a serious obstacle when small non-governmental organizations (NGOs) and citizens not organized into groups try to launch a successful ECI.[8]

Last but not least, organizing an ECI always involves efforts for the *management of expectations*. Using a participatory democracy instrument such as the ECI naturally generates high expectations among the group of organizers, promoters, supporters

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the Europeans citizens' initiative [2019] OJ L274/3; and also Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak [2020] OJ L231/7.

[5] D. González Cadenas, 'Facing Democratic Crisis in the EU: the new European Citizens' Initiative Regulation', *Global Journal of Comparative Law* 9 (2020) 1, 117, 119.

[6] Ibid.

[7] In general, about this topic, see A. Calderaro, *Digital politics divide: the digital divide in building political e-practices* (2010). Also, see European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 2030 Digital Compass: the European way for the Digital Decade', COM (2021) 118 final, 9 March 2021.

[8] D. Hierlemann & A. Wohlfarth, 'A Revolution in Disguise: The European Citizens' Initiative', *Spotlight Europe* 7 (2010) 1, 4-5.

and other stakeholders: high hopes for the support by other fellow citizens of different European countries to a certain initiative; assumptions on the follow-up by the European Commission and the course of the legislative procedure; and projections on the practical effects of the normative acts adopted. However, if those expectations are too high and not properly managed, organizing an ECI might prove to be an exercise of pure frustration.[9]

Another additional factor that might help to explain why many ECIs may not achieve their expected outcomes is the "poor citizen knowledge"[10] of this mechanism. The absence of in-depth knowledge concerning the ECI, its procedure and potential advantages can be a serious threat to the image and reputation of this promising tool. On the contrary, the more citizens get acquainted with this mechanism, the more they will be prepared to face the hurdles associated with the road to success. This is important to prevent demotivation among citizens[11] – especially considering its relatively low rate of success and the few initiatives that have gained enough support to get the European Commission to present a legislative proposal.[12] It is, therefore, absolutely crucial for the EU not only to improve the visibility of the ECI, but also its step-by-step functioning, from A to Z, ensuring that the ECI contributes effectively to the strengthening of EU democracy.

Evaluating the Effectiveness of the European Citizens' Initiative

At this point, one may conclude that there are good reasons to invest time in evaluating the ECI as a whole, identifying its main potentialities and frailties, in order to develop concrete solutions and implement realistic strategies to tackle the flaws detected. During this process, dialogue between EU institutions, European citizens and groups of promoters and supporters is key to a holistic approach that is truly

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[9] About the topic of 'participatory frustration', see J. L. Fernández Martínez, P. García-Espín & M. Jiménez-Sánchez, "Participatory frustration: The Unintended Cultural Effect of Local Democratic Innovations', *Administration & Society* 52 (2019) 2.

[10] "While the ECI opens the floor to a bottom-up involvement in the EU decision-making process, many people simply do not know about the ECI and the opportunities it provides". See S. Gherghina & A. Groh, 'Poor visibility and design flaws are hampering the participatory potential of the European Citizens' Initiative' (26 June 2015), available at https://www.democraticaudit.com/2015/06/26/poor-visibility-and-design-flaws-are-hampering-the-participatory-potential-of-the-european-citizens-initiative/ (last visited 18 January 2023).

[11] When asked to select 3 ways in which EU citizens could potentially make sure their voices are heard by decision-makers at EU level, only 9% of the respondents considered that "joining a European Citizens' Initiative" could be an effective means for that end. See European Parliament & European Commission., 'Special Eurobarometer 500 – First Results: Future of Europe' (2021), 1, 15   available at https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2021/future-of-europe-2021/en-report.pdf (last visited 18 January 2022).

[12] For more information on this topic, see https://europa.eu/citizens-initiatcadenave/_en (last visited 18 January 2023).

able to improve this mechanism and its intended effects at the level of EU democracy.
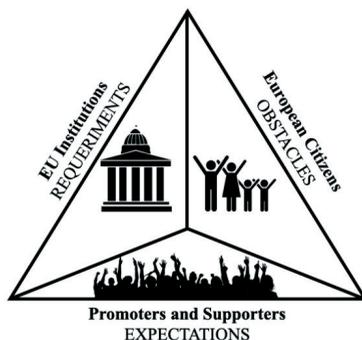

Figure: *Opposing Attitudes of the Main Actors in an ECI.* **Source:** *Author's own*

The figure above illustrates the opposing attitudes of the main actors in an ECI: what European institutions consider legal requirements, European citizens consider obstacles, while its promoters and supporters increase their expectations.

In a more concrete plan, it is also worth developing efforts in order to assess the short, medium and long-term potential (*ex ante assessment*) or impacts (*ex post assessment*) of a specific ECI. This might help, in the first case, to identify predictable outcomes, to define and manage expectations and to anticipate eventual obstacles that will have to be surpassed; in the latter case, this evaluative process is absolutely crucial to measuring the real and perceived impacts of an initiative.

In conclusion, a serious, holistic and impartial evaluation of this mechanism is the best way to improve its effectiveness, preventing counterproductive effects.[13]

Methods of Evaluation of the European Citizens' Initiative

The word 'evaluation' can be used, in a broad sense, when referring to any systematic process to judge merit, worth or significance by combining evidence (*objective factors*) and values (*subjective factors*). Several methods of evaluation have been developed, and using one or the other depends on the specific object of evaluation and the context in which the evaluative exercise is undertaken.

For the purpose of this Workbook, three different methods of evaluation of the ECI were used. After a theoretical explanation of each method, concrete examples of detailed evaluations carried out by some of the participants of the 'ECI: From A

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[13] "Some even point out that [the ECI] is not only unable to contribute to solve the EU's democratic legitimacy crisis, but it also contributes to heighten it or at least to generate a stronger disaffection on those who had high expectations in this mechanism". See González Cadenas, supra note 5, 119.

to Z' Project are included. The objective is to demonstrate the actual application of these evaluation methods and to inspire their future use.

SWOT Analysis

SWOT stands for *Strengths* (S), *Weaknesses* (W), *Opportunities* (O) and *Threats* (T). This method of evaluation is especially suitable to assess the potential of the ECI as a whole, as well as the likely impact of a specific ECI.
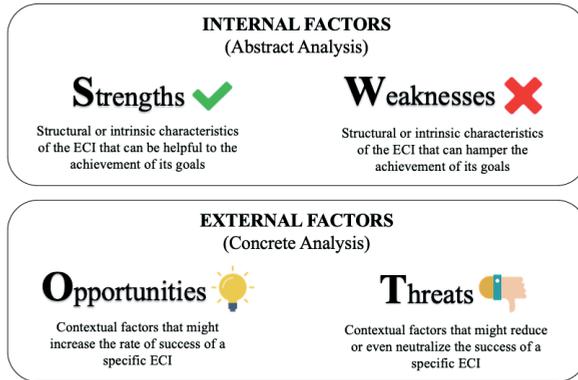

INTERNAL FACTORS
(Abstract Analysis)

Strengths ✔
Structural or intrinsic characteristics of the ECI that can be helpful to the achievement of its goals

Weaknesses ✘
Structural or intrinsic characteristics of the ECI that can hamper the achievement of its goals

EXTERNAL FACTORS
(Concrete Analysis)

Opportunities 💡
Contextual factors that might increase the rate of success of a specific ECI

Threats 👎
Contextual factors that might reduce or even neutralize the success of a specific ECI

Figure: *SWOT Analysis.* **Source:** *Author's own*

TEAMWORK!

SWOT analysis performed by *Group 1* (Ángel Lorenzo Guisande, Dorothée Sartorius, Giulia Mariut, Heloísa Gaidarge Bueno, Mimansa Bhardwaj, Maria Luna Sposato, Sofía González Rodríguez) at the end of Module 8 of the Online Course on ECI (Edition of 2021).

VOTERS without BORDERS	**European Citizens' Initiative:** Voters Without Borders, Full Political Rights for EU Citizens	
Strengths		**Weaknesses**
§ This ECI is related to a very important subject: the need to ensure and strengthen the rights of EU citizens, namely their electoral rights; § Its objectives are well defined; § It is written in a captivating manner (example: "Europe, WE have a problem!").		§ The ECI simply aims at broadening the scope of rights that already exist; § The topic addressed is quite complex, especially for those citizens who do not have a solid civic and political background.

Opportunities	Threats
§ Nowadays, people agree with the need to reinforce the EU's democratic legitimacy and to strengthen the trust EU citizens project into the Union; § The right to vote is a human and fundamental right recognized by International, European and Constitutional Law; § People generally believe that suffrage is a powerful instrument to unleash change, empowering citizens to become active subjects within their political communities.	§ Most people don't really understand the problems that arise from the weak enforcement of electoral rights; § Extending EU citizens' right to vote to regional and national elections, as well as to referendums, can entail a very complex discussion about the scope of EU citizens' political participation rights; § Some EU Member States might avoid taking action to make the necessary changes to their electoral law.

European Citizens' Initiative: Save Bees and Farmers! Towards a bee-friendly agriculture for a healthy environment

Strengths	Weaknesses
§ This ECI is related to an important subject: the environmental crisis and climate change; § The specific topic is also relevant: raising awareness about the need of ensuring environmentally-friendly agriculture; § The slogan is very appealing.	§ The organizers have limited a rather serious and broad problem to a very specific solution: to phase out synthetic pesticides by 2035; § The proposal appeals only to a fragment of the population (farmers), not highlighting the importance of the proposal for society as a whole; § The organizers should have doubled their efforts to explain to the general public how sustainable farming can help to mitigate some problems that directly affect them in their daily lives.
Opportunities	**Threats**
§ This ECI can count on a huge amount of support and funding (€282,858.84); § Many scientific studies prove the harmful influence of synthetic pesticides on human health and the global ecosystem; § The EU and the Member States are deeply committed to taking action in order to protect human health and the environment from any kind of threats.	§ Many people believe that alternatives to the use of synthetic pesticides (for example, GMOs) also pose serious threats to human health and the environment; § The pesticide industry is quite powerful and its influence might boycott the success of this initiative.

European Citizens' Initiative: Green Garden Roof Tops	
Strengths	**Weaknesses**
§ This ECI is related to a relevant subject: the environmental crisis and climate change; § It is associated with a very current and relevant field: city planning; § Its objectives are well defined.	§ This ECI attempts to address a huge problem, the environmental crisis, in a very limited way. It presents a very concrete solution with zero or minimal impact to deal with a problem that needs to be fought universally through concerted and global measures, not merely through the implementation of gardens on rooftops; § The slogan is not sufficiently appealing to the average citizen;
Opportunities	**Threats**
§ People do share the opinion that garden roof tops can have several benefits (for example, providing more space for agriculture, adding beauty to the cityscape and improving air quality); § Green roofs are starting to become a trend in many cities in America (see the example of Chicago), which might increase the receptiveness of Europeans towards them; § In most cases where green roofs are installed on existing buildings, planning permission is not required.	§ Most people consider that this ECI will only offer "a very small solution to a very big problem"; § There are no reported sources of support and funding; § This ECI only aims to create green garden areas on corporations' rooftops – this can be seen as an unbearable burden on entities who already have to comply with many environmental duties and obligations.

SOAR Analysis

SOAR stands for *Strengths* (S), *Opportunities* (O), *Aspirations* (A) and *Results* (R). This method of evaluation may reveal its full potential when assessing the short, medium and long-term impacts of the ECI as a participatory mechanism (in abstract).
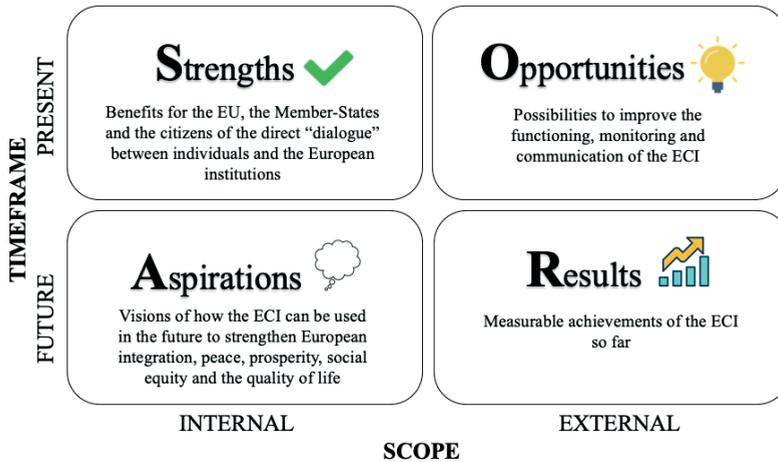
Figure: *SOAR Analysis.* **Source:** *Author's own*

TEAMWORK!

SOAR analysis performed by *Group 4* (Catarina Ribeiro, Jia Wang, Margarida Marques, Selen Gundogu, Washington Vitorino) and *Group 7* (Hugo Abrantes, Julica Schutz, Lucia Pérez Quiroga, María Victoria Toledo, Mihaela Gladuneac, Miruna Iosub, Natália Melo, Yejin Kim) at the end of Module 8 of the Online Course on ECI (Edition of 2022).

Strengths	Opportunities
§ The ECI helps to bring together European citizens in order to develop innovative answers to complex and common challenges; § It contributes to the empowerment of citizens, reducing the perception that they do not have an active role to play in the EU's political life; § It connects citizens from different Member States, harmonizing their interests; § It makes democratic participation in the EU a more tangible reality, allowing everyone to express their concerns and wishes on subjects of interest (for example: social, economic, political, environmental, humanitarian issues);	§ Developing initiatives to disseminate the ECI (*e.g.*, podcasts, online forums), thus allowing more citizens to become acquainted with this mechanism and its huge potential; § Better media coverage of successful ECIs and the mechanism as a whole; § Taking measures to make the ECI procedure more accessible and less bureaucratic in order to encourage participation; § Expanding the field of those who can organize and support an ECI; § Increase in the support provided by the European Commission to the group of organizers regarding the collection of signatures, budget issues, etc.; § Reduction in the central role of the European

	Commission in every phase of the ECI procedure;
§ It promotes a "much closer Europe", spreading feelings of unity, solidarity and fraternity; § It takes European citizenship to the next level; § It helps to legitimize the EU's legislative powers by allowing citizens to be a part of that process; § It serves as an "agenda-setting" mechanism, bringing relevant topics to the table and defining priorities at the EU level; § It allows citizens to be informed of their rights at EU level; § It spreads the voice of young people and their worries.	§ Evaluation of the possibility of establishing a legal duty for the Commission to submit a proposal for a legal act to fulfil the objectives of a successful initiative; § Expansion of the maximum amount of time for signature collection.
Aspirations	**Results**
§ The ECI has the potential to become one of the main tools to promote transnational debate on topics of common interest; § The ECI might bring citizens closer to the EU and its administrative bodies, thus increasing trust and fighting scepticism; § The ECI can be used to build a better Europe by contributing to the alignment of European policies with sustainable development goals; § The ECI can reinforce EU citizens' participation in the decision-making processes and, thereby, allay any criticism of an EU democratic deficit; § The ECI has the potential to publicise the problems motivating EU citizens to EU institutions; § The ECI can contribute to the promotion of peace, the rule of law, democracy and human rights all over Europe.	§ 93 initiatives have already been registered by the European Commission; § 6 initiatives have already received an answer from the European Commission; § 20 initiatives were withdrawn following the decision of the group of organizers to stop collecting signatures; § 45 initiatives failed to reach 1 million signatures within the 12 months' period and/or the required thresholds; § 23 requests for registration of an ECI were refused by the European Commission. § 11 initiatives are currently open for signatures.

PESTEL Analysis

PESTEL stands for *Political* (P), *Economic* (E), *Social* (S), *Technological* (T), *Environmental* (E) and *Legal* (L). This kind of method of evaluation can be used to assess the ECI system as a whole (in abstract) or the potential of a specific ECI. PESTEL might be used *ex ante* or *ex post*.

