

European Citizens' Initiative in Central and Eastern European Countries – The Bumpy Road of Participatory Democracy in the EU

The ECI in Practice – An Overview

For many years the European Union (EU) has been facing permanent accusations concerning its so-called 'democratic deficit' and lack of will to strengthen citizens' participation in EU governance. Finally, after two decades of lobbying by civil society organizations a new participatory instrument was born: The European Citizens' Initiative (ECI).¹ It was introduced by the Treaty of Lisbon and after two years of discussions and vivid debates became operational in 2012. For the first time in the history of European integration the EU has incorporated a mechanism of participatory democracy into its primary law.

The ECI is one of four elements in Article 11 of the Treaty on the European Union (TEU). However, it should be seen in the light of Article 10.3 TEU, which provides that every citizen shall have the right to participate in the democratic life of the Union. That means that the ECI gives blocks of at least one million EU citizens the right to put forward a proposal for new European legislation to the European Commission, which by virtue of the European Treaties has a quasi-exclusive right of legislative initiative. Nonetheless, the Commission is not bound to pass the proposal on to the legislative bodies of the European Union, i.e. the European Parliament and the Council of Ministers.

According to the ECI Regulation, the procedure consists of five consecutive steps: 1) the setting up of a citizens' committee; 2) registration of the ECI with the European Commission; 3) collection of signatures; 4) verification and certification of signatures by national authorities; and

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¹ P. Głogowski, A. Maurer, *The European Citizens' Initiative – Chances, Constraints and Limits*, Political Science Series, Institute for Advanced Studies, Vienna 2013, p. 7.

5) examination of an ECI by the Commission. The whole process can take up to 20 months and requires the fulfilment of a number of bureaucratic conditions.

As a first step, at least seven EU citizens residing in at least seven different Member States have to establish a citizens' committee. In a second step, according to Article 4 of the ECI Regulation² "prior to initiating the collection of statements of support from signatories for a proposed citizens' initiative, the organisers shall be required to register it with the Commission." The registration form has to conform to the conditions set forth in Annex II to the Regulation: The initiative has to contain a title (max. 100 characters), subject matter (max. 200 characters), short description (max. 500 characters), and refer to provisions of the Treaties considered relevant by the organisers promoting the proposed action. The European Commission, after having received all the required documents, has two months to register a proposed citizens' initiative. Besides the formal requirements, the ECI also cannot manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties. What's more, it cannot be manifestly abusive, frivolous or vexatious, and finally it cannot be manifestly contrary to the values of the Union as set out in Article 2 TEU. If any of these criteria are not fulfilled, the Commission shall refuse the registration and is obliged to inform the organisers of the reasons for the refusal, as well as of all possible judicial and extrajudicial remedies available to them.

After the registration of an initiative, the citizens' committee has twelve months to collect the required number of signatures. The Regulation specifies two concrete conditions: the total number of collected statements of support has to be at least one million and they have to come from at least one quarter of all Member States (currently seven), where national requirements have to be met. After the required amount of signatures have been collected, the organizers can submit the statements of support, in paper or electronic form, to the relevant competent authorities for verification and certification. National authorities have three months to check all statements or check a control sample. After obtaining the certificates and provided that all relevant procedures and conditions set out in the Regulation have been complied with, the organisers may submit the citizens' initiative to the Commission. Within three months from the submission, the European Commission is obliged to inform the organisers of the ECI about its legal and political conclusions on the proposal;

² Regulation (EU) no 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative.

the action, if any, it intends to take; and its reasons for taking or not taking action.

A crucial question arises in cases in which the organisers have collected the required one million signatures and the European Commission simply rejects the proposal. There is no formal redress procedure included in the ECI Regulation.³ However, current practice showed that citizens' committees either challenge such a decision in the European Court of Justice within the framework of an action for annulment under Article 263 TFEU, or complain to the European Ombudsman. However, none of those actions have led so far to positive results for the organizers.

