

Civil Society, Democracy and the European Citizens' Initiative: What's the Missing Link?

Abstract

Starting with an analysis of EU legal sources, this article will first highlight the rising interest in the participation of Civil Society in the EU integration process as a possible remedy to bridge the gap between supranational governance and citizens; in a second step, it will discuss the ambiguous use of the term "Civil Society" in the European debate.

Hence it will present the role of Civil Society in the policy-making process as an organized actor in multilevel governance, specifically with regard to the European citizens' initiatives (ECIs) (art. 11.4 TEU) launched so far. The article aims to analyze ECIs from the perspective of Civil Society participation at the EU level.

In the conclusion, the article – on the limited issue of the ECI – draws some critical conclusions regarding the actual outcomes that the active promotion of Civil Society participation has achieved and some questions about the democratic added-value that Civil Society could bring to a more grounded legitimacy of EU decisions.

Key words: European Process of Integration, Democracy, Civil Society, ECI, Reforms

Introduction

It is quite easy to say that Civil Society may play an important role in forging European identity. Nevertheless, it is important to first examine

* **Angela Maria Romito** – University of Bari Aldo Moro, e-mail: angelamaria.romito@uniba.it, ORCID: 0000-0002-0486-5859.

what is meant by Civil Society, and what role it does and should play in everyday EU policy making.

The concept of European Civil Society was never defined in the EU founding treaties or the secondary EU norms; neither the EC Treaty nor the Lisbon Treaty describe what its role should be.

Only a very broad definition has been given by the Economic and Social Committee, according to which: “Civil Society is a collective term for all types of social action, by individuals or groups that do not emanate from the state and are not run by it”.¹

In spite of a generally relevant value attributed to Civil Society in the political system of the EU,² on closer scrutiny it becomes apparent that, throughout the years, its definition has never been an issue of debate, nor has what is represented by “Civil Society”; such vagueness has led to misleading ideas regarding its meaning, linked to the different normative theories of democracy and to the different national images of the nature of the European polity, as if it was a projection of the real existing democracies of the home countries onto the European Union.³

On the basis of experience, it can be affirmed that within the EU system, Civil Society has a particular meaning and a dominant role: it is an important actor that contributes, or ought to contribute, to EU policy making in order to enhance the quality and legitimacy of the substantial input through participation, thereby improving policy output.⁴ In other words, Civil Society (by which we mean groups of citizens with common ideas, professional stakeholder organizations, interest groups, the employers’ and trade union organizations, organized interests and actors coming from the sphere of economic life, as well as more or less all the spontaneously emergent associations, organizations, movements, and charities) is a major element in strengthening the performance-based, “output” legitimacy of the EU.

It is at the same time a counterpart in opposition to formal governmental power and a constituent element and integrated player in political processes.

¹ See: Opinion of the Economic and Social Committee on “The role and contribution of Civil Society organizations in the building of Europe”, OJ 1999 C 329/30, p. 30, spec. p. 32.

² J. Steffek, C. Kissling, P. Lanz, *Civil Society participation in European and Global governance*, Houndmills 2008.

³ As B. Kohler-Koch argues: “The broad definition was rather a free-floating signifier with positive connotation”. See: *The three worlds of European Civil Society – What role for Civil Society for what kind of Europe?*, “Policy and Society” 2009, pp. 47–57.

⁴ For a more detailed analysis, see: B. Finke, *Civil Society participation in EU governance*, “Living Reviews in European Governance”, vol. 2/2007, pp. 4–31, <http://www.livingreviews.org/lreg-2007-2>.

As Smismans strategically pointed out, the concept of “European Civil Society” has spontaneously emerged in the EU’s official documents precisely to stress the role of intermediary associations in European governance, but for the citizens, its existence was assumed rather than given a central place and without conceiving of such participation in terms of active citizenship.⁵

Civil Society in the EU

In the history of the EU, Civil Society was widely absent from the research agenda for the first decades of European integration. It is well known that the European integration process started as a functional project of economic cooperation between nation states, but as the European Communities and later the European Union increasingly engaged in more policy fields, it has also become an exercise in polity building.