In the former case (*ex ante*), it can be used to analyse the political, economic, social, technological, environmental or legal factors that might influence the success of the ECI as a participatory mechanism or a specific proposal.

In the latter case (*ex post*), it can be used to analyse the political, economic, social, technological, environmental or legal consequences of the ECI as a participatory mechanism or a specific proposal. Note that the consequences to be considered can be either immediate or long-term, direct or indirect.
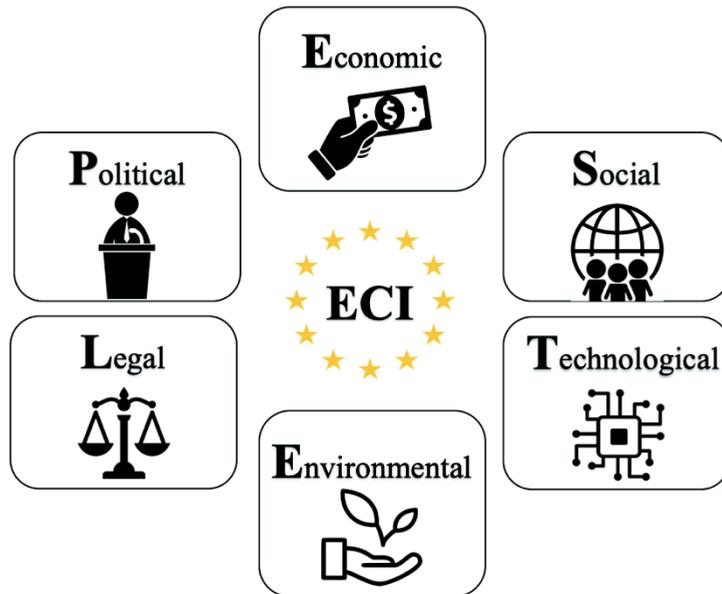

Figure: *PESTEL Analysis.* **Source:** *Author's own*

TEAMWORK:

PESTEL analysis performed by *Group 6* (Alexandru-Gabriel Bichir, Catarina Leite, Erea Prada Melón, Eva Nicolás, João Miguel Simões, Narcisa-Georgiana Pozderie, Sude-Meryem Fidan, Viktoria Maria Sochor) at the end of Module 8 of the Online Course on ECI (Edition of 2021).

European Citizens' Initiative: For the purpose of this activity, our group decided to analyse the initiative *"One of Us"*, which asked the EU to end the financing of activities that presuppose the destruction of human embryos, in particular in the areas of research, development aid and public health.

Considering that this ECI was the first one ever to be answered by the European Commission, we decided to perform an *ex post* analysis of its main political, economic, social, technological, environmental and legal impacts.

Political	According to the group of organizers of "*One of Us*", this ECI had great political potential to protect the dignity of the person and life from conception on a European-wide scale. As we all know, topics concerning the beginning of human life and the use of human embryos for different purposes are quite sensitive and controversial ones, which might explain why the political debate around this ECI was so emotional and highly polarised, characterised, as it was, by a clash between supporters of conservative and anti-choice movements and those who defend sexual and reproductive rights and freedoms. The hearing in the European Parliament was a good example of this huge polarization, with different world views, along with philosophical, political and religious points of views, being shared and encountered. Even today, "*One of Us*" is frequently mentioned during political debates concerning the status of human embryos, their use for research purposes, and abortion, *etc*. It is also interesting to note that the three countries that provided the most political support to "*One of Us*" were Italy (especially regarding the Vatican's approval of this initiative), Poland and Malta.
Eco-nomic	The total amount of support and funding for this ECI was **€159,219** (Supporters: "*Fondazione Vita Nova*"; "*Fundación Provida de Cataluña*"; and "*Fundación Valores y Sociedad*"). It is also worth mentioning that some of the financial support for "*One of Us*" came directly from the Vatican and foreign religious groups (for example, from the USA). "*One of Us*" could have had significant economic and financial impacts, since it aimed to "ban life-destroying policies in the EU budget", namely by proposing changes to the financial Regulation, the Regulation for the research framework programme Horizon 2020 and the Regulation establishing a financing instrument for development cooperation. Nonetheless, this ECI did not cause the repercussions that were envisioned initially, since the European Commission decided not to follow up on any of the requests submitted.
Social	Although this ECI was not able to achieve its main political and juridical goals, its social impacts are undeniable. In fact, not only did the petitioners manage to gather the quorum of signatures required (1 million), but they also made "*One of Us*" the largest ECI in the history of the EU up to the present date (*1,721,626 signatures*). It is interesting to note that much of the support came directly from countries with strong anti-abortion, social, political and/or religious movements. This ECI was not, however, able to produce a significant social impact in countries with a weak anti-abortion movement. In both cases, the lack of media coverage was consensually qualified as one of the main factors responsible for a certain "chilling effect" on the social impacts of this initiative.

Techno-logical	This initiative could have had profound technological impacts in the EU sphere, since human embryos are frequently used for scientific research in the healthcare sector. Being aware of this fact, some members of the European Parliament have even pointed out that initiatives like this would only serve to slow down research in the EU, reducing competitiveness and limiting progress. This point of view was also subscribed to by the European Commission, which stated that "human embryonic stem cell (hESC) research has the potential to contribute to the next generation of healthcare by offering treatments or possible cures for untreatable and/or life-threatening diseases". The expected negative impacts of this ECI over research and innovation were probably one of the most crucial factors that led to its failure.
Environ-mental	"*One of Us*" had no direct environmental impacts that are worth mentioning. Therefore, focus could only be put on those bioethical impacts which, in one way or another, could be qualified as 'environmental consequences in a broad sense'. To avoid any kind of overlap, this exercise is not undertaken here.
Legal	The legal impacts of "*One of Us*" were quite limited or even null. As mentioned above, the European Commission considered that:
	(1) There was no need for an amendment of the financial Regulation, since it already stated that all EU expenditure must comply with EU primary legislation (which, in turn, embodied the values of human life, dignity and integrity);
	(2) The Horizon 2020 provisions on human embryonic stem cell research were in full accordance with the EU Treaties and the Charter of Fundamental Rights of the European Union. In addition, these provisions already addressed a number of important requests from the organizers, notably that the EU did not fund the destruction of human embryos and that appropriate controls were put in place;
	(3) The EU had the necessary legal framework to effectively manage EU development funding in a way that helped to minimize the number of abortions performed in developing countries. In addition, the Commission considered that, while the Citizens' Initiative did not directly challenge the core objectives and commitments of the MDGs and the ICPD programme of action, a funding ban would constrain the Union's ability to deliver on the objectives set out in the MDGs, particularly on maternal health, and the ICPD, which had been recently reconfirmed at both international and EU levels.
	It is also interesting to note that, unhappy with this outcome, the group of organizers of "*One of Us*" sought an action for annulment before the General Court. The Court clarified that the Commission is not legally obliged to act following a successful ECI and that the contested Commission communication had been sufficiently reasoned as it clearly outlined the reasons as to why the Commission did not intend to follow any of the requested actions. Moreover, the Court established that the Commission decision is subject to a limited review due to the broad discretion enjoyed by the institution. Such review may therefore only verify "the adequacy of a statement of reasons as well as the existence of a manifest error of assessment vitiating the decision".

> On considering the substantive reasons relied on by the Commission, the Court did not find such a manifest error. It thus dismissed the action in its entirety. Consequently, on 26 June 2018, the applicants brought an appeal against the General Court's decision asking the Court of Justice to set aside the former's judgment and annul the communication in question. In its judgment, the Court of Justice also dismissed all five grounds of appeal raised by the applicants.

Conclusion

As can be seen, the above-mentioned methods of evaluation ensure a comprehensive assessment of various dimensions of an ECI. By suggesting multiple analytical entry points, these methods guarantee impartial outputs when assessing the merits and weaknesses of the ECI, neutralising both positive preconceptions and negative biases.

Despite this, it is absolutely crucial to be careful when evaluating the ECI, either in abstract or in the form of a specific initiative! Evaluation is truly an *exercise of responsibility*. It is crucial to select an adequate method, and also the identification and distinction between the objective and the subjective elements of the evaluation. Through evaluation, expectations of an ECI may be overextended and significance of the ECI can be diminished.

In conclusion, although the ECI has certainly a long way to go in order to truly fulfil its bold and ambitious objectives, the truth is that this mechanism has already been able to create a whole new kind of *cross-border communication and action*, allowing European citizens to have a more proactive role and a word to say on the topics that constitute the political agenda of the EU. Deep down, EU citizens' capacity to build a more democratic EU – a "Europe of citizens" – only depends on the common ability to ensure that citizen transnational participation is not an abstract idea or a concept that is too vague and idealistic to be truly put into practice. The ECI is not at the end of the road; it is just starting to charter the way forward.

How can I be involved in a European Citizens' Initiative?

How to organize an ECI. Behind the scenes of the 'End the Cage Age' European Citizens' Initiative

*Olga Kikou**

Four years ago, in September 2018, together with fellow animal advocates, we launched the 'End the Cage Age' European Citizens' Initiative (ECI) to call on the European Commission to end the use of cages for farmed animals. The year-long signature collection started then, yet it had taken years of preparation and years of advocacy afterwards to ensure the EU institutions pay attention to citizens' calls to raise the minimum welfare standards for animals in EU farming.

The 'End the Cage Age' ECI gathered 1.4 million verified statements of support from across the EU. Despite the fact that this direct democracy tool had already been operational for a decade, the call to end the use of cages was only the sixth ECI to surpass the minimum threshold of one million validated signatures. Most importantly, this was the first ECI where the European Commission's commitment was loud and clear via its decision to revise legislation in order to address the citizens' ask in its entirety. This successful outcome, however, was not evident from the start.

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Building up the case to End the Cage Age

The 'End the Cage Age' ECI addresses one of the cruellest forms of modern-day farming – the caging of farmed animals. It calls on the European Commission to prohibit all cages, crates and stalls for hens, sows, rabbits, calves, ducks, geese and quail, animals farmed in cage systems.

Cages prevent most natural behaviours.[1] The 'enriched' cages for laying hens, still allowed in the EU, allow each hen the space of about an A4 sheet of paper, inhibiting them from dustbathing or flapping their wings.[2] Similarly, rabbits have a tiny space, and some are unable to even stand with their ears up or lie stretched out.[3] Almost all sows spend half of every year inside crates and stalls in which they cannot even turn around.[4] This confinement leads to frustration and stereotypical movements.[5]

In order to convince supporters and policymakers of the need to take action, the key non-profit organisation supporting the 'End the Cage Age' ECI, the international NGO Compassion in World Farming (CIWF) for which I work, published a report[6] outlining the need to ban caged farming, highlighting statistics of caged animals per EU country and listing existing species-specific bans.

In addition, at later stages during the campaign, CIWF published an 80-page overview of scientific research on caged farming[7] and commissioned two reports by the leading think-tank Institute for European Environmental Policy, examining the transition to cage-free farming[8] and the available sources of public funding that can finance this transition.[9]

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[1] Compassion in World Farming (CIWF) 'Scientific briefing on caged farming: Overview of scientific research on caged farming of laying hens, sows, rabbits, ducks, geese, calves and quail' (February 2021), available at https://www.ciwf.eu/media/7444223/ciwf-february-2021-scientific-briefing-on-caged-farming.pdf (last visited 18 January 2023).

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Ibid.

[6] CIWF, 'End the Cage Age: Why the EU must stop caging farm animals' (2020), available at https://www.ciwf.eu/media/7442351/ciwf-end-the-cage-age-report-9-october-2020.pdf?utm_campaign=ECI&utm_source=link&utm_medium=ciwf (last visited 18 January 2023).

[7] CIWF, supra note 1.

[8] Institute for European Environmental Policy (IEEP), 'Assessment of environmental and socio-economic impacts of increased animal welfare standards' (2020), available at https://ieep.eu/publications/assessment-of-environmental-and-socio-economic-impacts-of-increased-animal-welfare-standards (last visited 18 January 2023).

[9] IEEP, 'Financing the cage-free farming transition in Europe' (2022), available at https://ieep.eu/publications/financing-the-cage-free-farming-transition-in-europe (last visited 18 January 2023).

Co-ordinating a network of supportive organisations

Before the 'End the Cage Age' initiative was launched, CIWF also took on the task of creating and coordinating a Network of supportive groups. It reached out to non-profit organisations, federations and businesses, creating a Network of over 170 partners supporting the campaign.

With key targets per country set, and milestone dates identified, the Network started collecting signatures, just after the European Commission approved the Initiative in September 2018.

CIWF supported the Network by sharing materials that were used during the campaign. Websites were created for NGOs to gather signatures, paper leaflets and other materials were designed and published; media and social media content were shared across the Network. Regular calls with the Network partners, in addition to regular newsletters served to inform them of recent developments and future joint actions.

During the one-year collection period, the non-profit organisations in the Network asked their supporters to sign the ECI, sent many emails and shared posts on their social media channels. They also reached out to journalists and worked with celebrities to rally support for the cause, including actors Pamela Anderson and Game of Throne's Jerome Flynn.

Rallying support from the European Parliament

Another key step in the preparatory phase of the ECI was our work with Members of the European Parliament (MEPs), aimed at ensuring sufficient political support for the issue.

One year before the 'End the Cage Age' ECI was launched, in October 2017, I approached supportive MEPs, who agreed to establish an official, dedicated group to get behind the cause. I have been coordinating this group ever since.[10]

In September 2018, this group of MEPs announced the launch of the campaign in the European Parliament, with additional events organised by the Network partners in Austria, Belgium, Denmark, France, Germany, Greece, Italy, the Netherlands and Poland.

The MEPs worked side by side with the organisations in the 'End the Cage Age' Network to gather signatures, share content on social media and join outdoor events aimed at encouraging the public to sign the petition.

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[10] Intergroup on the Welfare and Conservation of Animals, 'Cage-Free Farming Working Group', more information available at https://www.animalwelfareintergroup.eu/what-we-do/cage-free-farming-working-group (last visited 18 January 2023).

Most importantly, the MEPs raised the profile of the issue high on the EU political agenda, through policy events, press releases and letters urging the European Commission to act. The group has been quite successful in gathering political momentum – one of their letters, for example, was co-signed by 101 MEPs from across the political spectrum.[11]

In addition, the group of elected representatives mandated the European Parliament's Research Service to look into the issue of caged farming. The Service then issued a report on the alternatives to caged housing, confirming that a cage-free future is feasible.[12]

Rallying support from other stakeholders

To ensure that EU institutions were aware of the existing support for a cage-free future from across the spectrum of stakeholders, we approached EU Member States, governmental and non-governmental organisations, scientists and businesses.

A crucial EU institution for us has been the Council of the EU, where EU Member States are represented. The 'End the Cage Age' Network is active in most EU countries, therefore we approached their governments ahead of time in order to acknowledge the problems of caged farming and to embrace solutions.

In Czechia, for example, CIWF had worked with other organisations to secure a ban on cages for hens.[13] We used this momentum to work with the Czech government and push for an EU-level ban, adding this as an agenda item for discussion in the Council.[14]

We also secured a similar commitment from Greece[15] and Cyprus.

In addition, the European Committee of the Regions, another important EU institution representing the regions of Europe, which issues formal opinions on

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[11] Politico, 'End the Cage Age' European Citizens' Initiative,' (2021) available at https://www.politico.eu/wp-content/uploads/2021/04/30/MEP-letter-on-the-ECI-End-the-Cage-Age_29.04.2021.pdf (last visited 18 January 2023).

[12] Policy Department for Citizens' Rights and Constitutional Affairs (IPOL), 'End the Cage Age: Looking for Alternatives.' (2020) available at https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658539/IPOL_STU(2020)658539_EN.pdf (last visited 18 January 2023).

[13] EurActiv, 'Europe must follow Czechia in banning hen cages' (2020) available at https://www.euractiv.com/section/agriculture-food/opinion/europe-must-follow-czechia-in-banning-hen-cages/ (last visited 18 January 2023).