Despite all the formal, legal and political restrictions mentioned above, some argue that the European Citizens' Initiative should be perceived as an "agenda-setting and policy-shaping" instrument.⁴ It gives a minority of EU citizens a right, albeit relatively weak, to voice their concerns over an issue, which then can be put on the agenda for legislative consideration, being at the same time, however, not legally binding. Thus, the ECI can be seen as a small step towards a more pluralistic model of democracy at the EU level, which can help in developing a European public sphere.⁵ At the same time however, it can hardly be seen as an important element towards direct democracy at the European level.⁶

The ECI Four Years After

Between April 2012 and August 2016, 52 initiatives have been submitted to the European Commission. Twenty of them have been rejected and 32 have been registered, while four are currently ongoing. However, during the last four years only three ECIs have collected the required one million signatures and none of them have led to the submission of a concrete legal proposal from the European Commission. All told, ECI organisers have collected around six million statements of support. Statis-

³ I. Anglmayer, *Implementation of The European Citizens' Initiative: The Experience Of The First Three Years*, European Parliamentary Research Service, Brussels 2015, p. 23.

⁴ B. Kaufmann, *An Infrastructure for People Power That Works*, in: *An ECI That Works! Learning from the first two years of the European Citizens' Initiative*, eds. C. Berg, J. Thomson, The ECI Campaign, Bonn 2014, p. 110.

⁵ M. Conrad, *The ECI's Contribution to the Emergence of a European Public Sphere*, in: *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, eds. M. Conrad, A. Knaut, K. Böttger, Nomos, Baden-Baden 2016, p. 66.

⁶ J. Behringer, *Just Sweets for the People? The ECI as a Participatory Tool Towards Pluralistic Democracy in the EU*, in: *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, eds. M. Conrad, A. Knaut, K. Böttger, Nomos, Baden-Baden 2016, p. 91.

tics show that approximately 90% of these signatures have been collected by three major initiatives: *One of Us* (35%), *Right to Water* (34%) and *Stop Vivisection* (20%).⁷ The remaining 11% of signatures were gathered in connection with the other 29 registered initiatives. Figures also show that the European Citizens' Initiative is not solely an online tool. All in all, one third of statements of support have been collected on paper. The ECI *One of Us* collected 65% of their almost 1.9 million signatures offline, whereas the ECIs *Stop Vivisection* and *Right to Water* collected 44% and 18% of their signatures on paper, respectively. Smaller ECIs have also gathered statements of support offline: 18% of signatures for the *30 km/h* ECI, and 7% for *End Ecocide*.

Types of Obstacles Faced by ECI Organizers

The experience of the last four years has shown that organising an ECI – independently of how well organized and resourced the group of citizens behind it may be – is a very complex process, which requires not only an appropriate budget but also great determination, organizational skills, and above all patience.⁸ The ECI has to be seen as a transnational democratic instrument and therefore the fact that each EU member state requires different and sometimes intrusive personal data from ECI supporters creates great burdens for the organizers.⁹ As a consequence, ECI initiators must produce 28 different signature forms and submit signatures for verification to 28 different national authorities, rather than to a single collection point. What's more, all ECI organisers, as well as many EU citizens, have pointed out that the current ECI Regulation requires too much data from citizens to support an initiative. As Berg and Thomson observe, sharing ID numbers or data such as date of birth or birthplace raises serious privacy concerns and discourages citizens from signing an ECI.¹⁰ In addition, due to the 28 different sets of personal data requirements – some based on national citizenship, others on residence – a number of EU citizens living in another member state are not able to sign an ECI.¹¹ On top of that, Article 3.4 of the ECI Regulation requires that the signatories must be “of the age to be entitled to vote in elections to the European Parliament.” In the light of the low involvement of young people in European affairs, the

⁷ P. Głogowski, A. Maurer, op.cit., p. 14.

⁸ Ibidem, p. 207.