The Treaty of Rome (1957) provided for the participation of Civil Society in European affairs through the European Economic and Social Committee (EESC) and until the mid-1980s, the institutions and bodies of the European Economic Community (EEC) conceptualized Civil Society mostly in terms of all those groups representing organized interests. The role of Civil Society, therefore, was mostly seen as that of providing consultancy and feedback to EEC policy making in the context of a “social dialogue”. The EESC’s role has been enhanced by treaty changes over the years, but it still remains (only) a consultative body.⁶

This perspective changed radically in 1990s: the topic of Civil Society participation has become even more prominent since the Maastricht Treaty in 1993, when for the first time Civil Society appeared as the source of a European public opinion in the making policy governance and as a privileged actor in fostering the union’s democratic legitimacy. Suddenly Civil Society participation in democratic governance was considered the “panacea to the democratic deficit”.⁷ Over the subsequent years the lack

⁵ S. Smismans, *European Civil Society and Citizenship: Complementary or Exclusionary Concepts?*, “Policy and Society”, no. 28(1)/2009, pp. 59–70. See also: S. Smismans, *European Civil Society: shaped by discourses and institutional interests*, “European Law Journal”, vol. 9, no. 4/2003, pp. 473–495.

⁶ The Lisbon Treaty strengthened the role of the EESC and called on EU institutions to have “open, transparent, and regular dialogue with representative associations and Civil Society”, and the Commission is required to hold broad consultations with all concerned parties.

⁷ S. Elder-Wollenstein, B. Kohler-Koch, *It’s about participation, stupid*, in: *Changing images of Civil Society: from protest to governance*, eds. J. Bruno, B. Kohler-Koch, London 2008, p. 196.

of a European “*affectio societatis*” and the complexity of the decision-making machinery became even more evident. The Convention of the Future of Europe dedicated itself particularly to listening to the demands of Civil Society, hoping to produce policies that were closer to citizens’ needs and to disseminate knowledge of EU issues to a wider public. However, all the proposals of reforms aiming at a more inclusive, voluntary, informal, and participatory forms of European governance – including the active involvement of Civil Society – failed due to the negative results of the French and Dutch *refenda*.

The Lisbon Treaty

Civil Society’s role in shaping Europe received greater recognition through the Lisbon Treaty of the European Union. In order to fill the gap between European men and women and EU institutions – which were widely regarded as detached from the daily lives of those who were greatly affected by their decisions – several tools for consultation and dialogue were introduced.

The Treaty was inspired by a deeply felt need for a stronger voice and influence for citizens and for the active involvement of citizens and Civil Society organizations as participating actors in the governing structures of the European Union; thus, a new form of democracy was achieved through the introduction of a whole new chapter dedicated to this purpose (Title II art. 9–12).⁸

The references to the consultation of Civil Society and the idea of interaction with intermediary organizations has found its place under the new title of “provisions on democratic principles,” which brings together several different ways through which citizens and Civil Society can participate or are represented in European policy making. According to the new vision, the core legitimacy of the EU is in the representative democracy (mainly via European Parliamentary elections), and participative democracy (such as large base participation) has to be integrated into the representative model of governance.⁹

⁸ See V. Cuesta Lopez, *The Lisbon Treaty’s Provisions on Democratic Principles: A legal framework for participatory democracy*, “European Public Law” 2010, pp. 133–138. See also: M. Thiel, O. Petrescu, *Institutional Instruments for Citizen Involvement and Participation: Their Impact on the EU’s Political Processes and Institutional Legitimacy*, in: *Democratic Legitimacy in the European Union and Global Governance, Building a European Demos*, ed. B. Pérez de las Heras, Palgrave Macmillan, London 2017, pp. 9–39.

⁹ According to J. Greenwood, *Review article: Organized Civil Society and democratic legitimacy in the European Union*, “British Journal of Political Studies”, vol. 37/2007, pp. 333–357, participatory tools are only established as secondary to the other mecha-

ECI

Within the framework of Title II of TEU, the most prominent example of the treaty's new vision of democracy and a new "bottoms-up" approach for Civil Society is the European Citizens' Initiative (ECI); launched in April 2012, it creates, for the first time, an instrument for citizens and Civil Society to call upon the Commission to initiate legislation.¹⁰

According to Article 11.4, no fewer than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit an appropriate proposal on matters in which the citizens deem a legal act of the Union necessary for the implementing of treaties. In order to facilitate such "grassroots initiatives", three other paragraphs within the same Article 11 of TEU request that EU institutions: 1) give citizens and representative associations, by appropriate means, the opportunity to make known and publicly exchange their views in all areas of Union action (par. 1); 2) maintain an open, transparent and regular dialogue with representative associations and Civil Society (par. 2); and, 3) that the Commission, in particular, carry out broad consultations with concerned parties in order to ensure that the Union's actions are coherent and transparent (par. 3).