[14] Council of the European Union, 'Provisional Agenda (Agriculture and Fisheries)' (2020), available at https://data.consilium.europa.eu/doc/document/ST-10498-2020-INIT/en/pdf (last visited 18 January 2023).

[15] Agro24, *Υπέρ της εθελοντικής συμμετοχής στα οικολογικά σχήματα της νέας ΚΑΠ τάχθηκε χθες ο Βορίδης* (2020), available at https://www.agro24.gr/agrotika/agrotiki-epikairotita/eyropaiki-enosi/yper-tis-ethelontikis-symmetohis-sta-oikologika (last visited 18 January 2023).

ECIs, considered the 'End the Cage Age' ECI and decided to officially support the end to the use of cages throughout Europe.[16]

In response to the solid scientific evidence on the need to end caged farming, more than **140 scientists** called on the EU to take action, including world-renowned ethologist and conservationist **Jane Goodall**, PhD, DBE, UN Messenger of Peace and founder of the Jane Goodall Institute.[17]

The representatives of veterinarians[18] and student veterinarians[19] also published position papers on the issue.

Major environmental NGOs, organic producers**, as well as** health and food non-profit organisations wrote to the European Commission endorsing the 'End the Cage Age' ECI.[20]

Together with the wave of countries, governmental and non-governmental organisations, ten of Europe's leading **food businesses**, including Nestlé, Unilever and Mondelēz International, called on the EU to phase out the caging of farmed animals, starting with laying hens.[21]

Harnessing the opportunities of the ECI process

Following verification of the signatures by member state authorities, the Citizens' Committee of which I'm a member of, submitted the ECI to the European Commission on 2 October 2020 – the World Day for Farmed Animals. The formal process of the ECI required that following the submission, the European Commission

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[16] Committee of the Regions (CoR), 'Reform of the CAP' (2018), available at https://cor.europa.eu/en/our-work/Pages/OpinionTimeline.aspx?opId=CDR-3637-2018 (last visited 18 January 2023); CoR, 'Agro-ecology' (2021), available at https://cor.europa.eu/EN/our-work/Pages/OpinionTimeline.aspx?opId=CDR-3137-2020 (last visited 18 January 2023).

[17] The Parliament Magazine, 'MEPs throw weight behind call to end use of cages for farmed animals in EU' (2021), available at https://www.theparliamentmagazine.eu/news/article/meps-throw-weight-behind-call-to-end-use-of-cages-for-farmed-animals-in-eu (last visited 18 January 2023).

[18] Federation of Veterinarians of Europe (FVE), 'Moving towards more animal welfare friendly systems for laying hens' (2021) available at https://fve.org/publications/moving-towards-more-animal-welfare-friendly-systems-for-laying-hens/ (last visited 18 January 2023) and FVE, 'Moving towards more welfare-friendly farrowing systems' (2021), available at https://fve.org/publications/moving-towards-more-welfare-friendly-farrowing-systems/ (last visited 18 January 2023).

[19] International Veterinary Students' Association (IVSA), 'Position statement of the International Veterinary Students' Association on the European Citizens' Initiative 'End the Cage Age' (2021) available at https://www.ivsa.org/wp-content/uploads/2021/03/Position-Statement-IVSA.pdf (last visited 18 January 2023).

[20] FERN, 'End the Cage Age' (2021), at available at https://www.fern.org/publications-insight/end-the-cage-age-2339/ (last visited 18 January 2023).

[21] Ferrero, 'Ferrero calls on the EU to 'End the Cage Age'' (2021) available at https://www.ferrero.com/news/?IDT=109414&newsRVP=1844 (last visited 18 January 2023).

would meet with representatives of the Citizens' Committee and the European Parliament was to organize a public hearing.

On 30 October 2020, together with the other members of the Citizens' Committee of the 'End the Cage Age' ECI, I met members of the European Commission in charge of Animal Welfare, Agriculture and the General Secretariat, as well as other European Commission staff. Due to the Covid-19 lockdown, this meeting took place in a virtual format.

The pandemic impacted the ECI formal process by causing some delays. Six months after the handover of the signatures, on 15 April 2021, the European Parliament held its formal Hearing of the 'End the Cage Age' ECI. During this time, and despite the lockdown, we continued our advocacy to ensure that MEPs would be informed about the issues at stake and the solutions available. At the Hearing, MEPs and representatives of other EU institutions, including the European Commission, overwhelmingly supported the phasing out of cages.[22]

In addition to the Hearing, MEPs requested that the Parliament proceed with a Resolution. The organisations in the 'End the Cage Age' network approached their supporters and encouraged them to inform MEPs that this was an issue very close to their hearts and that they were counting on the EU to take action.

Eventually, on 10 June 2021, the European Parliament urged the European Commission to make cages for farmed animals illegal across the European Union by 2027, adopting a Resolution[23] on the 'End the Cage Age' ECI, with 558 MEPs in favour to 37 against.

An historic commitment

On 30 June 2021, just 20 days after the EP Resolution, the European Commission made an historic commitment to propose the phasing out of cages in animal farming across the EU.[24] The Commission announced it intends to "put forward a legislative proposal by the end of 2023 to phase out and finally prohibit the use of cages for all the animal species and categories referred to in the initiative". This includes laying hens, mother pigs, calves, rabbits, quail ducks and geese. The European Commission committed itself to looking at a phase-out date starting at 2027.

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[22] European Parliament, 'Banning caged farming in the EU: Hearing on the European Citizens' Initiative' (2021), available at https://www.europarl.europa.eu/news/en/press-room/20210407IPR01519/banning-caged-farming-in-the-eu-hearing-on-the-european-citizens-initiative (last visited 18 January 2023).

[23] European Parliament, 'European Citizens' Initiative 'End the cage age.' (2021), available at https://www.europarl.europa.eu/doceo/document/TA-9-2021-0295_EN.html (last visited 18 January 2023).

[24] European Commission, 'Communication from the Commission on the European Citizens' Initiative (ECI) 'End the Cage Age' 2021), available at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12842-Animal-welfare-End-the-Cage-Age-European-citizens-initiative_en (last visited 18 January 2023).

There had been five successful ECIs before ours, yet they all had limited substantive legislative impact, if any, according to the organizers of these Initiatives. The 'End the Cage Age' ECI was the first one to receive such a strong commitment from the European Commission.

After years of advocacy and dedication by citizens all across the EU, as of August 2022 the European Commission is in the process of proposing legislative changes to the current animal welfare rules and we anxiously expect the long-awaited text on the ban of cages in animal farming. Following up on the Commission's commitment and the proposal for an outright ban of cages for farmed animals will be absolutely crucial for future citizen involvement and participation in the EU's democratic processes.

There is already widespread concern among organisers of ECIs that citizens lack awareness of this tool and the motivation to use it. For example, in many EU countries, citizens have been reluctant to share their personal information, such as identity number or address, out of a lack of trust in the process. Some also do not believe that participating in ECIs has any impact on the political process.

Should the ECI prove to be an impactful tool that allows citizens to have a say and influence future EU law and policy, it would give activists hope for a Europe, where they are truly empowered to make a difference. In the case of animal advocacy, it would also build confidence that the EU truly adheres to the recognition of animal sentience, as demonstrated by science and as included in the European Treaties,[25] which grant on paper, non-human animals the needed protection they deserve but is so far lacking in reality. We expect that this ECI will change the course of practices in animal agriculture and will also pave the way for much needed legislative reform in the sector, as citizens nowadays raise serious ethical questions about the farming of animals that have long been avoided or overlooked.

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[25] Article 13, Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union [2016] OJ C202/1 (TFEU).

How to support an ECI?

Dulce Lopes ∗

Although the main responsibilities in the procedure to register and successfully complete a European Citizens' Initiative are incumbent on the group of organisers (themselves or through the entity they have created for that purpose), they cannot do it all alone!

Indeed, the management and conclusion of a European Citizens' Initiative procedure is dependent on the participation of European Union citizens, either individually or through their involvement in associations, interest groups or non-governmental organisations. This begs the question: how could you be involved in a European Citizen's Initiative?

Naturally if you are already someone with a record of involvement and participation in national or international fora, for instance students' organisations, civic associations or non-governmental organisations, the work is already suited to you, once you have heard, through the channels of such organisations, from an ECI that is particularly close to your common interests and values! And afterwards, the organization you belong to might count on you to spread the word about the ongoing ECI and, besides signing it, to be an active force in gathering support from other people.

If you are not already involved in these types of organisations it should not dissuade you from participating! On the contrary, it is maybe time to develop your participatory skills and to advance your interest in European Union issues.

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It is a fact that not everywhere will you find projects such as the ECI: From A to Z project to help you in this task but you can also do it alone or, better, with a group of friends and colleagues, that share your ideas on how the European Union should develop its work on behalf of its citizens.

The first essential would be – as it always is – information. Get informed, check out what a European Citizens' Initiative is at the European Commission's portal on the ECI or go through your national ECI contact point website.[1] You will be given all helpful information in various formats (FAQ's, videos, newsletters, press releases). Are you interested already or do you still need to know more? Well, in this last case, this is why academic work and guidebooks like ours exist: to provide, based on legislation, practice and also prospective thinking, all the insights you need to be fully aware of the contours of the European Citizens' Initiative.

Now you know! And hopefully you feel stimulated to participate and to engage yourself in European Union affairs, using the European Citizens' Initiative tool. The question is what to do next – which initiative or initiatives to support and how to do it.

This is naturally a matter of choice but you can browse through the initiatives that are collecting statements of support easily on the relevant internet page. You can get in touch with the organisers, learn more about the initiative itself (you can find them in all the official languages of the European Union) and, if you feel you share the same concerns, sign the initiative to state your support either on paper (there are specific and separate forms, according to the nationality of the signatories) or online. In this case you will just need to identify your country of nationality,[2] click that you have read the privacy statement and the content of the citizens' initiative in question, declaring that you have not already supported the same citizens' initiative, and either use the eID of your country (available for sixteen countries so far) or fill in a form (by putting in the required data, which varies from country to country).[3] Almost immediately you will receive a confirmation and a signature identifier. It takes less than two minutes!

And yes, our vote counts! A European Citizens' Initiative can only be subject to the Commission's appraisal if the floor of 1 million signatures is reached and yours could be one of them! Indeed, all signatures, if validated by the Member States of nationality, count towards this minimum threshold.

And even if the main efforts of the organisers are understandably many times focused on non-profit organisations, businesses and other stakeholders, as well as

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[1] For a full list of national contact points, see https://europa.eu/citizens-initiative/how-it-works/implementation-national-level/contact-points-national-level_en (last visited 18 January 2023).

[2] Indeed, if you are a European Citizen but you live in another EU Country or on a third country, you can submit a statement indicating, always, your country of nationality. If you are a dual-national, you must choose one of your nationalities, since you may only sign once the same initiative.

[3] For more information see European Citizens' Initiative, 'Data requirements, Summary of the rules' available at https://europa.eu/citizens-initiative/how-it-works/implementation-national-level/data-requirements_en (last visited 18 January 2023).

the media and celebrities (because they will ask their many supporters to sign the ECI), reaching out to individual European Union citizens is also an undeniable and underlying concern. Without you and others like you the European Citizens' Initiative would simply perish.

Figure 1: ECI Infographics 2022 (available at: https://europa.eu/citizens-initiative-forum/sites/default/files/2022-05/ECI_Infographic_2022.pdf*)*

But is this enough though? You might have heard that just having 1 million signatures is not sufficient in itself, since Article 7 of Regulation establishes that the signatories of a citizens' initiative must come from at least one quarter of Member States and that in at least one quarter of Member States, signatories must comprise at least a minimum number of citizens corresponding to the number of the Members of the European Parliament elected in each Member State, multiplied by 750.[4] This aims to ensure that support for an initiative is spread among a sufficiently broad range of nationalities, and therefore that it corresponds to common and not particular interests. In any case, even if this threshold is not reached in your country, your vote still counts towards reaching reach the global 1 million signature mark.

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[4] For concrete thresholds, go to European Citizens' Initiative, 'Thresholds' available at https://europa.eu/citizens-initiative/how-it-works/regulatory-framework-european-citizens-initiative/thresholds_en (last visited 18 January 2023).
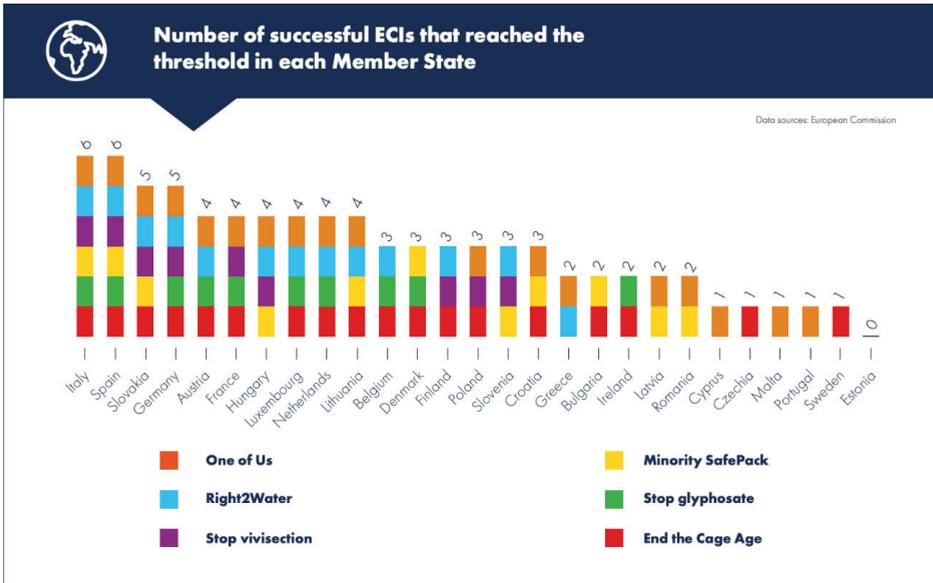
Figure 2: ECI Infographics 2022 (available at: https://europa.eu/citizens-initiative-fo-rum/sites/default/files/2022-05/ECI_Infographic_2022.pdf)

Besides signing one (or indeed several) European Citizens' Initiatives you can also help in the process of publicising it! After signing you can share it automatically in your social media or do it on your own by engaging family, friends and colleagues in your pursuit of a better European Union for all. Spreading the word is a big part of a successful European Citizens' Initiative and you can do a part of that work with little effort and great satisfaction.

If you wish to do more, just get in contact with active organisations in the field, in order to know how can you actively engage in advocacy efforts on behalf of the ECI. In addition, the ECI forum gives you a platform to discuss ideas with other people and organisers on ongoing initiatives and possible news initiatives.

Who knows, might you yourself turn out to be an organizer of the next European Citizens' Initiative?

Where can I find help?

Koldo Martín Sevillano *

Being involved in a European Citizens' Initiative is easier than it might seem. The process of researching the ongoing initiatives or the process of creating a new one if your topic of choice is not covered just needs two requirements: a willingness to get involved and an internet connection.

Once you decide to involve yourself in an ECI, there might appear some points on which you might need help. If that happens, where should you turn?

The starting point should be the European Citizens' Initiative webpage itself. Once you choose the language, you access the home page of the website and, depending on the questions you need answering, there are different things you can do.

If you just need a general overview of the process, you have a link leading to it (see how it works step by step).If you need answers to questions, the European Citizens' Initiative webpage includes a direct access to the ECI Forum.

The ECI Forum is operated by the European Citizen Action Service (ECAS) on behalf of and under contract to the European Commission. It is a very practical place to find relevant information because there you can find the questions on the ECI sent in by others, and perhaps your question has been answered before, but you can always pose your own questions and share your queries.

First of all, you should register in order to be able to use all of the functionalities of the ECI Forum (don't forget to read the terms and conditions in the Moderation and Privacy Policy). After filling in the data required, you will receive an email with

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a link. That email will allow you to create your password and will automatically log you in.