⁹ I. Anglmayer, op.cit., p. 26.

¹⁰ C. Berg, J. Thomson, *Lessons and Recommendations for an ECI That Works*, in: *An ECI That Works! Learning from the first two years of the European Citizens' Initiative*, eds. C. Berg, J. Thomson, The ECI Campaign, Bonn 2014, p. 119.

¹¹ Ibidem.

legislator could have extended the right to sign an ECI to EU citizens of sixteen years and older, and avoided the reference to the voting age in EP elections, which is determined by the member states.

The ECIs have also faced number of technical difficulties, especially those related to the online collection system (OCS). Significant and constant OCS problems have led every ECI campaign to lose signatures and collection time. Additionally, the lack of possibility to collect emails from the signees via the collection platform prevents the organisation of a dynamic and involved European campaign.¹² Because the process is so complicated and burdensome the length of the signature collection period (12 months) should probably be prolonged. Moreover, ECI organisers are currently dependent on the Commission's decision with respect to when to start their campaign. All in all, given the fact that grassroots organisations also have to face challenges related to the lack of an official support infrastructure, all of the above-mentioned challenges excessively constrain the core of the ECI idea as stated by the European Commission, i.e. that the ECI "provides a singular opportunity to bring the Union closer to the citizens and to foster greater cross-border debate about EU policy issues, by bringing citizens from a range of countries together in supporting one specific issue".¹³

Types of ECI Organizers

The experience of the last four years has also shown that successful ECIs have mostly been triggered by the so-called civil society organisations (CSOs), as well as commercial organisations and political representatives. This is strongly connected to the fact that an ECI requires both relatively large financing and professional IT and organizational infrastructure. Moreover, due to the fact that signatures have to be collected in at least seven Member States, it is easier for transnational networks to take care of all the necessary logistics. This has triggered an important debate about whether and to what extent the ECI is an instrument for the so-called "average" EU citizen, or whether it is rather a channel of influence for well-established institutional and political players.¹⁴ Con-

¹² X. Dutoit, *Back to the Drawing Board for the ECI Online Collection System*, in: *An ECI That Works! Learning from the first two years of the European Citizens' Initiative*, eds. C. Berg, J. Thomson, The ECI Campaign, Bonn 2014, p. 102.

¹³ European Commission, *Proposal for a regulation of the European Parliament and of the Council on the citizens' initiative*, COM(2010) 119 final (Brussels, 31.03.2010).

¹⁴ L. Bouza, J. Greenwood, *The European Citizens' Initiative: A New Sphere of EU Politics?*, "Interest Groups & Advocacy", No. 3/2014, pp. 246–267; F. Delouse, *The European Citizens' Initiative: Next Big Thing Or New False Good Idea?*, "Egmont Paper", No. 59/2013;

rad and Steingrímisdóttir categorize ECIs into three groups of organisers: citizen-driven, organization-supported, and organization-run.¹⁵ Citizen-driven ECIs are organized by individuals without any or with very weak prior connections to civil-society organizations (CSOs), and at the same time do not gain any infrastructural and/or organizational support from them. Initiatives characterized as organization-supported can expect from CSOs mainly moral support, which does not cover infrastructural and/or organizational assistance. Last but not least, organization-run ECIs are citizens' initiatives only superficially; *de facto* they are led by big NGOs, often transnational and with wide networks of partners around Europe.