All in all, this provision is not only very innovative, because it provides the most concrete new instrument to involve citizens and Civil Society directly, but it is also symbolic, since it is the formal expression of the link between the official citizenship rights granted by the EU and the more elusive notion of a European Civil Society.

Other than the consultation regime that offers purely informal participation options for Civil Society, the Citizens' Initiative allows citizens (individually or in organized groups) to play an active role in the EU's democratic life, giving them the opportunity to express their concerns in a very concrete way and to influence the European political and legislative agenda through submitting a request to the European Commission to make a proposal for a legal act.

nisms of representative democracy. See also: G. Majone, *The common sense of European Integration*, "Journal of European Public Policy", vol. 13, pp. 607–626.

¹⁰ There is a very broad literature on the issue. Among others see: E. Amnå, *New form of citizens participation*, Baden-Baden 2010; F. Esposito, *Vers un nouveau pouvoir citoyen?*, Louvain-la-Neuve 2007; B. Kaufmann, *The European Citizens Initiative handbook*, Bruxelles, November 2010; J.W. Pichler, B. Kaufmann, *The European Citizen's Initiative: into new democratic territory*, Mortsel 2010; J.W. Pichler, B. Kaufmann, *The next big thing, making Europe ready for the Citizens' Initiative*, Mortsel 2011.

According to the ECI Regulation,¹¹ ECI organizers must first set up a citizens' committee (consisting of at least seven people, all residing in different Member States) and ask the Commission to register their initiative. After two months, if the Commission concludes that the proposed initiative does not “manifestly fall” outside its powers and complies with other formal conditions in Article 4.2 of the ECI Regulation (the legal admissibility test), it can be registered.

After registration, organizers have to collect at least 1 million signatures in at least a quarter of the Member States (i.e. seven of the 28 Member States) within no more than 12 months. In addition, specific quotas for the number of signatures requested from each Member States apply according to the relative size of the populations. It is expressly stated that initiatives may not be run by organizations or by members of the European Parliament,¹² but may be supported by them. Collected statements of support, either on paper or in an electronic format, are then forwarded to authorities in the Member States for verification, and then to the Commission; finally, once all requirements for submitting an initiative have been met, the organizers will meet with the Commission representatives and have the opportunity to present their initiative at a public hearing in the European Parliament with the participation of other relevant EU institutions. Within three months the Commission decides whether to act on it or not, and in either case it must publish a reasoned response (which will take the form of a communication). This will then be formally adopted by the College of Commissioners and published in all official EU languages.

Thus, while the initiative gives a limited and indirect right to citizens and organized Civil Society to initiate legislation, the Commission, indeed, has a monopoly on legislative initiatives (articles 7 and 225 of the TFEU) and is not legally obliged to follow up on any such initiative.

Updated Focus on the ECI

The eleven years since the signing of the Treaty of Lisbon and the five years since the regulation (EU) no. 211/2011 entered into force is enough time to take preliminary stock of ECI.

¹¹ The procedures and conditions for exercising this right are governed by Regulation (EU) No 211/2011, of the European Parliament and of the Council of 16 February 2011 on the Citizens' Initiative, OJ 2011 L 65/1, adopted on the basis of article 24 TFEU.

¹² Members of the European Parliament may be members of citizens' committees but cannot be counted as one of the requisite 7 citizens, meaning that they may not be mentioned on the committee registration form.