Once you are registered and logged in, first of all you should return to the homepage of the ECI Forum and take a look at the menu (you will see the menu highlighted if you click the link). Here you will have 5 useful tools at your disposal:

On the Learn option, you'll be able to know about some topics that, once more, could solve your questions before you make them:

- How to collect signatures
- How to draft and submit an initiative
- How to look for partners
- How to organize a campaign
- How to raise funds

The following option of the Menu is the Discuss one. It will lead you to a page where you can share your views, insights and experiences, and you can also post your contributions to other people topics. If you decide to share a new topic, you must bear in mind that it won't be published immediately (the moderators of the Forum will check it and it will be published within the next 24 hours).

If you want to do some research in the Forum to see if any of the ideas shared is similar to yours, you can do it applying the filters by keyword and category. You will also be able to see the most liked and most discussed ideas. This will allow you to find a network of people who might embark on an ECI journey with you.

The next option on the menu is a very useful and interesting one. It closes the circle around the European Citizens' Initiative. As you read, everything we have discussed before concerning where can you find help is "official", meaning that the ECI Forum is operated by the ECAS on behalf of and under contract to the European Commission. The Blogs option is useful for taking a look at other "non-official" sites on the internet related to the ECI. In this case, you can also filter the blogs by keyword and category so that it's easier to find what you are looking for.

Another interesting option on the menu is the Connect one. You can use this page to send email messages to people registered on the database (you can filter by country and area of interest). This is a way not only to share questions and find advice, but also contact potential co-organisers for your initiative.

Finally, if none of the preceding options helped to answer your question and you need some legal advice on the ECI, you have the Seek advice option, where you can get an assessment of:

- whether there is already EU legislation on the subject of the draft initiative;
- whether the draft initiative can meet the registration criteria, including whether it does not fall manifestly outside the Commission's powers and, if so, which Treaty provision(s) confer(s) this power to the Commission;

- whether other organisers have requested the registration of similar or nearly identical initiatives in the past and whether they met with success or not.

Moreover, the Seek advice option can be useful to get advice on campaigning and/or fundraising about:

- your networks in place;
- your base of volunteers;
- human and financial resources;
- communication strategies;
- access to funds, etc.

Why not get started right now?

Views from the Portuguese ECI Contact Point

Regina Quelhas Lima*
Graça Múrias**

Image: *Office of the Portuguese ECI Contact Point, Centro de Informação Europeia Jacques Delors (CIEJD), Lisbon.*

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Introduction

The European Citizens' Initiative (ECI) is the EU's first supranational participatory democracy instrument, and has been available to its citizens since 1 April 2012. It was introduced in Article 11(4) of the Lisbon Treaty and allows European citizens to propose legislative changes in areas of competence of the European Commission.

Through this instrument, provided that at least one million EU citizens from at least seven Member States come together, they can invite the Commission to submit a legislative proposal in any of the areas where it has competence.

After some years of experience, the European Commission, the European Parliament and the Council adopted new rules in the shape of Regulation (EU) 2019/788 on the European Citizens' Initiative, which entered into force on 1 January 2020.

One of the changes introduced by this Regulation was the creation of a network of National Contact Points with the mission of ensuring proximity to EU citizens and raising public awareness about the European Citizens' Initiative. The National Contact Points, as envisaged under Article 4(6) of the Regulation, provide information and assistance to groups of organisers on aspects falling within the national competence of the Member States and co-operation with the European Commission as regards information and communication activities.

At the current stage, National Contact Points exist in all Member States with different typologies, backgrounds and activities. To promote networking, in 2021 the European Commission initiated joint meetings to share experiences and exchange good practices. And in 2022 the Commission promoted the first face-to-face meeting, on the occasion of the 10th anniversary of the ECI, a practice that should be continued in the future.

National implementation

For EU citizens to be able to participate in these initiatives, each Member State should fulfil the necessary prerequisites to ensure effective procedures and clear conditions for participation for all those involved in the process, whether organisers or individual participants who offer their support to the proposed Initiatives.

To this end, in Portugal, a Collaboration Protocol was signed on 27 December 2019 between the Directorate-General for European Affairs, the Portuguese Immigration and Borders Service (SEF), the Institute of Registries and Notaries, I.P, the Institute of Financial Management and Equipment of Justice I. P., the National Office for Security, the Management Centre for the Government Electronic Network, the Agency for Administrative Modernisation (AMA) and the Jacques Delors European Information Centre (CIEJD).

The Collaboration Protocol regulates the attributions of each entity involved. Thus:

- The National Office for Security (GNS) is the competent national authority for the certification of online signature collection systems in Portugal;
- The Institute of Registries and Notaries, I.P (IRN) is the competent authority for the verification of statements of support from national citizens;
- The Jacques Delors European Information Centre (CIEJD) of the Ministry of Foreign Affairs is the designated National Contact Point for providing free information and assistance about the ECI.

National Contact Point

The choice of the CIEJD as the National Contact Point for the European Citizens' Initiative from 1 January 2020 took into account its extensive experience in disseminating information to citizens on European affairs.

As a matter of fact, since it opened in March 1995, the Centre has been a point of reference for its information, documentation, training and promotion services in the field of European affairs in Portugal, seeking to encourage the participation of all citizens, particularly young people, in the construction of the EU and in European life as a whole.

Thus, the Centre has a presence in several communication channels (namely those accessible through the Internet – Eurocid Portal and social networks), having an extensive and consolidated network of users. Moreover, it has been involved in several initiatives aimed at encouraging the active exercise of European citizenship, examples of which are various information campaigns such as "Citizens First" (1998), "Meetings with Citizens" (2018) or the "Conference on the Future of Europe" (2021-2022).

Between 2016 and 2021, the Centre was also the National Contact Point of the Europe for Citizens Programme, ensuring its dissemination at national, regional and local levels, promoting partnerships and ensuring support for national applications. The experience acquired, as well as the relationship of trust established with the partners, proved to be an asset for the dissemination and information activities developed as the National Contact Point of the European Citizens' Initiative.

What does the ECI National Contact Point do?

As an ECI National Contact Point, the CIEJD:

- Guarantees access to information, preferably in Portuguese;
- Promotes citizen participation;
- Provides a direct contact service in this field.

In the area of information, the CIEJD has designed and implemented a communication strategy to inform citizens and organizers of ECIs.

In this context, a dedicated ECI webpage has been developed on the Eurocid portal (www.eurocid.mne.gov.pt) that includes the most relevant information, based on the information provided by the European Commission's European Citizens' Initiative webpage and the European Citizens' Initiative Forum, in complement with national information.

Image: *Screenshot ECI Website.* **Source:** *Eurocid Portal*

The content on citizen participation in the Initiatives, with the total number of supporters of each Initiative and the relevant national levels of participation, is updated weekly.

Image: *Webpage Involvement in the European Citizens' Initiative.* **Source:** *Eurocid Portal*

The ECI is also publicised through the different channels that the CIEJD has at its disposal to communicate with its users, namely through its monthly newsletters and different social networks, such as:

- Facebook: (https://www.facebook.com/CentrodeInformacaoEuropeiaJacq uesDelors and https://www.facebook.com/BibliotecaJacquesDelors)
- Instagram (https://www.instagram.com/centrojacquesdelors) and
- LinkedIn (https://pt.linkedin.com/company/centro-de-informacao-europe ia-jacques-delors).

A specific newsletter "ECI News" was created to strengthen proximity to EU citizens and civil society organisations. It is sent to its subscribers whenever there is relevant information to be shared.

To reach out to young people and school communities, the CIEJD develops pedagogical content (such as quizzes and alphabet soups), distributed via SlideShare.

Another way of raising awareness of the ECI is through the organization of sessions and debates. In this chapter, collaboration with the European Commission Representation Office has proved important, through the development of joint projects and initiatives with the Europe Direct Centres in Portugal.

Finally, the CIEJD has a dedicated line to the public, which is provided via the email address: ice.portugal@ciejd.pt and the telephone number +351-211225046.

Images: *Examples of pedagogical content on the ECI developed by the CIEDJ.*
Source: *infoeuropa.eurocid.pt*

Conclusion

The extent and impact of the ECI largely depends on people's involvement and their willingness to participate in the European decision-making process.

It is therefore crucial to make a shift in the current paradigm from a scenario where citizens feel that their voice is not heard to one where they believe that their opinion can make a difference by helping to shape the European Union's policies.

To contribute to this goal, the European Commission has created 'ECI Ambassadors' to promote debate and encourage citizens to take action on causes that matter to them. There are currently 27 ambassadors active in 21 EU countries, including one in Portugal.

The European Citizens' Initiative is a unique instrument in which everyone has the opportunity to participate. Inform yourself, participate and SPREAD THE WORD!

Part II: About the Project European Citizens' Initiative from A to Z

Purposes of the Erasmus+ Project ECI from A to Z

*Tamara Álvarez**

The purpose of the Erasmus+ project ECl From A to Z was to contribute to the development of competences and skills in higher education systems (universities). The formal curricula provide higher education students with the basic framework to develop their professional activities, but in general they do not take into account the need to promote civic engagement and participation in several spheres of public life.

This project aimed to fill this gap and provide a structured offer within the participant organizations that allow for the development of civic engagement and participation skills within a higher education environment. The aim was that it would constitute a life-long experience that would accompany students for the rest of their lives and provide them with tools that they can and probably will use in their path to an ever-increasingly active and inclusive citizenship.

Indeed, as is well known, European Union law syllabuses tend to devote very little time to explaining the ECI due to time constraints. Given the technical and legal difficulties in terms of effective participation, the project had aimed to provide students with conceptual and technical tools, thereby encouraging more effective, conscious and transparent participation.

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As a whole, the intent the project was to develop new methods and tools for learning processes that were to be applied in a collaborative and practical way (learning by doing) in which students were the co-constitutive creators of their own European Citizens' initiative.

Therefore, besides sharing knowledges about the ECl, this project promoted collaboration and inclusiveness as well as helping to find and define subjects of common concern.

The project certainly had a positive effect on:

- Students directly committed to the project, who were given the possibility to experience a new instrument and methodology with colleagues from other backgrounds and universities (University of Coimbra, Georg-August University of Göttingen, Alexandru Ioan Cuza University of Iaşi and University of Vigo);
- Other Students and those who had wished to participate more actively in public life and who thus achieved the basic knowledge and tools to do so (such as students or lecturers from other universities, local authorities, etc.);
- Researchers and tutors, whose teaching, coaching and social skills had been highly augmented by the general concept of the project and by the several activities and outputs it had entailed;
- Other Researchers and tutors who felt motivated by the project and moved to replicate it in their Higher Education Institutions;
- Stakeholders who had been involved during the project or had been affected by it in their areas of activity (for instance, by one or more of the topics chosen by the students to be subject of an ECI: ensure security for refugee mobility; the right of erasure – aimed at granting protection regarding one's online presence and digital signature; the redefinition of EU's tools and actions in the field of aid and assistance provided to vulnerable groups in case of grave humanitarian crisis or the creation of a transparent EU GI protection system for non-agricultural products);
- Legislative and political actors who had had contact with the project and might use it as a platform for discussion in their own strategies and activities (Civil Society Liaison Group, European Economic and Social Committee);
- The community of European Union citizens since this project had raised the bar regarding participation within the European Union, leaving behind a trail of activities and outputs (on-line and on paper such as the Web https://eci-az.eu; or this workbook) that will continue to encouraging the expression of opinions and the active participatory abilities of youth.

ECI from A to Z involved 4 universities: Universidade de Coimbra (Portugal), University of Göttingen (Germany), Universitatea Alexandru Ioan Cuza din Iaşi (Romania) and Universidade de Vigo (Spain). The project partners were selected according to the general idea of "combining extremes". For that reason, there were

universities from both ends, geographically-speaking, of the European Union, and younger universities, such as the Universidade de Vigo, involved alongside the more traditional ones. This combination of partners was in line with the objectives of promoting engagement and active citizenship that were essential to the project. The purpose of the project was to build bridges and find common grounds of under-standing between students from different types of higher education schools, so the selection of partners also took into account criteria such as diversity and multicul-turalism. Furthermore, both gender criteria and different vulnerabilities were taken into account in the choice of faculty and students.

The project was carried out in full cooperation between all Universities and counted with the participation of students from different areas, backgrounds, gen-ders, etc., as the very nature of the European Citizens' Initiative requires a transna-tional approach to shared interests and values.

The aims of the project were met, as will be seen in the following contributions. As a whole it might be said that the project activities conducted were useful to the following aims:

- to strengthen young people's capacities for active participation (online semi-nars);
- to raise awareness of the importance of developing EU law through partici-patory mechanisms (seminars on participation in the European Union);
- to promote multidisciplinary work and find common issues of interest in an international and inclusive environment (working groups with students from different Universities);
- to promote engagement with and a sense of belonging to young people who feel alienated from EU policies and institutions (through an activity that con-sisted of developing their own citizens' initiative);
- to develop English language and technological skills to students (meetings, activities);
- to provide knowledge about European integration, institutions and opportu-nities for science and engineering courses (ECI e-learning course);
- to engage the students to discuss their views on the ECI and to discover common ideas and joint proposals (ECI Models).

Online Course on ECI

Sílvia Nolan*
João Costa e Silva**

In this section we will seek to answer the questions: Why? When? Where? What? How?... an ECI online course.

In recent years, online education has increasingly been considered by higher education institutions as a viable alternative for those that need geographic and chronological flexibility, while still obtaining high-quality education or training. This awareness was enhanced during the COVID pandemic due to the need for a response to the problem of social distancing imposed on students and teachers.

The ECI course considered both these variables, indeed as they had been included beforehand in the design of the ECI project to enable students from all four partner countries to participate, but the need was also reinforced due to the pandemic that occurred during the timeline of the project, which restricted mobilities.

Why an online course?

Worldwide there is increasing and generalized access to and use of technology and connectivity in all dimensions of life: personal, work, or school-related. Higher Ed-

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ucation Institutions have developed distance learning strategies and created opportunities to develop pedagogically rich learning environments that support the teaching and learning process without the need for a simultaneous physical presence.

The Distance Learning Unit of the University of Coimbra (UC_D), created in 2010 by decision of the rector, was built upon the University of Coimbra's (UC) long experience in research and use of information and communication technologies (ICT) for educational purposes. That experience, hand-in-hand with the scientific knowledge of UC's academics and the support of a distance learning team with expertise in instructional design, led to the development of a comprehensive training programme that includes courses from all Faculties, but also led to UC_D's participation in national and international projects where its expertise is required to train trainers for online learning environments or to develop online courses, as was the case of the ECI: from A to Z project.

The *European Citizens' Initiative: A Tool for Engagement and Active Citizenship (ECI: From A to Z)* course is one of the outputs of the project. It aimed to introduce the ECI to students from the 4 partner countries - Germany, Portugal, Romania, and Spain – prior to the work they would develop in the ECI Model. The fact that students, teachers and tutors, all from the partner countries, were in different locations, along with the need to have a self-paced course in order to provide flexibility to all those involved, made it clear that a distance learning course would be the most suitable mode of delivering this ECI course: 54 hours, 8 modules, all fully delivered online and asynchronously, over a period of approximately 2 months. The learning management system (LMS) used was Moodle.[1]

How was the ECI course designed and developed?

The design and development of an online course rely on the scientific knowledge of academics, but also greatly on the instructional design. The distance learning courses developed by UC_D rely on a joint effort between the teachers and UC_D, combining their scientific and distance learning dimensions. UC_D's instructional design methodology continuously assesses whether the pedagogical strategies and resources used in each course are suitable for students and whether they enable them to achieve the course's learning objectives.

The ECI online course design and development were dynamic and collaborative, following UC_D's instructional design methodology, where academic team and instructional design team work closely and in permanent interaction.