It is worthwhile to examine how this categorization relates to the 33 initiatives registered so far by the European Commission. While a majority of ECIs can be described as citizen-driven, this does not coincide with the number of collected statements of support and the practical impact which a particular ECI has on the EU institutions, as well as on public opinion. The three most successful ECIs represent three separate models, however all are based on the strong support of CSOs. The most well-known ECI, *Right2Water*, which was the first one to collect over one million signatures, was centrally organized by the European Federation of Public Services Union, a transnational NGO with a professional campaign officer based in Brussels. On the other hand, the ECI *One of Us*, which has collected so far the highest number of signatures, can be described as an organization-supported initiative with strong CSO assistance at the domestic level, especially among Catholic Church organizations. The ECI *Stop Vivisection*, the last initiative that has managed so far to collect over one million statements of support, had the strongest citizen-driven aspect. However, they owe their success to group of more than 250 small animal protection groups scattered around all of Europe.¹⁶

Interestingly, two thirds of the already registered ECIs can be characterized as citizen-driven. A number of these initiatives are based on a concrete idea of one or a few individuals, who established new or used existing contacts to recruit co-organizers (e.g. *End Ecocide in Europe*, *One Single Tariff* or *30 km/h – Making the streets liveable*). Some citizen-led initiatives were organized by groups of international students (e.g. *Weed like*

A. Karatzia, *The European Citizens' Initiative: Giving Voice to EU Citizens*, "King's Student Law Review – Blog Series" 2013, <https://blogs.kcl.ac.uk/kslreuropeanlawblog/?p=452#WEBbLHf9ZWM> (accessed on 1.12.2016).

¹⁵ M. Conrad, F. Steingrímisdóttir, *A Tool for European Citizens? A Typology of ECI Organizers 2012–2015*, in: *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, red. M. Conrad, A. Knaut, K. Böttger, Nomos, Baden-Baden 2016, p. 117.

¹⁶ *Ibidem*, p. 121.

to talk or *Turn me off!*), who tried to test whether an ECI can be a purely citizen-driven project. Practice has shown that citizen-driven ECIs are not necessarily failures. Although most of them either did not manage to collect a high number of signatures or have withdrawn before the one-year deadline, some might be seen as successful. Initiatives such as *End Ecocide in Europe* or *Fraternité 2020* have collected thousands of signatures and attracted the attention of European media and public opinion. However, at this point it is quite clear that the ECI can only serve as an effective tool for citizens if they are able to obtain the support and assistance of resourceful civil-society organizations.

Types of Issues/Topics Raised by ECIs

Until now the European Citizens' Initiative has faced number of criticisms, mostly related to its very burdensome and bureaucratic proceedings, as described above. Regardless however, one cannot ignore the fact that the new EU participatory instrument has engaged numerous citizens, who decided to trigger campaigns on a wide range of issues. As mentioned before, according to the ECI Regulation the ECI cannot manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties; nor can it be manifestly abusive, frivolous or vexatious; and finally it cannot be manifestly contrary to the values of the Union as set out in Article 2 TEU. The fact that 20 out of 52 submitted initiatives have not been registered shows that either organizers lacked the required legal knowledge to properly formulate the application, or the European Commission applied a very rigid legal interpretation of citizens' applications. In fact probably both are true.

Concerns raised over the potential predominance of private interests channelled through ECIs so far seem exaggerated. The subject matter of submitted initiatives has varied from "supporting educational programmes such as Erasmus, to climate protection, to one proposal aimed at granting EU citizens residing in another Member State the right to vote in all political elections in their country of residence on the same conditions as the nationals of that State".¹⁷ Conrad is of the opinion that most issues addressed by ECI organizers touch upon topics perceived as injustices, including campaigns such as *Stop Vivisection*, *Stop Plastic in the Sea* or *Let me vote*.¹⁸ However, Kaufmann (2012) differentiates ECIs based not

¹⁷ P. Głogowski, A. Maurer, op.cit., s. 18.

¹⁸ M. Conrad, *The European Citizens' Initiative as an Exercise in Demos Construction*, unpublished article, 2012, p. 22.

only on the issue they aim to resolve, but also on the function they serve. That is to say, a European Citizens' Initiative can act as a "gas pedal", a "brake", or a "valve". The "gas pedal" ECIs are aimed at introducing and giving priority to new topics on the EU political and legal agenda. Their function is to rev up the political processes. While the "brake" ECIs have a clear goal to stop an ongoing legal process or abolish existing laws. Last but not least, "valve" ECIs take a more moderate approach and aim to improve or correct existing EU laws. In the end, it seems that in the medium- and long-term, the success of any initiative is dependent on the construction of relevant political coalitions, which enable constant lobbying on relevant issues.¹⁹

ECIs in Central and Eastern Europe – What Do the Numbers Say?