Between 2012 and February of 2018, the Commission has received 67 ECI proposals:

- 7 are currently open for signature: 1) “EU Citizenship for Europeans: United in Diversity in Spite of jus solis and jus sanguinis”; 2) “Minority Safe Pack – one million signatures for diversity in Europe”; 3) “Retaining European citizenship”; 4) “Let us reduce the wage and economic differences that tear the EU apart!”; 5) “Stop Extremism; 6) “Stop TTIP”; and 7) “We are a welcoming Europe, let us help!”.
- 19 ECI registration requests (among others, “Stop Brexit”), have been rejected by the Commission, mostly because they fall outside of its competence, and 14 have been withdrawn by ECI organisers.
- 23 ECI requests did not gather sufficient support over the 12-month period for collecting signatures.
- The Commission has formally replied to 4 initiatives which gained 1 million signatures, namely, “Stop Vivisection”, “One of Us”, “Water is a public good, not a commodity”,¹³ and “Ban glyphosate and protect people and the environment from toxic pesticides by adopting communications”, but none of them has become law yet.

It should be specified that ECI organizers can utilise a number of judicial and extrajudicial remedies: they can submit an action to the General Court (in the first instance) and to the Court (on appeal) under art. 263 of TFEU asking for the annulment of the Commission’s refusal to register, or asking the Ombudsman to intervene.

As of today:

- 7 Commission decisions to reject ECIs have been challenged before the General Court, and the Court overruled the Commission’s refusals to register “Minority Safe Pack – for diversity in Europe” and “Stop TTIP”. Both initiatives are now open for signature.
- in 4 other cases (“Ethics for Animals and Kids”, “Cohesion policy for the equality of the regions and the preservation of regional cultures”, “One Million Signatures for a Europe of solidarity”, and “Right to Lifelong Care”), the General Court confirmed the Commission’s refusal and the organizers appealed.

¹³ A proposal for the revision of the Directive on Drinking water was adopted by the Commission on 1.2.2018. Further information on this initiative can be found on the dedicated Commission website.

Table 1. ECI's by status

	2012	2013	2014	2015	2016	2017	TOT
Number of requests for registration	27	16	8	5	5	5	66
Number of registered initiatives	16	9	5	6	3	8	47
Number of refused requests for registration	7	8	5	0	0	1	21

Source: <http://ec.europa.eu/citizens-initiative/>.

Discussion on the ECI's Function and Suggestions for Reform

In light of the practice, it is evident that the Commission's efforts to make it known and accessible to all potential stakeholders¹⁴ has not lived up to the expectations it raised when it was introduced and that it did not work efficiently in alleviating the democratic deficit of Europe; not only are very few citizens aware that ECI exists,¹⁵ there is little guarantee that a successful ECI will actually have an impact on EU legislation. Empirical data shows a progressive lack of interest in this tool: in fact, three initiatives that reached positive conclusions were proposed in 2012, and the use of ECI has dramatically declined since 2013.

Over the past two years, following the Commission's first triennial report to the European Parliament and to the Council dedicated to the implementation of Regulation no. 211/2011 on the legislative initiative,¹⁶ the ECI instrument has been subject to a review process.

EU institutions, ECI organizers, the Members of the European Parliament, the Commission, the Committee of Regions and the European Economic and Social Committee all agreed that the ECI was unnecessarily complex and significant changes to its procedures were urgently needed in order to restore citizen confidence in the popular legislative tool and to fulfil its promise of participatory democracy.¹⁷

¹⁴ By adopting appropriate Implementing Regulation (EU) No 1179/2011, by implementing a series of non-legislative measures to facilitate the use of the instrument and by activating a detailed website dedicated to the initiatives launched (ec.europa.eu/citizens-initiative/public/welcome).

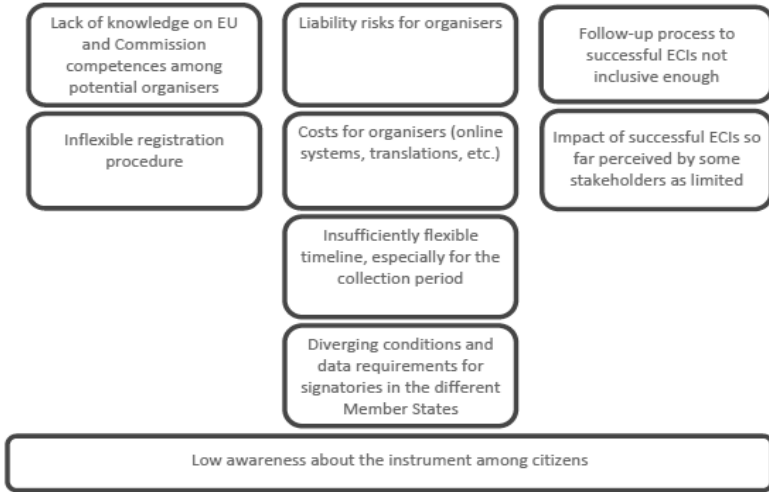
¹⁵ According to the Commission staff document dated 13.09.2017, SWD(2017) 294 final, only 37% of the public consulted had not heard about the ECI.