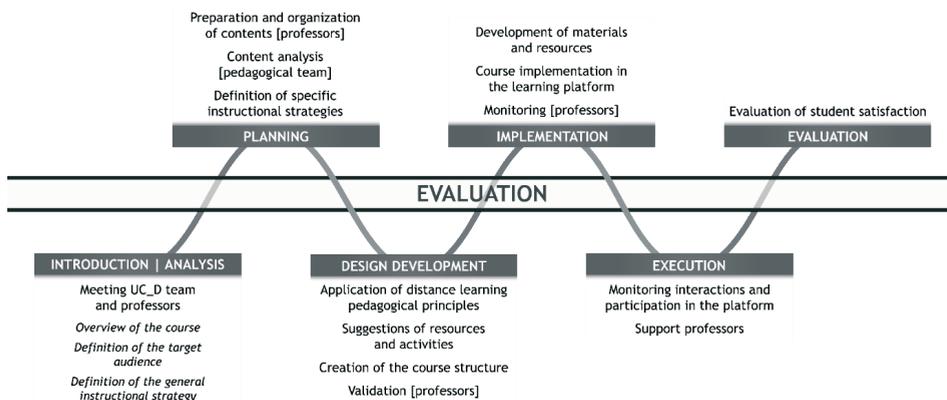[1] Modular Object-Oriented Dynamic Learning Environment

Figure 1 – *UC_D's Instructional Design Process.* **Source:** *Distance Learning Unit of the University of Coimbra*

One of the first steps in the process was to establish the course structure. After analysing the course syllabus and the learning outcomes, we established that each module would follow a content script, which included content in text, video, images, and diagrams. In addition, there would be formative and summative activities.

The instructional design team provided some guidelines and forms to support content development:

- **Video Production Guidelines** give content authors guidelines for independent video production. They also give production teams guidelines on video requirements.
- **ECI Content Script** enables us to collate all contents for the module. At the end, we should have the narrative of the module organised as it will be implemented in Moodle.
- **ECI Activity Script** enables us to collate the pedagogical information to provide to students, but also so we can set (technically) the activity on Moodle.

A development timeline was established, and the following guidelines were considered:

- the academic responsible for each module was to be established;
- the modules' scientific contents were to be delivered throughout the development period, so as to allow implementation to occur continuously;
- when the instructional design team completed the implementation of each module, the academic responsible for the content creation was informed and requested to validate the content and implementation;

- the instructional design team would implement the corrections and the validations as they arrived;
- a final validation and testing would be done by all academics participating.

With this work plan in place and underway, the instructional design team proposed a course structure which was implemented on the learning platform, aligned with the main goals of the course, with the type of content developed, and with the required dynamics of interaction and communication.
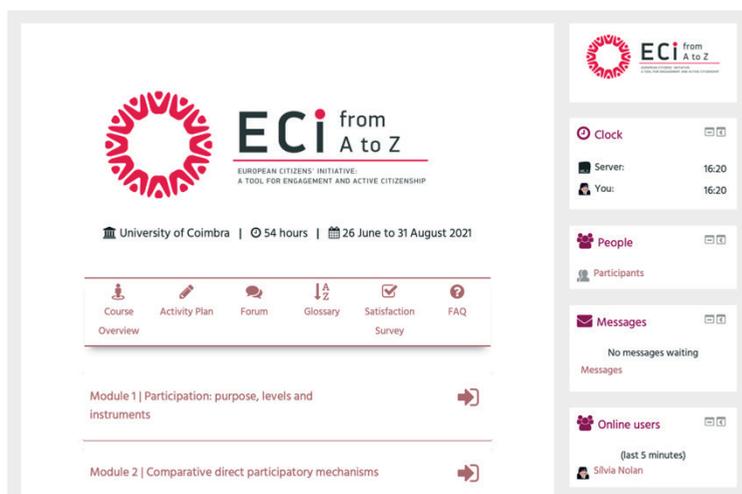
Figure 2 – ECI course structure implemented on Moodle

The course structure has a general area in the entry page that includes:

- **Course overview** presents the framework of the course with a video where the course coordinator welcomes students and presents the course; the course overview also includes a description, the learning outcomes, the syllabus, the methodology and the instructors.
- **Activity Plan:** this is where students can check, at any given time, the activities they have to do, their type and if they are formative or summative. This is a very important instrument for students to plan their work and self-regulate their learning process.

Module 1 | Participation: purpose, levels and instruments

Activity	Typology	Evaluation	Assessment
Quiz 1 | Importance of participatory mechanisms	Quiz	Formative	n/a
Quiz 2 | Participation in public consultations	Quiz	Formative	n/a
Final Activity	Quiz (5 questions)	Summative	2.5/20

Module 2 | Participatory legal mechanisms from a comparative perspective

Activity	Typology	Evaluation	Assessment
Final Activity	Quiz (5 questions)	Summative	2.5/20

Module 3 | European Citizenship

Activity	Typology	Evaluation	Assessment
Final Activity	Quiz (5 questions)	Summative	2.5/20

Figure 3 – Activity Plan

- **Forum:** where students can communicate and interact both with instructors and other students. Given that it is the only forum in the course, any type of issue can be addressed, whether it is scientific, pedagogical or technical.
- **Glossary:** this resource includes the main concepts and aims to help students better understand concepts presented in the contents of the course.
- **Satisfaction Questionnaire:** based on student satisfaction, it is important for pedagogical and technical improvements in future editions.
- **FAQ:** in this course the frequently asked questions function as small technical tutorials to help participants navigate the learning platform.

When participants enter the course, they will also see the course structure itself. A menu with the 8 modules is presented. These are sequential and are open at all times, providing a self-paced approach, although there is a beginning and end date for the course.

Figure 4 – *Modules menu*

Each module was designed according to a particular structure, based on the content script, and it contains relevant pedagogical information to guide the learner on the platform and to promote autonomy. This information includes a summary of the module, the learning outcomes and a roadmap. When entering the module, the student will have access to a content area in which contents are presented in different formats; a list of mandatory and additional references, and activities (both formative and summative).

Figure 5 – *Module page*

What happened during the ECI online course?

During the ECI: from A to Z project, two editions of the online course took place. The 1st edition took place 26 June to 31 August 2021 and 91.5% of the students enrolled accessed the course and 86.2% of those completed it with a passing grade. The 2nd edition took place from 13 June to 31 August and 83.1% of the students enrolled accessed the course and 75.5% completed it with a passing grade.

Table 1 – Course enrolment, access and completion indicators

	Enrolled	**Accessed**	**Completed**
1st edition	71	65	56
2nd edition	77	64	49
Total	148	129	105

Throughout the course, the pedagogical team monitored students' progress and achievement. As can be seen in table 2, students' interaction with contents was high and their completion rate for the summative activity in each module was also fairly high. When comparing results for the two editions we can conclude that achievements in the first edition where higher than in the second edition.

Table 2 – Interaction of students with content and activity completion rates

Students' interaction/ achievement per module	Interaction with contents		Activity	
	1st ed	2nd ed	1st ed	2nd ed
Module 1 | Participation: purpose, levels and instruments	65 (100%)	59 (92.2%)	56 (86.1%)	51 (79.7%)
Module 2 | Comparative direct participatory mechanisms	60 (92.3%)	53 (82.8%)	58 (89.2%)	49 (76.6%)
Module 3 | European Citizenship	59 (90.7%)	51 (79.7%)	57 (87.7%)	50 (78.1%)
Module 4 | ECI: goals, regulation, procedure	59 (90.7%)	51 (79.7%)	58 (89.2%)	50 (78.1%)
Module 5 | Active Citizenship and the Powers of the European Commission	59 (90.7%)	51 (79.7%)	57 (87.7%)	50 (78.1%)
Module 6 | European Citizens' Initiative experiences in several fields	58 (89.2%)	50 (78.1%)	56 (86.1%)	50 (78.1%)

Module 7 | Technical and administrative aspects of the ECI	59 (90.7%)	51 (79.7%)	56 (86.1%)	50 (78.1%)
Module 8 | Evaluation of the ECI Participatory Mechanism	59 (90.7%)	52 (81.2%)	51 (78.5%)	48 (75%)
Average	59.8 91.9%	52.3 81.6%	56.1 86.3%	49.7 77.7%

What do students think about the ECI Course?

Aiming for the continuous improvement of the course, at the end of each edition we asked students to fill out a satisfaction survey, so we could assess their perceptions and opinions of the course they took. The satisfaction assessment survey was anonymous, optional and it was available from 26th June to 10th October 2021 (1st edition) and 13th June to 20th October 2022 (2nd edition). A total of 15 students (23%) answered the questionnaire in 1st edition and 19 students (29.7%) answered in the 2nd edition.

The questionnaire includes a total of 21 questions: 20 are mandatory and 1 is optional. In the first part of the questionnaire, socio-demographic data was collected (age, gender, academic qualifications, and country). Satisfaction was measured according to the following dimensions: the learning platform (usability and user experience); course (content and activities, resources, instructors' role and performance, interpersonal relationships, and teaching methodology); overall satisfaction (most interesting topics, most important and useful topics, strengths and weaknesses); expectations; and knowledge (before and after the course).

In this work we will not go into detail on the results of the questionnaire, however we would like to highlight the positive feedback from students, who confirmed that:

- The platform was easy to use.
- The course structure was well organized.
- The contents were appropriate and are applicable.
- The activities were useful.
- The evaluation methodology was adequate considering the objectives.
- Their level of knowledge increased with the course.
- The instructors were supportive.
- The instructors gave timely feedback.
- They did not feel conditioned by interaction happening only online.
- The course met their expectations.

Students highlighted the strong points of the course as being the good organization of the information, the user-friendly platform, the clearness of the contents, the variety of resources, the flexibility, and the self-paced mode of the course. There were also some weak points stated by students: the weak interaction, absence of videos in some modules, repetitive texts amongst some modules, and an extensive bibliography.

What future will the ECI online course have?

Overall, in the 1st edition, 100% of the students stated they would recommend the course to other colleagues, and in the 2nd edition, 95% stated the same. This is a very positive indicator which also leads us to believe choosing an online course to deliver the contents proposed for this ECI: from A to Z proved to be a suitable option.

Based on the students' feedback, on the instructors' assessment of the course, and the pedagogical team's perception, the course will be reviewed to make improvements for a new edition that will benefit from all that has been learned throughout all the phases of the instructional design of the ECI online course. The aim is to keep the course active, alive and useful for all those that intend to take it.

Introductory Sessions and Intensive Course on ECI

Elena Rusu Cigu *

Introduction

The core purpose of the ECI project – and, also of the intensive course and introductory sessions to ECI - was to develop new methods and tools for learning processes that are to be applied in a collaborative and practical way. The hope was that students feel motivated by the teaching, content, videos and activities to become a co-constitutive creator of their own European Citizens' initiative.

The intensive Course on ECl was conceived as an intensive programme for higher education students (those in the project and other who wish to join), which intended to be a formative offer within the project. In the first year of the project this course was held under the format of Introductory online sessions, given the Covid-19 pandemic; while in the second year it was held in-person in Iasi, Romania.

This formative offer is very important since it will put the students on an equal level in the project and will allow them to fully engage and benefit from it. However, it doesn't have only a theoretical vein; it has a very practical purpose and approach. In this intensive course workshops and the participation of those already committed to actual ECIs are envisaged, adding a relevant element of practicality and feasibility to the project.

This activity was intended not only for students who are directly included in the project, but also for other students, mainly from the host partner (Alexandru Ioan Cuza University of Iasi, Romania) who wished to participate. This intensive course

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marked the beginning of the project for students who are experiencing their first "material" contact with the ECI, its scope and aims and is, therefore, a first involvement stage in the scope of the project.

The intensive course on the ECI has an added value to learning, teaching and training activities within the scope of the project and its relevance afterwards since many of the processes and conclusions reached will be translated into the long-lasting E-Learning Course on ECl, the Workbook on the ECI and the articles on it, which will be open-access instruments.

Activities Goal

The main purpose of the Intensive Course was to provide essential knowledge on the ECI and to debate the main tools and instruments for participation and presenting former European Citizens' Initiatives with participation of the parties and former ECI organizers involved, to gather information, knowledge and good practice. Successful participants were awarded a certificate of attendance.

Intensive Course Structure

The Intensive Course addressed the following topics:

- Participation levels and instruments;
- Comparative direct participatory mechanisms; European Citizenship;
- European Citizens Initiative: goals, regulation, procedure; Powers of the European Commission;
- Evaluation of this participatory mechanism;
- ECI experiences in several fields.

Image 1*: Introductory online sessions 2021. Screenshot of the session*

The instructors of each module prepared the content, videos, and interactive activities autonomously but coherent with the other modules. As a result, the intensive course showed the importance of participation in general and that of the European Citizens' Initiative as a tool for further engagement and involvement in European Union affairs.

Learning Outcomes

At the end of the ECI online course students were able to:

- Understand the main direct participatory mechanisms that they may use;
- Understand how the European Citizens' Initiative works;
- Understand how the European Citizens' Initiative has continued to develop over the years;
- Realize the relevance of being an engaged European citizen;
- Grasp the importance of group working in order to voice common concerns;
- Be motivated to use the European Citizens' Initiative in the future, either as an organizer or as a supporter.

Technical Aspects

The activities were held twice, in 2021 and 2022, with the participation of different students (one group of students each year), in order to allow for a wider debate and discussion basis and also for the adequate monitoring and evaluation of the activities and the results reached.

Organisational responsibility rested with the Alexandru Ioan Cuza University of Iasi. Although the project was initially proposed as an on-site course in Iasi (Romania), due to the COVID-19 pandemic it took place online in 2021, student participation was complete, and the objectives of the course were achieved. For the second year, the course took place in Iasi, with the participation of 40 students from the different partner universities.

Image 2: *Some of the attendees of the Introductory Sessions in Iasi 2022.*

Peer Learning Activities

Silviu-Mihail Tiță *

Peer Learning represents any strategy that involves the collaboration of ECI project team members/students in both a formal and informal learning situation. The creation of international student teams is, in many situations, a difficult activity because the cultural differences and cultural experiences of the participants are aspects that must be considered by the tutors or the project teams. Thus, within the ECI project, peer learning exercises are very important and, if properly applied, will decisively contribute to the achievement of the project's objectives. According to educational literature, the main steps of peer learning can be summarized as follow: i) understand our team's values, concerns and preferences; ii) establish international peer learning teams; iii) present the requirements and constraints of the future training program; iv) define principles and content of peer learning program; v) programme development and implementation; vii) programme monitoring and evaluation; viii) change management.[1]

Activity 1: The on-line/off-line exercises "to break the ice"

The first activity is to get to know the participants and for this first stage we can consider some Ice Breaking exercises through which the students from the countries participating in the ECI project can exchange opinions about the countries

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[1] S. Williamson, L. Paulsen-Becejac, 'The Impact of Peer Learning within a Group of International Post-graduate Students - A Pilot Study', *Athens Journal of Education* 5 (2018) 1, 7-28.

they come from. The proposed exercise can be: 1) Ask them questions about age, nicknames, occupations and general demographic make-up of the students. 2) Also ask questions about the local foods, popular places, popular TV shows and stars, local cars, cultural values, local traditions and any other topic that might relate to the daily lives of the students.

Activity 2: Workshop "Empowering the Younger Generation by using the European Citizens' Initiative"

The common interests of the younger generations and their ability to change aspects of daily life through the European Citizens' Initiative are important issues to be discussed in the workshops. This is because the purpose of a workshop is to introduce new ideas, to inspire the participants to search and identify the unknown aspect, or to allow the project team to present ways of implementing their objectives. The exchange of opinions between the participant and the project coordinators, all on a topic of interest, leads to a good understanding of the requirements that later generate expected results.