Having presented a basic overview of the first four years of the European Citizens' Initiative, it is now worthwhile to analyse it from a regional perspective and focus on its functioning in the Central and Eastern Europe Countries (CEECs). For the purpose of this article the CEECs are defined as the group of member states which joined the European Union after 2004, that is: Malta, Cyprus, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Slovenia, Hungary, Romania, Bulgaria and Croatia.

According to the data provided to the author by a majority of the ECI organisers, around 950,000 citizens from CEECs have signed statements of support for an ECI. This means that out of the six million signatures gathered under all 33 registered initiatives, around 15% of them came from CEEC citizens living in the 13 member states, while 85% of signatures came from citizens representing the remaining 15 member states. However, these numbers have to be seen from the perspective of the total number of citizens in each group of member states. The CEECs consist of approximately 100 million citizens, which is around 20% of all EU citizens. The numbers become even more clear when one analyses the number of citizens who signed an ECI in relation to the total number of citizens in the two groups of countries. Approximately 0.95% of CEEC citizens signed an ECI, in comparison to 1.2% of citizens from Western Europe. Thus the difference is relatively small, although the small percentages portray a rather pessimistic picture of citizens' participation in the ECI process in both groups of member states.

¹⁹ P. Głogowski, A. Maurer, *op.cit.*, s. 22.

It comes as no surprise that most of the statements of support were collected in the five biggest EU member states, excepting the United Kingdom.²⁰ Consequently, there is only one CEEC in this group, which is Poland. However, the situation looks quite different when one compares the number of statements of support with the total number of citizens in a particular member state. In that case, out of six 'most engaged' countries, four are represented by member states from Central and Eastern Europe: Estonia (5.4%), Slovenia (3.1%), Malta (2.3%) and Cyprus (2.2%), with Germany (2.3%) and Italy (2.2%) in the middle of the list. This clearly shows that in relative numbers EU citizens from CEECs are as active as citizens from Western Europe in terms of supporting European Citizens' Initiatives.

It is also interesting to note how these signatures differ among concrete initiatives. In almost all member states most of the statements of support were collected for the three successful ECIs: *Right2Water*, *One of Us* and *Stop Vivisection*. However, the distribution of the signatures among those three initiatives differs across the member states. Citizens from countries such as Poland, Latvia, Romania and Malta have mostly supported the conservative initiative *One of Us*, which is against the right to an abortion. In fact, in Poland 66%, in Latvia 72%, in Malta 86%, and in Romania 88% of the total number of signatures submitted were in support of this ECI. The ECI *Right2Water* was strongly supported in Slovenia (33% of all ECI signatures), Lithuania (36%) and Slovakia (38%). The initiative *Stop Vivisection* managed to engage citizens in Slovenia (40%), Estonia (27%), Hungary (23%) and Bulgaria (23%). Two more initiatives were able to activate CEECs' citizens. These were: the ECI called *Unconditional Basic Income*, which was very successful in Bulgaria, where 50% of ECI statements of support were devoted to this initiative, as well as Croatia with 33%. The second was the ECI *Weed like to talk*, which collected 15% of all ECI signatures in Poland (where the ECI participation was rather dominated by the antiabortion topic generated by *One of Us*). In the case of all other member states and initiatives, the numbers were divided relatively equally, not showing any specific trends.