¹⁶ The first triennial report on application was adopted on 31.03.2015, COM(2015) 145 fin. See at: http://ec.europa.eu/transparency/eci_report_2015_en.pdf (15.06.2018).

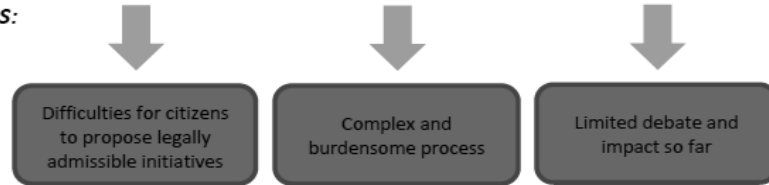
¹⁷ The problems have been highlighted in several documents, all available on line. See two European Parliament studies, "European Citizens' Initiative – First lessons of

Figure 1: Summary tree

DRIVERS:



PROBLEMS:



CONSEQUENCES:



Figure 1. Framework of the reform

Source: Commission staff working document, SWD (2017)294 final.

implementation” and “Implementation of the European Citizens’ Initiative”; The conclusions of the “ECI Days” of April 2015 and 20.1.2016; the Opinion of the Committee of the Regions of October 2015; the Resolution of the European Parliament of October 2015; the REFIT Platform Opinion of June 2016; and the Opinion of the European Economic and Social Committee of July 2016. The Ombudsman report, a so-called own-initiative inquiry on the effectiveness of the ECI procedure, can be found at <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/59205/html.bookmark>.

The problems identified can be summarized with regard to the following three aspects:

- h) the difficulties for citizens to propose legally admissible initiatives – this is evidenced by the relatively high rate of refusals of registration (30% of requests for registration could not be registered by the Commission as they were manifestly outside the scope of the Commission's competences);
- i) a complex and burdensome process for organisers of initiatives to collect statements of support, as evidenced by the low rate of successful initiatives, i.e. initiatives that manage to reach the required number of signatories within the one-year collection period;
- j) limited debate and impact generated so far.

Several proposals have been made in order to improve the ECI's functioning, and at this time a reform of Regulation 211/2011 is in discussion.¹⁸

Commission Proposal for Review of the ECI Regulation

Following a public consultation on ECIs held between May-August 2017, in September 2017 the Commission proposed a review of the ECI Regulation.¹⁹

The core of the proposal is twofold: to make the ECI more accessible, less burdensome and easier to use for organizers and supporters, but also for other actors like Member States' competent authorities and the Commission itself; and, in addition, to achieve the full potential of the ECI as a tool to foster debate and participation at the European level, to include young people, and to bring the EU closer to its citizens.

The improvements to make the ECI more user-friendly include specifically: the possibility to establish citizens' committees (now groups of organizers) as legal entities; reinforced advice and support measures; the possibility for organizers to use a central online collection system under the responsibility of the Commission and without the need for certification; a period of a maximum of three months between the date of regis-

¹⁸ The revision of the Regulation on the citizens' initiative was publicly announced by the Commission First Vice-President, Frans Timmermans, on the occasion of the "ECI Day" Conference on 11.04.2017, as a result of a two-year review process triggered by the Commission Report on the application of the Regulation on the citizens' initiative of 31.03.2015.

¹⁹ The results of the public consultation are available on the web: see P8_TA(2016)0021, as well as the Proposal for a Regulation of the European Parliament and of The Council on the European citizens' initiative, COM(2017) 482 final, on 13.09.2017.

tration and the start of collection, allowing organizers to prepare their campaign and their online collection system should they decide not to use the central system; simplified forms for the collection of statements of support and a unified approach based on nationality, allowing all EU citizens to sign; and provisions on communication activities to be carried out by the Commission.