Image: *Participants during the ECI Introductory Sessions in Iasi, May 2022.*

Activity 3: Who are we? Our European identity

Doing activities together creates cohesion in international teams, which is why we consider that identifying the specific national identities of each participating country is an opportunity to collaborate between students, teachers, staff and discover more interesting aspects about the European Identity of Portugal, Spain, Germany and Romania. Making groups of 5 students (less/many), to make a presentation on: culture, traditions, geography, data on European integration, specific legislation, music

in vogue, vlogs in vogue, tik-tok, the best songs for karaoke etc., it is an activity that will help us discover "*Who are we*".

Activity 4: Focus Group, "Being an Active European Citizen"

Planned and organized group discussion to solicit opinions on a strictly defined area of interest, in our case "*Being an Active European Citizen*" conducted in an open-minded environment; the discussion is relaxed and often enjoyable for participants to share their ideas and insights; group members influence each other by responding to ideas and comments, allows the identification of students' opinions regarding current issues in the European Union related to sustainable development goals. The wide range of discussion topics allows the moderator to address different aspects of daily life related to Active European Citizen with the aim of achieving the project's objectives, *European Citizens' Initiative: A Tool for Engagement and Active Citizenship* and facilitating discussions between students from the participating countries of Portugal, Spain, Germany and Romania.

Activity 5: Brainstorming "New European Active Citizen"

The current and future problems of the European Union are diverse and the brainstorming technique, which allows for the generation of a large number of creative ideas at the level of the student group participating in the project, is a useful and exciting exercise.

Creating a pleasant environment as a moderator in which each participant comes up with plenty of suggestions and then discussions for choosing the optimal solution with the theme of identifying the participants' vision regarding the future active European citizen in 2040. The application of specific techniques such as: *Time travel* (ways to approach the problem through a journey into the future); *Teleportation* (being a multicultural group, different opinions can be identified from the perspective of cultural/national values); *Attribute change* (the vision regarding European citizen assets, if you had a different gender, race, nationality, because the changes generate a specific way of thinking); *Role storming* (how you think someone else would see the future situation, your parents, the teacher who attracts you to university, your best friend); *Mind Map* (starting from the ideas generated by the group, make a map with the identified concepts, ranked and on different categories and subcategories); *Brain writing* (each participant writes opinions on a piece of paper which will later be passed to the group of participants to be fleshed out with other ideas); *Reverse thinking* (each member of the group thinks what the others would do and then we can ask them to do exactly the opposite).

The creative ideas obtained through the proposed activities will be taken over by the management team to support the objectives and learning requirements specific to Peer Learning.

Online Presence and Gamification Strategies

Alexandra Aragão*
Dulce Lopes**

The ECI From A to Z project can easily be found online. One of the initial deliverables of the project was the establishment of a website with a distinctive image and a specific logo where all the information on the project and on the most relevant aspects of the European Citizens' Initiative could be found: the https://eci-az.eu/. This website, along with the presence of the project on social networks (Facebook, Instagram and Twitter) made it easier to convene new ideas, get support from natural and legal persons and disseminate the project's initiatives.

The website is structured in a very simple way showcasing the partners and participants of the project and its main outcomes. In addition, creative student views on the ECI in poster form, videos and sound were included (in "About the project") and three-monthly Newsletters (in "Home") were produced giving a dynamic view on the project's advances but also on its difficulties, mostly given the fact that the first year of the project coincided with lock downs due to the Covid-19 Pandemic.

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Image*: ECI from A to Z website*

The News included on the website also showcases the presence of the project on other online sites and platforms [as is the case of two blog contributions made to the ECI Forum] as well in the more traditional news media, such as newspaper coverage of Project events.

Individually a website and an active online presence would not merit a specific mention in a workbook. However, the online strategy of the Project went further than this and incorporated an online game titled "Raiders of the lost European Citizens' Initiative" (available at https://eci-az.eu/game/).

The educational game "Raiders of the Lost European Citizens' Initiative" was designed to be used as a gamification strategy for the European Erasmus+ project ECI from A to Z. This is a first-person adventure game where the players have to explore their environment and investigate the clues left behind to try and piece together what has happened to their lost friend. Players will be able to interact with objects and talk to people to collect information that might help lead them to the truth. It is an escape room game, which means that the goal is to find a way out of a room by solving puzzles. The puzzles require the players to use their intelligence, problem solving skills, and creativity to get out of the room.

The game has been designed to provide an exciting and challenging experience, and the puzzles are designed to make the players think outside of the box. As players progress, they will uncover parts of the mystery and eventually be able to solve it and find their missing friend. Players take on the role of a detective and must unravel the clues to solve the case. They are presented with evidence and must use their deductive reasoning to piece together the story and uncover the truth.

Image: *The Raiders of the Lost European Citizens' Initiative – Screenshot website. Game concept by Alexandra Aragão - Game design by Nuno Beirão*

The history of the game starts with a mystery to be solved:

"The vacations are almost over and Daniel, a university student in Strasbourg, France, has been missing for over a week. He has no posts on social networks, and the last messages sent to him by chat have not even been viewed and his large group of friends does not know where he is. Something strange must be going on!

In his last message on social networks, Daniel posted a selfie at home working on a new project to change the lives of millions of people for the better.

But what could have happened to him? It's time to get down to business and find out what happened to Daniel. Perhaps the most prudent thing to do is to start by looking for him at his last known address ..."

The main European concept addressed in the game is the European Citizens' Initiative and the process for starting an initiative until it is approved. Players will also learn about which initiatives have been approved until now, and how many signatures are necessary to make a successful initiative.

The game starts with a scenario of a closed door where a trance version of the European anthem is being played. To open the door, the players must discover a code that is associated with the Lisbon Treaty. The players must search for clues in the scenario to determine the code. Once the code is found, the players must enter it into the keypad beside the door. The door will open and the players will be able to progress to the next part of the game. In the next scene of the game, the players are provided with information and hints on the European Union and the European Citizens' Initiative. They need to work out the code to open a safe and interact with someone on a computer to get more information about the European Union and the European Citizens' Initiative.

Next the players are transported to Strasbourg, in France, to explore the European Parliament and learn more about the European Citizens' Initiative. Players learn about the history of the initiative, how it works, and the different ways citizens can get involved. They will also understand the potential impact of successful initiatives and how it may affect policy decisions. By completing each scenario, they will gain a better understanding of the European Union and the European Citizens' Initiative.

The target players of the online pedagogic game are first cycle (undergraduate) or second cycle (masters) students of different nationalities and from differing scientific backgrounds. The game is designed to provide an interactive learning experience that encourages communication in English between players. The game focusses on fostering collaboration between players from different backgrounds and experiences.

The main purpose of the game is to convey relevant knowledge on the European Union. Through the game, players learn important concepts about the European Union. The game has been designed to encourage students to think critically and to learn more about the European Union's institutions, European citizens' rights and the outlying European regions while also having fun with their peers.

This game is designed to be both educational and fun. The point-and-click gaming format has been used to make learning about European concepts engaging and enjoyable. Players can explore the game world and interact with characters to learn more about the initiatives, the EU's structure, and the process for approving initiatives. By making learning about European concepts interesting and interactive, players will be better equipped to understand the importance of initiatives and the European Union. This game can serve as a helpful and entertaining way to learn about the EU.

This game was created using open access static images, GIFs and free sounds from open access databases. The images and sounds were chosen to provide a fun and engaging experience for the players. The images were carefully selected to depict the game's setting, characters, and objects, while the sounds added an extra layer of realism and atmosphere.
This is an online game that can be accessed for free and without having to register on a gaming platform. Playing the game only requires a computer and access to the internet.

At the end of the game, the students will have learnt about the EU institutions involved in an initiative, the legal basis for citizens' initiatives, and also which initiatives have been successful. They will have taken on the necessary knowledge to take part in European Citizens' Initiatives and be informed citizens of the European Union, in particular about the European outermost regions.
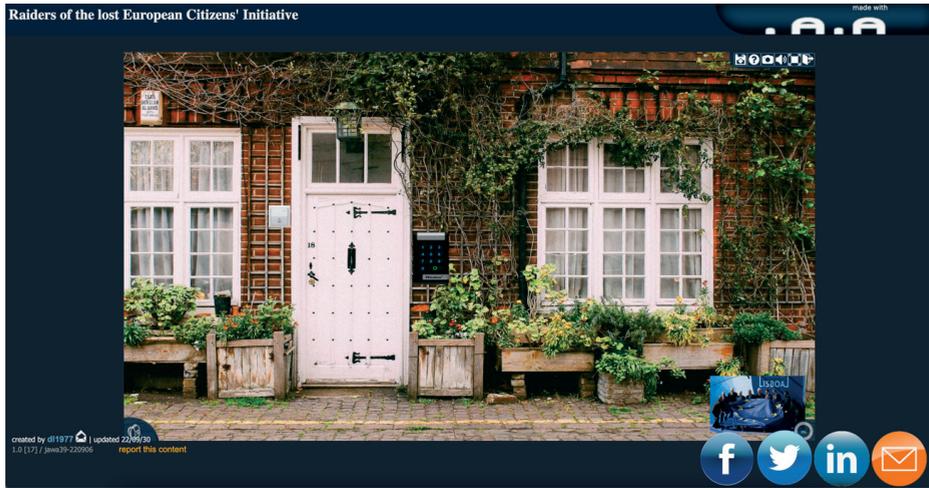
Why not give it a try?

Image. Opening image of the Game. Source: https://eci-az.eu/game/

Models ECI

Agata Daszko *

Background

One of the main goals of the project was to provide students with the tools and confidence to create their own ECIs. To this end, the final part of each cycle of the project required participants to work in teams and design their very own initiatives, in line with the knowledge they had acquired through the previous stages of the project (mainly the online course and the peer learning activities). Each team was made up of representatives from each university and averaged 7 persons. Teams, supervised by a tutor, were encouraged to get together and discuss their ideas prior to the meetings in Vigo (for the first cycle, March 2022) or in Göttingen (for the second cycle, October 2022). Various communication and project management tools were used by students at this stage, further developing their digital and team-work skills. The purpose of those preparatory meetings was, firstly, to agree on the topic of the ECI; secondly, to discuss ideas and division of labour; and thirdly, to review and streamline the research conducted. Tutors were usually present, mostly to guide the discussion and provide feedback on the ideas when needed. These online meetings were invaluable as they resulted in students being able to quickly settle in during the final in-person stage of the project with a much clearer idea of what their group's ECI would be. The in-person events in Vigo and Göttingen each

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lasted five days, whereby on the first two days the students were working together in their groups preparing the submission of their chosen initiative, following the format provided for this on the actual ECI website. To this end, the groups had to come up with the name of the initiative, describe its background and objectives (in detail), propose a legal act (if desired), and even come up with a logo and a website. Consequently, this stage of the preparatory work helped to develop participants' writing skills and required them to use various design software programmes. The aim of asking the groups to submit their initiatives in the same format as that used by the EU was to show participants how the procedure works 'in real life', and especially what the administrative and practical requirements are. At this stage, the participants also had to indicate what the legal basis for their proposals was, requiring the groups to familiarise themselves with the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), and also any applicable EU Directives. This part of the process was especially valuable for the development and improvement of students' legal skills. After the submission, the teams spent a further day preparing their presentations, which were subsequently given on the fourth day. The presentations were conducted in front of the whole cohort as well as persons non-affiliated to the project, who were acting as the European Parliament. The 'MEPs' were volunteers made up mostly of faculty members of the corresponding universities (University of Vigo and University of Göttingen). Students were thus tasked with presenting their initiatives in front of at least 60 people in a time-frame of 15 minutes, which was then followed by questions from the 'Parliament'. This part of the project was especially important for the development of public-speaking skills and for bolstering the confidence of the participants.

Model ECIs: Overview

All in all, working in teams, over the two cycles of the project students have come up with a total number of 15 original ECIs. The 'originality' of the proposal was one of the main requirements, and students had to make sure that there had not been similar ECIs launched in the past.

The ECIs proposed ranged greatly in subject-matter, reflecting some prominent but also some more 'under-the-radar' problems faced by Europe. Consequently, around a third of all initiatives dealt with various climate-related issues: plastic packaging; pollution related to clothing industry; food waste; dangers associated with microplastics; social and climate problems associated with over-tourism; and energy transition. A further four initiatives concerned the still-ongoing issues facing asylum seekers and refugees in the EU. The initiatives concerned looked at the improvement of Frontex; migration security; improvement in humanitarian aid for people with disabilities; and provision of better protection at sea. Another three initiatives could be categorised under a broader heading of 'human rights'. These initiatives considered issues of protection of personal data; provision of free sanitary products;

and more consistency and transparency in adoption processes in Europe. Further two initiatives were perhaps more specific with one looking into improvement of policy regarding geographical indication for EU handcrafted products; and the final initiative hoped to provide for more transparency in EU employment practices and limit the influence of lobbying in EU institutions.

All presentations tended to follow a similar structure, in that they first outlined the problem and provided for some statistics (e.g., with reference to plastic packaging, the group highlighted that 55 million tons of plastic were generated in 2020), following which the groups considered the applicable legal rules (e.g., with reference to various ECIs concerning refugee rights, the groups tended to cite Art. 18 EUCFR, Art. 78 TFEU, 1951 Geneva Conventions etc.), before outlining the ECI's objectives and goals. Many groups also chose to include (fictional) statistics on the success of the given ECI to illustrate to the Parliament how broad the support for their ideas was. In addition, some groups have also set up websites and even real social media profiles for their initiatives, showing a high level of engagement with the project.

Most of the questions asked by the Parliament in the Q&A sessions that followed each presentation concerned the practicalities of the proposals: ranging from how the ideas would be implemented to who would have to pay for them if a big budgetary spending boost was expected. Many times, the teams were required to think of answers to some very complicated questions on the spot. However, given the amount of preparation and hard work, all have succeeded in this task!

Images: *Students presenting their initiatives (ECI Model in Vigo, March 2022 – ECI Model in Göttingen. October 2022)*

Conclusion and Outlook

The range and variety, as well as the originality and detail of ECIs proposed during this project has been wholly laudable! Given that, at the time of the 2nd ECI Model, there have already been 95 registered initiatives, the groups really had to work hard to make sure that their ECIs were not only relevant and legally sound but also still original.

The proposed ECIs really highlighted a number of issues that young people, all across of Europe, can agree still require improvement on from the EU. Hopefully, the students are now equipped with the skills and tools necessary for the creation of a real-life ECI, and will continue to engage with EU politics and democracy.

Images: *Some participants of the ECI Models. (Vigo, March 2022 – Göttingen, October 2022)*

Students' Initiatives

Fernando Borges *

The "ECI From A to Z" organized two ECI Models throughout the duration of the project. The first ECI Model was hosted by the University of Vigo, between March 8th and March 12th, 2022, and the second was at the University of Göttingen, between October 11th and October 15th 2022. Participants from University of Coimbra, Iasi University, University of Vigo and University of Göttingen gathered to simulate an ECI process. The students formed groups where each one presented an ECI proposal, simulating all the steps, including a public presentation to the EU Parliament and Commission meeting to assess the proposals.

This activity enabled the participants to create a prototype ECI, creating the conditions to understand what students consider to be in an ECI. The analysis of the "Request for Registration of an initiative" will show how they interpret the elements of an ECI and what the essentials that need to be in a proposal are. The "Request for Registration of an initiative" has 4 main elements that will be highlighted here for this chapter: Title of the citizen's initiative; Objectives of the initiative; Provisions of the Treaties; Categories. In the ECI Model in Vigo 8 groups presented initiatives, whereas in Göttingen ECI Model, the participants submitted 7 ECI. Besides submitting an ECI proposal, students presented their ideas before a simulated EU Parliament. Using oral and visual techniques, they could express their views, clarify some aspects, and reinforce some key-elements.

Here are the results of the 15 proposals and logos from their presentations:

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Ensure security for refugee mobility

Organisers: Ángel Lorenzo Guisande, Dorothée Sartorius, Giulia Măriuţ, Heloisa Bueno, Sofia Gonzalez Rodríguez, and Maria Luna Sposato.