We have seen that citizens from the CEECs sign ECIs almost as often (or as rarely) as citizens from Western Europe. But what does the situation look like in terms of organising an initiative? Here the numbers are less optimistic for the CEECs. Although the ECI has a pan-European dimension built into the governing rules, i.e. that any initiative must be launched by at least 7 citizens from 7 different EU member states, the

²⁰ The number of statements of support in the five most active member states are: Germany – 1,885,088; Italy – 1,439,892; Spain – 379,287; Poland – 373,736; France – 329,994.

practice demonstrates that out of the 33 registered ECIs, only several of them have been launched by citizens from various parts of Europe. *Unconditional Basic Income*, *End Ecocide in Europe* or *ACT 4 Growth* can be described as initiatives which, in their organization, involved citizens from diverse parts of the EU, including Western, Central and Eastern Europe. Three other initiatives have deep CEEC roots: *Suspension of the EU Climate & Energy Package*, initiated by a Polish politician; *Central public online collection platform for the European Citizen Initiative*, which was co-initiated by a Polish IT specialist, and *Mum, Dad & Kids – European Citizens’ Initiative to protect Marriage and Family*, which has four representatives of CEECs in the seven member committee. In all other cases citizens’ committees have been dominated by representatives from Western Europe, in particular from Germany, France, Belgium, Italy and Spain.

Reasons for Engagement in a ECI in the CEECs

The statistics presented above show that, at least in terms of collecting signatures, the ECI concept is supported at a similar level in Central and Eastern Europe as in Western Europe. However, due to the much shorter and more complicated history of civil society development in CEECs, as well as their shorter experience in the EC/EU, it surely makes sense to ask the question: Why do citizens from CEECs become engaged in a European Citizens’ Initiative? In order to answer this question I analysed four factors which potentially may have an impact on citizens’ activity during particular stages of the ECI process: 1) existence of a national citizens’ initiative (NCI) in a member state; 2) national ECI data requirements to sign an initiative; 3) attitudes towards the EU in member states; and 4) involvement of civil society organisations in ECIs. Hence, the aim of the discussion below is to find out whether any of the above-mentioned factors has had any impact on the number of citizens involved in supporting/organising an ECI.

National Citizens’ Initiatives

NCIs are present and functional in 14 EU countries, including eight from Central and Eastern Europe.²¹ It is however too early to assess whether the presence of NCIs in a particular member state contributes to more activity in the ECI process among citizens from that member state. The current numbers show that in terms of collection of statements of sup-

²¹ National Citizens’ Initiatives in EU Member States, The ECI Campaign, <http://www.citizens-initiative.eu/national-cis/> (accessed on 4.09.2016).

port, the existence of an NCI in a particular member state does not mean that citizens from that state are much more active in supporting ECIs. In the previously-mentioned top six most active countries, only Slovenia and Italy have incorporated NCIs into their legal systems. Estonia is certainly a country with a strong e-democracy tradition, and Germany has a number of participative instruments at the regional level. However, this cannot be said about Malta or Cyprus. Independently of whether one country uses NCIs or not, citizens' engagement in the European Citizens' Initiative oscillates around 1% of the entire population. Thus so far it appears that experience with NCIs does not have any major influence on citizens' engagement in an ECI.

Data Requirements

Although the European Citizens' Initiative was designed as a pan-European participatory instrument, the differing national data requirements show that there is still a lot of room for improvement. In fact the lack of cohesion in this sphere has been strongly criticised by ECI organisers and civil society.²² The question arises: Have requirements to share extensive personal data so far had any impact on the collected number of statements of support? In general, it seems self-evident that citizens' initiatives and petitions which require sharing less personal information should have much better chances to collect more signatures. People are more willing to support initiatives if they are asked to share less private information. However, currently 18 member states require extensive personal data from their citizens, including ID numbers, in order to support an ECI. Eleven of them are from the CEECs, which shows the difference in approaches towards personal information and its protection. At the same time, the numbers indicate that the fact that one country requires an ID number to sign an ECI and another does not has had a rather small impact on the relative numbers of citizens engaged in supporting initiatives. Member states such as Cyprus, Malta or Italy, which ask for ID numbers, are in top six countries with the most active citizens in terms of supporting ECIs. Certainly, harmonizing and simplifying data requirements would make the lives of ECI organisers much easier, and therefore enable them to cut through the red tape and focus more on the collection of signatures, which should result in gathering more statements of support. Last but not least, coherent data requirements would also increase the European aspect of the tool, which is still weakened by number of technical and bureaucratic burdens.