Table 2. Main innovations in the proposal

MAIN INNOVATIONS IN THE PROPOSAL		
	Current Regulation	The Proposal
Minimum age for signatories	Age to vote in EP elections (18, except in Austria where it is 16)	16 -> 10 million more potential signatories
Possible forms to collect support	13 possible forms, depending on the Member State	Only 2 possible forms available
Online collection	One online collection system per initiative to be built by its organisers	One central online collection system provided by the Commission (with the possibility for organisers to build their own, if they so wish)
Potential signatories	Some cases where citizens cannot give support	All EU citizens regardless of their place of residence can give their support
Examination phase	3 months	5 months allowing more inclusive public hearing and more time for Commission to consult stakeholders and analyse.

Source: https://ec.europa.eu/commission/sites/beta-political/files/european-citizens-initiative-factsheet-sept2017_en.pdf (18.06.2018).

In a nutshell, the proposal of reform attempts to solve several relevant technical, administrative, logistical and communication problems; however, it seems to fail to address the more fundamental and politically salient issues which threaten the future of the instrument, i.e. the contributions (and limitations) of citizens and civil society to a democratic representation in EU governance.

The European Economic and Social Committee and the European Committee of the Regions²⁰ have already developed their opinions, as well as the Ombudsman.²¹ On April 2018 European Parliament rapporteur György Schöpflin published his draft report on the Commission's proposal highlighting nine measures that should be considered, all of which referred to the necessity of stressing a more relevant participation of the

²⁰ See online the opinion dated 14.03.2018: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/regulation-european-citizens-initiative-sub-committee> and the opinion dated 22–23.03.2018 named Regulation on the European Citizens' Initiative, CIVEX-VI/028, <http://cor.europa.eu/en/activities/opinions/pages/opinion> (15.06.2018).

²¹ The Ombudsman's full list of suggestions is available online at "Decision of the European Ombudsman closing her own-initiative inquiry OI/9/2013/TN concerning the European Commission". ombudsman.europa.eu (30.01.2018).

EP, which should develop its opinion and vote in plenary on every single successful ECI before the Commission takes in a position.²² Over the course of the next months, both the European Parliament and the Council of the European Union will finalize their own positions on the proposal and will enter into negotiations with one another until an agreement on the new regulation is reached and approved by both legislative bodies (according to article 289 TFEU).

Conclusion and Outlook

Why hasn't the world's first tool of participatory, transnational and digital democracy responded to the expectations it raised when it was introduced? What's the Missing Link among Civil Society, the European Citizen's Initiative and Democracy?

ECI seemed to be a revolutionary tool for the inclusion of organized and activated Civil Society groups in EU policy making; yet, the doubts about its capacity to keep the promise of enhancing the democratic quality of the EU legal system, referring to its weak device incapable of influencing the agenda of EU institutions (since it leaves the Commission's monopoly on legislative initiative untouched), made it less attractive for citizens and Civil Society.²³

However, if on the one hand it fails to "automatically" bring EU policy-making closer to the citizens, on the other hand it has to be considered that the main effect of the ECI may not be the passing of large amounts of new legislation, but rather the enlargement of the Brussels policy-making community to new constituencies and the fostering of a transnational European public opinion and transnational debate on European issues.

To achieve this goal it is necessary to pursue every useful path in order to make the process more effective, known and used by all those who should have the greatest interest in using it. At the moment, looking at the wide range of participation levels in the various Member States, it seems that there is not a homogeneous awareness of the potential effects of this legal instrument among Civil Society at the transnational level.

²² The amendments to the new legislative proposal for the European Citizens' Initiative Regulation (2017/0220(COD) – Rapporteur György Schöpflin are available online: <http://www.europarl.europa.eu/committees/it/AFCO/home.html>. A comment is at <http://www.citizens-initiative.eu/9-ways-improve-commissions-eci-revision-proposal/> (15.06.2018).

²³ J. Sauron, *The European Citizens' Initiative: not such a good idea*, Fondation Robert Schuman, no. 192, 31.01.2011.