Objectives: We call on the Commission to implement a new Directive regarding the requirements needed to conceive the status of refugee as a way to homogenize legislation in all Member States. This new regulation should consider

- Providing buses to allocate people, but in cases of need, private companies could also help with transportation through a partnership with the EU.
- The allocation of hygiene kits, including sanitary articles and supplies for child-care from the first site of entry to the final destination.
- An Erasmus+ volunteer programme related to refugees.
- The installation of a European phone line in case of emergency, providing assistance in various languages.
- A compulsory annual report made by Member States on human trafficking and discrimination against refugees.

Treaty Provisions: Article 78 TFEU - Article 18 EU Charter of Fundamental Rights.

Categories: Migration and Asylum – Security Transport.

New Focus on the right of Erasure within the EU

Organisers: Lara Ximenes, Cristina-Gabriela Petraru, Mariafé Gonzales, Joana Carvalho, María Otero, and Sarah Duteil.

Objectives: We call on the Commission to propose legislation to ensure that everybody has the right of erasure and protection regarding their online presence and digital signature.

Treaty Provisions: Article 16 of TFEU, Article 10 of ECHR, Article 11 of CFREU.

Categories: Culture and Media, Justice and Fundamental Rights, Security.

Unpack the Earth

Organisers: Xosé Wamba Alonso, Daniela Leu, Inês Cardoso, Jonna Eileen Eickhoff, Clara Graña Dosantos, Ana Raquel Moreira, Jonathan Samuel Neugebauer, and Stefania Andrei-Bolog.
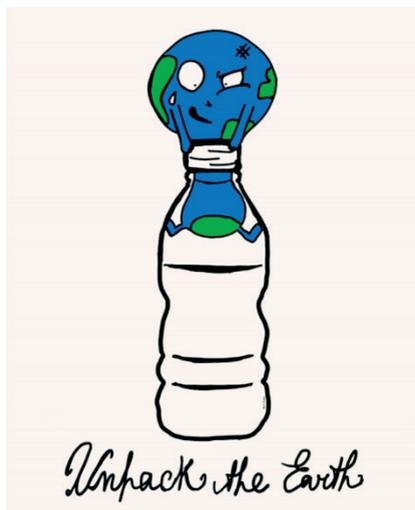
Objectives: We call on the Commission to promote the use of biodegradable material as an alternative plastic in packaging, by increasing taxes on plastic packaging production

Treaty Provisions: Article 4, Section 1-2 TFEU, Article 11 TFEU, Article 114, Section 3 TFEU, Article 191, Section 1-2 TFEU.

Categories: Consumers and Health – Environment and Climate.

Fair Frontex: push back their uncontrollable competences, not people!

Organisers: Diogo Conceição, Rafael Ferreira Pardiñas, Frederico Sobrinho, Diego Collazos Iglesias, Nikolina Domazet, and Ronja Juckols.

Objectives: We call on the Commission to make Frontex fairer, safer, more transparent and accountable by:

a) reforming the Agency's governance framework, namely by establishing an independent supervisory body that ensures the Agency's commitment to human rights, democracy and EU values; enforcing the Agency's Fundamental Rights Strategy, including the recruitment of the necessary staff; and improving transparency mechanisms within the Agency that allow for improved accountability to the EU and its citizens.

b) making sure that the members of the standing corps have appropriate training in accordance to mandatory prerequisites regarding human rights compliance and adequate use of force; and ensuring continuing collaboration with external agencies and non-governmental organizations that work with vulnerable individuals.

Treaty Provisions: Article 77 of TFEU, Article 78 of TFEU, Article 79 of TFEU, Article 80 of TFEU, Article 1 Charter on Fundamental Rights of the EU, Article 2 Charter on Fundamental Rights of the EU, Article 3 Charter on Fundamental Rights of the EU, Article 4 Charter on Fundamental Rights of the EU, Article 18 Charter on Fundamental Rights of the EU, and Article 19 Charter on Fundamental Rights of the EU.

Categories: Justice and Fundamental Rights – Migration and Asylum.

Greener Clothes – Greener Planet

Organisers: Ruxandra Agache, Isabel Knittel, Selamawit Martínez, Maria Matilde Marques, João Albernaz, Deborah Marlene Lemke, and Mihaela Tutuianu.

Objectives: We call on the Commission to adopt legislation that induces consumers to buy fewer clothes while becoming more conscious of their actions when buying different types of items.

Treaty Provisions: Article 191, TFEU, Article 192, TFEU, Article 4, Section 2 TFEU, and Article 113 TFEU.

Categories: Consumers and Health – Culture and Media – Environment and Climate.

Food redistribution: the path to a prosperous society

Organisers: Tiago Mesquita, Fee Broedermann, Wilson Neto, Noa Fresco Polo, and Ana-Maria Apetroaie.

Objectives: We call on the Commission to propose legislation to improve the European regulatory framework on food waste and redistribution to achieve Sustainable Development target 12.3: "By 2030, halve global food waste per capita at retail and consumer levels and reduce food losses along production and supply chains, including post- harvest losses".

Treaty Provisions: Article 3 TEU, Article 6 TFEU, Article 11 TFEU, Article 169 TFEU, and Article 192 TFEU.

Categories: Consumers and Health – Environment and Climate.

Humanitarian Aid: You Can Help The Unseen

Organisers: Anabel Gonzalez Castro, Alexandra Ramos, Maria Magdalena Rachieru, Sebastian Ocu, and William Dann.

Objectives: We call on the Commission to propose legislation that includes:

• Providing better inclusive response and services in cases of grave humanitarian crisis, such as specialized legal assistance, specialized support, healthcare and resources (such as equipment, housing, service animals, transport/evacuation...) for vulnerable groups (functional diversity, elderly, children, atypical medical conditions) in situations of humanitarian crisis.

• Ensuring strong and swift cooperation and coordination between stakeholders and organizations with the creation of a database and website as a means to provide an easy channel of communication between volunteers, NGOs, associations and companies that desire to provide humanitarian aid to vulnerable people in situations of humanitarian crisis.

• Raise awareness of current humanitarian aid efforts and the needs of vulnerable groups.

• Increase citizen participation and advocacy in EU humanitarian aid focusing on vulnerable groups.

Treaty Provisions: Article 19 of the TFEU, Article 168 of the TFEU, Article 196 of the TFEU, and Article 214 of the TFEU.

Categories: Aid and Development cooperation

We Craft, EU protect

Organisers: Viktoria Maria Sochor, João Simões, Catarina Fernandes Leite, Sude-Meryem Fidan, Narcisa Pozderie, and Alexandru-Gabriel Bichir.

Objectives: We call on the Commission to adopt a harmonized system that ensures that agricultural and non-agricultural products are being treated equally, taking into consideration their economic and environmental impact.

Treaty Provisions: Article 2 and 3 of the Treaty on European Union and Article 118 of the TFEU.

Categories: Business and Economy – Culture and Media – Region Development.

Sustainable Tourism - Take a Trip to a Better Future

Organisers: Luisa Hehn-Mark, Irem Atik, Roxana Pislaru, Gloria Liboeiro, Andreea Ghebirsina, Ioana Teodorescu, Ana Sofia Marques Henriques, and Vitória Costanti do Nascimento.

Objective: We are call on the Commission to make use of this competence to enhancing sustainable tourism practices as defined by the UN. Therefore, and to accomplish a sustainable long term change in the nature of travellers' demands and the tourist sector towards a safer, cleaner and more sustainable form of tourism, our proposal is intended to have environmental, social and economic impact.

Treaty Provisions: Article 3 TEU, Article 3 TFEU, Article 4 TFEU, Article 114 TFEU, and Article 195 TFEU.

Categories: Environment and Climate – Regional Development – Transport

Protect and Monitor - Ensuring Human Rights in the Mediterranean Area

Organisers: Isabel Vieira Dietz, Tiago Eira, Clara Aurora San Millán, Maria Marinovskaia, Ana Vitória Soares, and Paola Costa Villanueva.

Objectives: We call on the Commission to propose legislation that includes:

- The adoption of a programme that includes constant and permanent evaluation and monitoring of European regulations with third countries in the Mediterranean while warranting better transparency

- Enforcement of the obligation to provide assistance to people in distress at sea.

- Creation of an aid fund to support civil society groups to take action on ensuring Human Rights at the borders.

- Implementation of measures that allow voluntary repatriation in safety and dignity.

Treaty Provisions: Article 214 (1, 2, 3, 4, 6, 7) TFEU, Article 78 (1) TFEU, Article 79 (3) TFEU, Article 2 TEU, Article 3 (5) TEU, Article 21 (1) TEU.

Categories: Aid and development cooperation – Justice and fundamental rights – Migration and Asylum

TransparenTcy – Transparency behind Parenthood

Organisers: Julica Schütz, Lucía Pérez Quiroga, Hugo Abrantes, Miruna Iosub, Mihaela Gladuneac, Yejin Kim, and Natália Mendes Melo.

Objectives: We call on the Commission to propose legislation to create a transparent and uniform system that can quicken and ease the process of uncovering the biological truth across the EU's borders while bearing in mind that the rights and well-being of the child is of utmost importance.

Treaty Provisions: Article 81(3) TFEU, Article 3(3) TEU, Articles 1 (human dignity) and 24 (rights of the child) Charter of Fundamental Rights of the European Union, and European Convention on the Adoption of Children.

Categories: Digital Economy and Society – Education, Youth and Sport – Justice and Fundamental Rights.

Free Access to Essential Products

Organisers: Eva Sanches Vicente, Anisia-Mihaela Formagiu, Camelia Gusavan, and Bruno Antonio Ortíz López.

Objectives: We call on the Commission to propose legislation to:

- Provide easy and free access to sanitary products in all European Union Member States by 2027
- Provide easy and free access to contraceptive methods in all European Union Member States by 2027
- Introduce free sanitary products in businesses such as restaurants, as well as workplaces in all European Union Member States by 2027
- Introduce sanitary products in public spaces in the cities through automatic machines in all European Union Member States by 2027
- Introduce a 0% tax on sanitary products in the European Union by 2027.

Treaty Provisions: Article 35 EU Charter of Fundamental Rights, Article 2 TEU, Article 3(3) TEU, Article 4 (2)(k) TFEU, and Article 153(j) TFEU.

Categories: Consumers and Health – Education – Youth and Sport – Justice and Fundamental Rights – Regional Development

No deals with Exes

Organisers: Luiz Fernando Ribeiro de Faria, Maria Luísa de Paula Andrade, Lavinia Teodora Darie, Ana Veiga de Vilhena, Tudor Adochiei, Ana Catarina Dias, Marla Kriessel, and Belén Verónica Álvarez. ECI Model Goettingen, October 2022

Objective: We call on the Commission to propose legislation that includes:

• A Three-Year-Prohibition of public office holders who previously worked in the European Union on taking a job as a lobbyist at European institutions/ agencies/ organisms afterwards.

• A Cooling-off period for any related job in a company (conflict of interest) for anyone who had previously worked in a European institution/agency/organisation.

• Changes to the Ethics Committee of the European Union for more real transparency

Treaty Provisions: Article 245 TFEU, Article 15 TFEU, Article 81(3) TFEU, Article 3(3) TEU, Charter of Fundamental Rights of the European Union, Articles 1 and 24.

Categories: Business and Economy – Employment and Social Affairs – Justice and Fundamental Rights.

Microplastic, Macroproblem

Organisers: Ioana-Roxana Matei, Carolina Condeço Marques, Alice-Mihaela Nita, Cristina Florentina Dinca, Barbara Valente de Jesús, and Ainoa Giraldez Rodríguez. ECI Model Goettingen, October 2022

Objectives: We call on the Commission to propose legislation that includes:

• Raising awareness of the possible impact of micro and nano-plastics in the human health.

• Raising awareness of the seriousness of the issue. Bringing attention to the problem due to the fact that it is not only a maritime one but a global one.

• Using 0.25% of the European budget to research deeper into the consequences it has on human health.

- Using 0.25% of the European budget to research alternatives for plastic materials.
- Using 0.5% of the European budget to bring visibility to the matter (ads, publicity of many kinds).
- Compelling countries to introduce the matter into school education.
- Reviewing the regulation concerning the unnecessary usage of plastic on packaging.

Treaty Provisions: Treaty of the Function of the European Union, Article 9 (Title II) and Article 168 (Title XIV), and Charter of Fundamental Rights of The European Union, Article 35.

Categories: Consumers and Health - Environment and Climate – Research.

Green Energy4EU

Organisers: Selen Gündogdu, Catarina Vaz Ribeiro, Margarida Ferreira Marques, and Washington Vitorino Silva Santos. ECI Model Goettingen, October 2022

Objectives: We call on the Commission to propose legislation that force EU Member States to progressively limit the use of nuclear energy and gas as fuels in their territories by public services and private companies. In addition:

- To create and implement a "nuclear energy tax" and a "gas tax", to be paid by public services and private companies, increasing the own resources of the European budget (according to a mechanism similar to that regulating the assignment of a percentage of the VAT to the European budget).
- To grant tariff concessions to third countries that ratify and implement international conventions which aim to reduce the use of nuclear energy and gas as fuels, and increase the duty rate being paid under the Common Customs Tariff for the import of goods that were produced in third countries where precautionary measures to avoid damage caused by the use of nuclear energy and gas are not in place.
- To develop new programmes to promote and fund research and innovation (R&I) initiatives to be developed on a European scale aiming to mitigate the negative consequences derived from the use of nuclear energy and gas as fuels, and also to stimulate the widespread use of renewable and green sources of energy.

- To create a "EU Green Energy Source Fund" destined to reward Member States which, through their action, are able to reduce the use of nuclear energy and gas as fuels to the point that the overall use of these sources of energy does not exceed 5%.

Treaty Provisions: Article 11.4 TEU, Article 11 TFEU, Article 24 TFEU, Article 168 TFEU, Article 191 TFEU, and Article 194 TFEU.

Categories: Consumers and Health - Energy - Environment and Climate.

Feedback from the Commission

The simulated EU commission provided feedback on each ECI presented. It was a way to offer some critical views on their work. Here is some of the feedback from the commission:

Ensure security for refugee mobility

The Commission shares the Citizens' Initiative's conviction that the topic addressed shows a range of concerns that are innovative, encompassing and urgent to deal with. Also, the Commission values the fact that the Parliaments recognized the political value of the proposal.

The Commission is, however, of the opinion that it is not clear how these proposals interact with current EU regulations and directives concerning this topic (mostly the Dublin framework, that normally prohibits circulation of asylum applicants within the EU). Also, the creation of a refugee database could turn out to be problematic in terms of data protection and, eventually, misuse.

New Focus on the right of Erasure within the EU

The Commission shares the Citizens' Initiative's conviction that this topic is appropriate and necessary in modern times, given the relevance of social networks and the dangers they entail. Several elements presented in this Initiative will be considered by the European Commission for the purpose of a more detailed regulation on the right of erasure.

The Commission is, however, of the opinion that there are possible overlaps between the initiative at hand and the legislation in force or even the recent jurisprudence of the European Court of Justice on this topic. Also, the Commission considers that it is not very clear what the most sensitive issues within the scope of the proposal are.

Fair Frontex: push back their uncontrollable competences, not people!

The Commission shares the Citizens' Initiative's conviction that this is an issue of great concern for all EU institutions and, mainly, for the European Commission, an institution that is totally dedicated to increasing accountability in the management of EU borders. Also, the Commission values the fact that the Parliament has clearly asked the Commission to pursue legal changes in this field, in accordance with the principles of subsidiarity and proportionality.

The Commission is, however, of the opinion that the name of the proposal barely passed the registration requirements, since it seems a bit abusive and vexatious towards Frontex and the EU as such. Also, this proposal focuses dominantly on the reinforcement of the Parliament's role in the control mechanisms within Frontex, forgetting the Council's importance in this field.

Unpack the Earth

The Commission shares the Citizens' Initiative's conviction that the topic of the initiative is very important considering that the packaging industry is one of the main polluters. Therefore, measures to raise awareness in consumers and companies are truly welcome. Also, the Commission values the fact that the Parliament has fully recognized the political value of the proposals.