²² C. Berg, J. Thomson, *op.cit.*; I. Anglmayer, *op.cit.*

Attitudes towards the European Union

Another factor which might have a potential impact on the popularity of the European Citizens' Initiative in a particular EU member state is its society's attitude towards European integration and the EU. Standard Eurobarometer 83 from spring 2015 shows that positive and neutral attitudes towards the EU are dominant in 26 member states. Positive perceptions of the EU are the most widespread in Romania (62%), Ireland (57%), Lithuania (55%) and Bulgaria (55%). However, in none of these countries has the level of citizens' involvement in an ECI reached 1% of all citizens. However it must be taken into account that, as mentioned above, ECIs can also be used also a "brake". Hence, a negative attitude towards the EU could potentially result in a greater popularity of some kinds of ECI instruments. Negative perceptions of the EU are the most widespread in Cyprus (42%), Greece (37%), Austria (36%) and the UK (28%). In that group, Greece and the UK are countries with a low level of ECI engagement. Austria and Cyprus present much higher levels of engagement and could potentially prove that negative attitudes towards the EU can boost "brake" ECIs. However, as mentioned earlier the time span of the ECI is still too short to draw clear and certain conclusions.

Involvement of Civil Society Organizations in ECIs

As mentioned above, ECIs have so far been launched by different types of organisers. Although the majority of the 33 registered initiatives have been triggered by citizens, statistics show that in the current ECI architecture CSO support is essential for the successful collection of one million signatures. Analysis of initiatives in particular member states shows that behind any greater number of statements of support one finds CSOs, which helped with the logistics, infrastructure and promotion. The ECI *One of Us* based its success in CEECs on the effective operations of the Catholic Church and related organisations. *Right 2 Water* was based right from the start on NGOs, NGO networks, environmental organizations and trade union federations.²³ Given the much weaker position of CSOs in the CEECs,²⁴ as well as the permanent weakening of trade unions in that region of Europe,²⁵ it is no surprise that,

²³ Y. Polchow, *ECIs in Social Media: Transnational Discursive Spaces in the Making?* in: *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, eds. M. Conrad, A. Knaut, K. Böttger, Nomos, Baden-Baden 2016, p. 139.

²⁴ M. Howard, *The Weakness of Civil Society in Postcommunist Europe*, Cambridge University Press, Cambridge 2003; M. Bernhard, K. Ekrem, *Civil Society and Legacies of Dictatorship*, "World Politics", No. 59/2007, pp. 539–567.

²⁵ J. Visser, *Union Membership Statistics in 24 Countries*, "Monthly Labor Review", No. 129(1)/2007.

for example, despite the power of the *Right 2 Water* campaign it has collected only a small number of signatures in CEECs. *Stop Vivisection*, *Unconditional Basic Income* and *Weed Like to Talk* would not be able to collect thousands of signatures in individual member states without the strong commitment of well organised and active NGOs.

Future of ECIs in the CEECs and Beyond

It appears that national indicators related to broadly defined democratic participation are not consistent with the statistics concerning support for ECIs. While Eastern and Central Europe is typically less politically active (in terms of voter turnout, involvement in parties, etc.), its participation in ECIs is very close to that of Western European societies with much longer traditions of citizen participation. Both in Western Europe and in the CEECs the numbers oscillate around 1% of population being engaged in signing a statement of support for a ECI. However, the situation changes when one takes into consideration the number of ECI organisers. In that case citizens from CEECs are much less active. This trend might indicate that although during recent years the CEECs have made up for decades of participatory apathy among their citizens, this applies mostly to a short-term participation, such as signing a petition or a citizens' initiative. Due to a weaker position of CSOs in the CEECs, citizens of these countries are more focused on giving their short-term support than engaging in longer-term campaign organisation. This might change together with strengthening of civil society in Central and Eastern Europe, which eventually could lead to greater engagement, including in transnational participation instruments such as the ECI.