The revision of the tool, offers an opportunity to simplify the current structure of the Regulations related to it to make it more accessible by improving ECI clarity and consistency and, consequently, to forge links with like-minded citizens across the Union. The final goal should be to facilitate a pan-European debate on issues of concern for citizens, helping to build an EU-wide public sphere, and in this respect ECI has the potential to bring the political system of the EU closer to a participatory model of democracy.

Nowadays the missing link among Civil Society, the European Citizen's Initiative, and democracy seems to be the fact that the dialogue between EU institutions and Civil Society has tended to create a constituency of EU-level organisations specialising in policy advocacy but relatively disconnected from grassroots activism.²⁴ In general, the professionalization of representation in Europe and a bureaucratisation of interest groups in terms of staff, experts, lawyers and lobbyists have led to limited participation of Civil Society and citizens, due to a marginal level of communication with the grassroots.²⁵

In order to exploit the full potential of the ECI and to give visibility to the important role that Civil Society could play in EU decision-making it is necessary to foster a broader civic participation based on active citizenship, because an active citizenry creates a participative Civil Society.²⁶

²⁴ On the contrary: J. De Clerck-Sachsse, *Civil Society and Democracy in the EU: The Paradox of the European Citizens' Initiative*, "Perspectives on European Politics and Society" 2012, pp. 299–311, DOI: 10.1080/15705854.2012.702574 argues that the legislative proposal introducing the ECI succeeded due to strategic lobbying of policy-makers by Civil Society organizations (CSOs), arguing that ECI's genesis illustrates that structural problems inhibit CSOs in mobilizing broad sections of the public in EU policy-making.

²⁵ About citizens' interest organisations established in Brussels which are distant from stakeholders see: B. Kohler-Koch, *Civil Society and EU democracy: 'astroturf' representation?*, "Journal of European Public Policy" 2010, pp. 100–116, <http://eiop.or.at/eiop/texte/2002-006a.htm> (15.06.2018) and P. Bernhagen, R. Rose, *European Interest Intermediation versus Representation of European Citizens*, presented at the Fifth Pan-European Conference on EU Politics, Porto, 23–26.06.2010, retrieved the 20.04.2011, <http://www.jhubc.it/ecpr-porto/virtualpaperroom/156.pdf> (17.06.2018).

²⁶ The approach to Civil Society which underscores the significance of active citizenship is in D. Gawin, P. Gliniski, *Civil Society in the making*, Warsaw 2006, pp. 7–15; B. Hoskins, J. Jesinghaus, M. Mascherini, *Measuring active citizenship in Europe*, CRELL Research Paper n.4, EUR 22530 EN, 2006. Some critical conclusions are in E.G. Heidbreder, *Civil Society participation in EU governance*, "Living Reviews in European Governance", vol. 7, no. 2/2012, pp. 1–30, <http://www.livingreviews.org/lreg-2012-2>.

However, as long as there is no deep sense of belonging to Europe, there will not be strong active citizenship (and the common feeling, at best, will be mainly limited to the right of citizens to express their views through voting); consequently, the conceptualisation of Civil Society will be “an amorphous sphere of individual citizens”, and awareness of its role will be “a minimal one”.²⁷

On the contrary, a “bottoms-up” mobilisation, intended not as a voluntaristic action but as a specific right to take part in governance policy may not only change the way in which the EU agenda is established, but it may also increase a transnational “civil dialogue” generating a real and effective societal integration within the Union’s States and, furthermore, it may enhance the democratic quality of the EU through a “cultural” growth.²⁸ European Civil Society is not a given but it is a social construct; consequently, the development of Civil Society’s role is mainly a cultural process.²⁹

As long as we are not fully conscious of the value of European citizenship, the promotion of democratic legitimacy and the debates on Civil Society run the risk of simply being a rhetorical self-declared goal of any EU initiative.

References

- Amnå E., *New form of citizens participation*, Baden-Baden, Nomos, 2010.
- Bernhagen P., Rose R., *European Interest Intermediation versus Representation of European Citizens*, <http://www.jhubc.it/ecpr-porto/virtualpaperroom/156.pdf>.
- Cuesta Lopez V., *The Lisbon Treaty’s Provisions on Democratic Principles: A legal framework for participatory democracy*, “European Public Law” 2010.
- Civil Society and Legitimate European Governance*, ed. S. Smismans, Elgar, Cheltenham 2006,

²⁷ *Civil Society and Legitimate European Governance*, ed. S. Smismans, Cheltenham 2006, p. 299.