The Commission is, however, of the opinion that taxing the producers of plastic packaging could be problematic, since the EU has very limited competences in this field and this kind of measure should, in any case, always be a subsidiary one, and only where less burdensome ones fail. Also, the initiative doesn't properly address the question on how the balance between environmental and the consumer's interests can be achieved. In particular, there are questions over whether the proposed measures would represent a disproportionate burden on the consumer.

Greener Clothes – Greener Planet

The Commission shares the Citizens' Initiative's conviction that the topic is very important considering the efforts of the European Union in the promotion of more sustainable practices. The Commission furthermore has recognized the political value of the proposals as the presentation was extremely compelling and well organized.

The Commission is, however, of the opinion that it is not clear how the proposed measures could apply to products coming from third countries. The initiative also lacks connection to the recent proposal of a directive of the European Parliament and of the Council on Corporate Sustainability, Due Diligence and amending Directive (EU) 2019/1937. Moreover, the third proposal, regarding the reduction of VAT on sustainable fashion products, coincides with an already registered initiative.

We Craft, EU protects

The Commission shares the Citizens' Initiative's conviction that Intellectual Property-related matters, and in particular Geographical Indications, are one of the major issues of concern for the Commission. Furthermore, the proposal has clearly traced the legal and societal arguments for better regulating this field and the logo is very compelling.

The Commission is, however, of the opinion that a review of the present ECI is needed in order to confirm that there is no conflict between the current proposal and an existing initiative regarding the same subject. Moreover, the proposal could have been more detailed regarding the legal act proposed.

Humanitarian Aid: You Can Help the Unseen

The Commission shares the Citizens' Initiative's conviction that the topic is most relevant considering the current situation in Europe and the emerging humanitarian crisis. Moreover, the inclusive approach of the proposal should also be praised, as well as the significant efforts made to connect different entities in the pursuit of the established objectives.

The Commission is, however, of the opinion that some proposals are quite vague and need to be more concise (see, for example, proposal n. 4: "raise awareness of current humanitarian aid efforts and needs of vulnerable groups"; proposal n. 5: "Increase citizen participation and advocacy in EU humanitarian aid focusing on vulnerable groups"). Regarding the proposed databases, concerns may rise about the risk of cyberattacks as well as problems with the personal data collected.

Food redistribution: the path to a prosperous society

The Commission shares the Citizens' Initiative's conviction that the issue of food waste and redistribution is very relevant and up-to-date considering not only EU objectives and policies, but also the Sustainable Development Goals and the Agenda of many international organisations.

The Commission is, however, of the opinion that the coherence of the EU and its Member States' competencies was not dealt with sufficiently, as the proposal deals with public health issues that are mainly regulated at a national level, so a mandatory rule that would allow for the redistribution of products after the "best before" date in all States has to be seen with particular circumspection.

Microplastic, Macroproblem!

The Commission shares the Citizens' Initiative's conviction that neutralizing the negative impacts of micro and nano-plastics on human and environmental health is a clear priority. Concrete measures must be put in place to pursue this objective. The Commission is of the opinion that this Citizens' Initiative is highly relevant and

completely in line with the objectives established in articles 168 and 191 of the TFEU.

Sustainable Tourism – Take a Trip to a Better Future

The Commission notes that this Citizens' Initiative contains a combined solution enhancing sustainable tourism practices intended to have a triple impact: environmental, social and economic.

In response to the citizens' call for action, the Commission is committed to taking concrete steps and working on a number of new actions in areas that are of direct relevance to the initiative and its goals. In particular, the Commission will:

- Study the possibility of creating a European Agency for Sustainable Tourism;
- Create funding programmess to support the implementation of a Tourism Voucher System by the Member States;
- Adopt a Directive addressing Member State Laws to safeguard the rights of workers in the tourism sector;
- Evaluate the financial impact of the programmes proposed by the group of organizers.

Free Access to Essential Products

The Commission shares the Citizens' Initiative's conviction that, seeing as this problem affects the whole population of the EU, the Union should facilitate this access to all people regardless of sex, religion, age, social status or income by 2027. This objective seems overall feasible, even if it needs to be more specific.

In response to the citizens' call for action, the Commission is committed to taking concrete steps and working on a number of new actions in areas that are of direct relevance to the initiative and its goals. In particular, the Commission will a) Adopt a Regulation on guidelines for co-operation between the Member States to improve the complementarity of the hygiene and contraceptive services already offered; b) Propose to the Council the adoption of a Recommendation concerning the introduction of free sanitary products in businesses, as well as in workplaces and in public spaces in cities to be distributed via automatic machines.

Greenergy4EU

The Commission is of the opinion that both energies are still needed. The current world situation shows that gas dependence from third countries is not desirable, but the first thing to do is to act on the demand side to reduce dependence, and that is what is in any case being done. Nonetheless, the Commission agrees with the need for the measure in the mid to long term.

Protect and Monitor - Ensuring Human Rights in the Mediterranean Area

The Commission welcomes the mobilization of citizens in support of the protection of human rights within the scope of its migration and asylum policies. The Citizens' Initiative has provided an opportunity to critically examine how the EU can reinforce its efforts in establishing the appropriate mechanisms and survey the ones already existing on matters of migration and asylum.

No deals with Exes

The Commission welcomes the mobilisation of citizens in support of the Initiative "No deals with Exes". The Citizens' Initiative has provided an opportunity to critically examine how the EU can reinforce its efforts in ensuring and promoting transparency in the European Union.

In response to the citizens' call for action, the Commission is committed to taking concrete steps and working on a number of new actions in areas that are of direct relevance to the initiative and its goals.

In particular, the Commission will: a) Stimulate all efforts from the European Union and the Member States to promote transparency in public affairs; b) Launch an impact assessment to base a possible proposal on the issue of revolving doors; c) Rethink the role, procedures and functions of the Ethics Committee.

TransparenTcy – Transparency behind Parenthood

The Commission welcomes the mobilisation of citizens in support of TransparenTcy–Transparency behind Parenthood. The Citizens' Initiative has provided an opportunity to critically examine how the EU can reinforce its efforts in bettering the rights of the child, in particular that of knowing their origin.

Conclusion

All in all, what the ECI analysis show is that students created the proposals with a lot of new ideas to improve life in the EU. Considering that the ECI is for empowerment, participation and a platform to voice citizens' concerns, as seen in previous chapter, the participants in the ECI Model used the ECI proposals to voice their concerns for the future of Europe and used the ECI pathways to combat some ongoing problems.

Were the project expectations met?

Fernando Borges *
Dulce Lopes **

The project involved students and trainers from all partner countries. They were all involved in the e-learning course and in peer-learning activities, where tutors supervised the work done by students, which later resulted in the ECI Model proposal. The students answered a survey after each model ECI, to assess their opinion and satisfaction.

The survey was structure as following:

Part I. General Part

Q1. Which country are you from?
Q2. How would you rate your ECI: From A to Z experience?
Q3. Do you feel that your initial expectations were met by the project?
Q3.1. Please justify
Q4. Was the ECI: From A to Z project well-adjusted to the needs and interests of Higher Education learners?
Q4.1. Please justify
Q5. Was the project adequate for you to acquire competences on ECI?

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Q5.1. Please justify
Q6. Was the project engaging in order to motivate you to participate more within the EU?
Q6.1. Please justify
Q7. Was the project engaging in order to motivate you to organize or support an ECI?
Q7.1. Please justify

Part II. Workplan and Organisation

Q8. Was the workplan of the ECI: From A to Z well organised?
Q8.1. Please justify
Q9. Did the changes to the Workplan have impact on your engagement to the project?
Q9.1. Please justify
Q10. How easy was the communication with the organisation of the ECI: From A to Z?
Q11. How easy was the communication with the tutor of your group?
Q12. How rewarding was the relationship with the other colleagues throughout the project?

Part III. Introductory Online Sessions

Q13. Were the introductory online sessions to ECI useful to break the Ice?
Q14. Did the introductory online sessions to ECI increase your interest to be involved in the project?
Q14.1. Please justify

Part IV. Online Course on ECI

Q15. Was the Online Course on ECI useful to establish the ground basis for the work to be developed in the Model ECI?
Q16. During Peer Learning Activities and the Model ECI, did you go back to the contents and resources available in the Online Course on ECI?

Part V. Peer-learning Activities

Q17. Were the Peer-Learning activities useful to establish the ground basis for the work to be developed in the Model ECI?

Q18. Did the Peer-Learning activities allow you to create a sense of community within your group?

Part VI. Model ECI (On site)

Q19. Was the on-site option suitable to fulfil the objectives of the Model ECI?
Q20. Did the simulations of the activity of the Parliament and Commission give you a real feel of the ECI experience?

In order to assess the satisfaction on the project, we highlight some of the results from part I, because they focus on the general aspect of the project (for a full satisfaction assessment, a report is available on the website of the project). In total, counting participants from both the first and the second years, a total of 64 students responded to the survey.

When asked how would they rate their experience (Q2), from 1 to 5, most of the participants were positive regarding their satisfaction with the ECI experience, also affirming that their initial expectations had been met by the project (Q3), or that the initial expectation was of fear, but it turned out to be "the best experience of the year" for a participant who replied "NO" in Q3.1.

Table 1. Q2. How would you rate your ECI: From A to Z experience?

1	2	3	4	5
0	0	4 (6%)	22(35%)	38 (59%)

Table 2. Q3. Do you feel that your initial expectations were met by the project?

YES	NO	YES, partially
45 (72%)	4 (6%)	14 (22%)

The vast majority of participants agreed or partially agreed that the ECI: From A to Z project was well-adjusted to the needs and interests of Higher Education learners (Q4) and the project was suitable to acquire competences on ECI (Q5). One student "achieved a great amount of knowledge in current topics as well as in the citizens' initiative tool itself" (Q4.1) and another declared that: "I learned a lot from this project and I hope in return I help other people with all the information I gathered" (Q5.1).

Table 3. Q4. Was the ECI: From A to Z project well-adjusted to the needs and interests of Higher Education learners?

YES	NO	YES, partially
55 (87%)	1 (2%)	7 (11%)

Table 4. Q5. Was the project adequate for you to acquire competences on ECI?

YES	NO	YES, partially
53 (84%)	1 (2%)	9 (14%)

The final questions were designed to measure the degree of engagement within European Union matters and the motivation to organize or support an ECI after the project. Most of the students expressed their motivation to participate more within the European Union (Q6), such as one who said "It made me aware of struggles within the EU and reminded me that I need to be more engaged" (Q6.1). Likewise, the majority confirmed their motivation to organize or support an ECI (Q7) in the future, despite the difficulties of success of an ECI, a shortcoming that the participants are now well aware of (Q7.1)

Table 5. Q6. Was the project engaging in order to motivate you to participate more within the EU?

YES	NO	YES, partially
54 (86%)	3 (5%)	6 (9%)

Table 6. Q7. Was the project engaging in order to motivate you to organize or support an ECI?

YES	NO	YES, partially
48 (76%)	6 (10%)	9 (14%)

All in all, based on the survey analysis focusing on the general questions about the project, the results show that the participants were to a high extent satisfied with the activities and experiences in which they took part and also with the overall design and aim of the project. From the ECI: From A to Z team's point of view this corresponds to intense collaborative work, translated into solid output, and also to an unmeasurable degree of dedication devoted to teaching and training in European Union affairs.

Annexes

List of events where the project was disseminated

Dulce Lopes, "Participatory strategies in EU Public Administration", panel Public Policy and Strategy in European Union Public Administration, 2022 EU-Pair Annual International Conference "Challenges and Dynamics of European Administrative Area", Iasi, Romania, 13th May 2022.

Dulce Lopes, "The Role of civil Society for Upholding the Rule of Law", *High Level Conference for the Rule of Law*, Portuguese Presidency of the Council of the European Union and the European Commission, Coimbra, Portugal, 17th May 2021.

Yilly Vanessa Pacheco, Panel "An ECI for the next generation". ECI Day, June 2, 2022.

Aday Alemán, Dulce Lopes, Yilly Pacheco, Agata Daszko, Eduardo Figuereido, and Pablo Riquelme Vazquez: European Citizens' Initiative and Institutional Change: The Role of the European Commission (Panel). ICON-S Annual Conference. International Society of Public Law, July 5, 2022.

Yilly Vanessa Pacheco, Workshop "Addressing inequity in the Mediterranean through the European Citizens' Initiative: Challenges and Opportunities". ENLIGHT Summer School 2022, ENLIGHT Network (University of the Basque Country, University of Bordeux, Comenius University Bratislava, University of Galway, Ghent University, University of Göttingen, University of Groningen, University of Tartu, and Uppsala University) Göttingen, August 29 – September 2, 2022.

Dulce Lopes, Elena Danescu, Mihaela Tofan, Daniela Vancic, Silvia Kersemakers, Yilly Vanessa Pacheco, Christian Huesmann, Isabel Valente, Pablo Riquelme Vázquez, Vasiliki Mustakis, Carlos Medeiros, Júlio Teixeira, João, Tiago de Sousa, Ana Maria Bercu, Alexandra Aragão, Eduardo Figueiredo, Sílvia Nolan, Cristina Perestrelo, Fernando Borges, Silviu Tiţă, and Elena Cigu. ECI From A to Z - Dissemination Event, Chapel of the University of Coimbra Institute for Legal Research (UCILeR), Coimbra, 28 March 2023.

List of articles produced under the project

Álvarez Robles, Tamara and Riquelme Vázquez, Pablo. "ECI from A to Z - un proyecto pluridisciplinar e internacional de innovación docente", *Estrategias de innovación docente en disciplinas jurídicas,* María Teresa Mata Sierra, Miguel Díaz y García Conlledo, María Anunciación Trapero Barreales, Marta González Aparicio (coord.), Dykinson, 2021, 73-79, available at https://dialnet.unirioja.es/servlet/libro?codigo=831773

Lopes, Dulce. "The Role of Participation for Upholding the Rule of Law", *O Estado de Direito na União Europeia*, Anabela Miranda Rodrigues, Jónatas Machado, Paulo Pinto de Albuquerque (coord.), 55-66, Instituto Jurídico, 2022, DOI: 10.47907/livro/2022/RuleofLaw/livro, available at https://estudogeral.sib.uc.pt/bitstream/10316/104159/1/RuleOfLaw_Livro.pdf

Cigu E, Bercu A-M, Tofan M, Tiţă SM. Exploring the Fiscal Responsibility through Active Citizenship for Governance Quality. *Sustainability*, 2022, 14(1):145. https://doi.org/10.3390/su14010145

Riquelme Vázquez, Pablo; Pacheco, Yilly Vanessa; Figueiredo, Eduardo. "Assessing the European Citizens' Initiative from a Comparative Perspective", to be submitted.

Pacheco, Yilly Vanessa. "Greening Citizen Participation: Will environment-related initiatives help fill the impact gap of the European Citizens' Initiative?", to be submitted.

Riquelme Vázquez, Pablo; Lopes, Dulce; Pacheco, Yilly Vanessa; Aroso Duarte, Rita. "The European Commission before The European Citizens' Initiative" to be submitted.

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This publication gathers contributions to understand better and further develop the European Ci-tizens' Initiative. This participatory and agenda-setting tool introduced into the Treaty of Lisbon has not yet reached its full potential of citizen engagement, nor has it driven the significant policy changes initially expected.

Bearing this in mind, the project ECI From A to Z aimed to promote the knowledge and use of the European Citizens' Initiative within the higher education arena by engaging researchers and stu-dents from four different Universities (University of Coimbra; University of Göttingen; Alexandru Ioan Cuza University of Iaşi and the University of Vigo) to work together to share their concerns and common views on the European Union role and policies.

This publication describes the methodology followed and results reached under the project, but more than that, it is a practical toolkit for all who wish to know more about the European Citizens' Initiative and how to put it in motion.

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