As far as the future of the European Citizens' Initiative is concerned, civil society, academics, as well as a number of MEPs are alarmed about the uncertain future of the instrument.²⁶ The numbers show a worrying trend. Most of the applications took place in 2012, when 19 ECIs were submitted for registration (12 successful registrations, 7 rejections), and in 2013, when the number of submissions remained at 19 (11 registrations, 8 rejections). However, in 2014, the number of ECI applications dropped to the disappointingly low number of nine submitted ECIs, of which only four were

²⁶ C. Berg, J. Thomson, op.cit.; K. Böttger, J. Plottka, *The ECI – An Overview of Opportunities and Constraints*, in: *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, eds. M. Conrad, A. Knaut, K. Böttger, Nomos, Baden-Baden 2016; X. Dutoit, op.cit.; O.M. Petrescu, *Strengthening the Idea of "By Citizens, for Citizens" in the Context of the European Citizens' Initiative – Brief Analysis of Initiatives.*, "Romanian Journal of European Affairs", No. 14(2)/2014, pp. 5–28.

successfully registered. The trend was confirmed in 2015 when six ECIs were registered (none were refused). Nevertheless, it appears that 2016 will be the worst year of all, with only three ECIs so far registered.²⁷

Based on the statistics we can see that the ECI was perceived in its first two years as a potentially effective instrument of European participatory democracy. The tool was used relatively frequently and all three of the successful ECIs came from that period of time. However, those first years also showed that within the current framework it is remarkably difficult and burdensome to organise a successful ECI. Although ECI organisers, civil society and academia have been pointing out a number of issues, the European Commission responsible for the instrument has reacted either very slowly or not at all (European Commission, 2015a). Consequently, citizens and CSOs realised that triggering an ECI has a very low effectiveness in comparison to the costs. With each passing year the interest in ECIs has become lower, potentially leading to a quiet death of this promising and unique instrument of transnational participatory democracy. The European Citizens' Initiative framework not only needs revision, but also a profound reform, which would bring back citizens' trust in the instrument.

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Key words: European Citizens’ Initiative, Central and Eastern Europe, European Union, Participation, Democracy

Abstract

European Citizens’ Initiative in Central and Eastern European Countries – The Bumpy Road of Participatory Democracy in the EU

Around 75% of the signatures of support for European Citizens’ Initiatives come from five large EU member states: Germany, Italy, France, Spain and Poland. However, there is evidence that some of the smaller Central and Eastern European Countries have also actively used European Citizens’ Initiatives. For example, in Estonia more than 5% of all inhabitants have signed a statement of support for an ECI, compared to France where only 0.5% have done so.

This paper analyzes the extent to which the European Citizens’ Initiative has been used in Central and Eastern European Countries (CEECs), and in particular the type of organisational supporters and the campaigns which have attracted the most support in CEECs, and explore the reasons for these patterns. It will also explore whether the existence of a national citizens’ initiative instrument in a particular CEEC has any effect on the interest in an ECI in that member state, as well as assess the future of the ECI in a region facing a number of democratic challenges.

Analysis of these national campaigns make it possible to examine the role of organisations and mechanisms ‘bridging’ territorial levels of contention and the circulation of narratives in countries with shorter traditions of civil rights, and in which trade unions have dominated the landscape of civil society organisations. The ECI apparatus, and the legacy of recent campaigns, provide a unique opportunity to analyse the circulation of narratives between different territorial levels.