²⁸ Some useful thoughts about how Civil Society and stakeholders will contribute to bringing about a higher standard of governance in Europe in the years to come are in a case study commissioned by the European Economic and Social Committee (EESC) from CNVOS (Centre for information service, cooperation and development of NGOs, Slovenia) and ENNA (European Network of National Civil Society Associations), dated December 2017, T. Divjak, G. Forbici, *The future evolution of Civil Society in the European Union by 2030*, CES/CSS/01/2017.

²⁹ An interdisciplinary study of the citizens’ role in the European political scenario that can serve as a basis for the analyses of the EU’s democratic legitimacy is in *Democratic Legitimacy in the European Union and Global Governance, Building a European Demos*, ed. B. Pérez de las Heras, Palgrave Macmillan, 2017.

- De Clerck-Sachsse J., *Civil Society and Democracy in the EU: The Paradox of the European Citizens' Initiative*, "Perspectives on European Politics and Society" 2012, DOI: 10.1080/15705854.2012.702574.
- Democratic Legitimacy in the European Union and Global Governance, Building a European Demos*, ed. B. Pérez de las Heras, Palgrave Macmillan, London–New York 2017.
- Elder-Wollenstein S., Kohler-Koch B., *It's about participation, stupid*, in *Changing images of Civil Society: from protest to governance*, eds. J. Bruno, B. Kohler-Koch, Routledge, London 2008.
- Esposito F., *Vers un nouveau pouvoir citoyen?*, Louvain-la-Neuve, Bruylant-Academia, 2007.
- Finke B., *Civil Society participation in EU governance*, "Living Review European Governance", vol. 2, no. 2/2007, <http://www.livingreviews.org/lreg-2007-2>.
- Gawin D., Glinski P., *Civil Society in the making*, 2006, IFIS Publishers, Warsaw.
- Greenwood J., *Review article: Organized Civil Society and democratic legitimacy in the European Union*, "British Journal of Political Studies", vol. 37/2007.
- Hoskins B., Jesinghaus J., Mascherini M., *Measuring active citizenship in Europe*, CRELL Research Paper n.4, EUR 22530 EN, 2006.
- Kaufmann B., *The European Citizens Initiative handbook*, Bruxelles, Green European Foundation, November 2010.
- Kohler-Koch B., *Civil Society and EU democracy: 'astroturf' representation?*, "Journal of European Public Policy" 2010, pp. 100–116, <http://eiop.or.at/eiop/texte/2002-006a.htm>.
- Kohler-Koch B., *The three worlds of European Civil Society – What role for Civil Society for what kind of Europe?*, "Policy and Society" 2009, pp. 47–57.
- Majone G., *The common sense of European Integration*, "Journal of European Public Policy", vol. 13/2006.
- Pichler J.W., Kaufmann B., *The European Citizen' Initiative: into new democratic territory*, Mortsels, Intersentia 2010.
- Pichler J.W., Kaufmann B., *The next big thing, making Europe ready for the Citizens' Initiative*, Intersentia, Mortsels 2011.
- Regulation (EU) No 211/2011, of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, OJ 2011 L 65/1.
- Sauron J., *The European Citizens' Initiative: not such a good idea*, Fondation Robert Schuman, No. 192, 31.1.2011.
- Smismans S., *European Civil Society: shaped by discourses and institutional interests*, "European Law Journal", vol. 9/2003, <http://doi.org/10.1111/1468-0386.0018>.

- Smismans S., *European Civil Society and Citizenship: Complementary or Exclusionary Concepts?*, “Policy and Society” 2009, pp. 59–70, <https://doi.org/10.1016/j.polsoc.2009.02.006>.
- Steffek J., Kissling C., Lanz P., *Civil Society participation in European and Global governance*, Palgrave Macmillan, Houndmills 2008.
- Thiel M., Petrescu O., *Institutional Instruments for Citizen Involvement and Participation: Their Impact on the EU’s Political Processes and Institutional Legitimacy*, in: *Democratic Legitimacy in: The European Union and Global Governance, Building a European Demos*, ed. B. Pérez de las Heras, Palgrave Macmillan, London 2017.