



HAL
open science

Combining Inclusion with Impact on the Decision?

Romain Badouard

► **To cite this version:**

| Romain Badouard. Combining Inclusion with Impact on the Decision?. 2012. halshs-00823250

HAL Id: halshs-00823250

<https://shs.hal.science/halshs-00823250v1>

Preprint submitted on 16 May 2013

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Combining inclusion with impact on the decision?

The Commission's online consultation on the European Citizens' Initiative

Draft Paper

The final version of this paper will be published in Kies R. & Nanz P. (eds.), *Is Europe listening to us?*, Dartmouth, Ashgate, in 2013.

Romain Badouard

COSTECH Lab

University of Technology of Compiègne

The Lisbon Treaty introduces a new form of participation at the European level: the Citizens' initiative, which allows one million citizens who fulfill a petition to call on the Commission to propose a legal act on a specific issue. Before this right came into force in April 2012, the European Commission ran a consultation, from November 2009 to January 2010, in order to define the procedure and the conditions required for such initiatives to work in practice.

This consultation was hosted on the portal *Your Voice in Europe*, a website which is used since the early 2000's by the Directorates-General in order to allow stakeholders to contribute to the drafting of legal acts. To date, the platform has been studied through the lens of the standardisation of the Commission's relationships with lobbies and Non-Governmental Organisations (Bozzini, 2007; Dabrowska, 2007; Persson, 2007; Quittkat and Finke, 2008) because it was essentially related to expertise activities and representation of interest. Following the publication of the White Paper on European governance, the consultations has been opened to the general public and has started involving "lay" citizens in policy-shaping procedure. This was the case for the European Citizens' Initiative, which generated more than 300 responses, among which almost half came from individuals.

In comparison to most of online participative experiences at the EU level, *Your Voice in Europe* differs in several respects. It is rather a policy instrument than an e-participation tool: it is institutionalised and the consultations carried out on the platform have to respect strict rules. The link between the consultations and the legislative process is, if not binding, at least defined legally: the consultations have thus "potentially" a strong impact on the decision. Lastly, the platform does not provide any discursive area where participants could exchange and build common proposals. This implies that it does not foster the emergence of European publics around key issues, and does neither promote a transnational political identity, as most of e-participation experiences attempt to do.

The case study that is analyzed in this chapter is useful to evaluate to what extent a policy instrument that is open to the general public can promote the participation of ordinary citizens. Compared to the case studies reviewed in this book, the question of the relation between the inclusiveness of a consultative process and its impact on the decision is seen according to a “reverse” problematic: instead of examining how an experimental case study involving citizens can be institutionalized, we are going to study to what extent an open and institutionalized consultative process leads to a greater participation of citizens.

In order to measure this link we will first focus on the impact of the consultation on the final decision, by assessing the features that enable the participants to be heard by the Commission, and by comparing them with other EU participative experiences. We will argue that the strategy of the consultations managers can be more decisive than the legal status of the mechanism.

We will then focus on the inclusion issue: what are the conditions that must be gathered in order to foster the participation of “ordinary” citizens during these consultations? If academic studies have identified several key factors, as the standardization of the format of participation (Quitkat, 2011), or the time limit left for the elaboration of responses (Bozzini, 2008), we will show that the translation of related documents and the issue tackled by a consultation also play a crucial role.

Finally, we will adopt a communicative approach in order to show how *Your Voice in Europe* embodies a specific conception of the political mediation between the Commission and the participants, which favours the participation of “strong” and “segmented” publics (Eriksen, 2005 ; 2011).

1-The conditions of an impact on the decision-making process

1.1-Your Voice in Europe: an e-government tool

At the European level, participative projects (whether online or offline) have not been developed through a single policy program. From the late 1990’s onwards, the Commission, the Parliament and the Council have set up their own online participative mechanisms (Dalakiouridou, Tambouris & Tarabanis, 2009). Even within the European Commission, these projects are managed by various Directorates-General (see chapter 1).

Three main European policies frame their development (Badouard, 2010). The first one is the renewal of the institutional communication of the EU, initiated in 2005 with the first Barroso Commission and the publication of an *Action plan to improve communicating Europe* and the *Plan-D for Democracy, Dialogue and Debate*. In this context, several participative projects were set up with the aim of fostering transnational political dynamics. These projects aimed at promoting the emergence of European public spheres, where new kinds of interaction between citizens, and between citizens and decision-makers, could occur. Most of these projects were managed by the Directorate-General Communication. In this book, the case study on the European Citizens’ Consultation (see chapter 3) is related to this strategy.

The second main policy that is managed by the Directorate-General Information Society and Media relates to the building of a European « knowledge society ». Whereas these policies primarily focused on economic and technological issues, the *i2010 Initiative* (2005) started promoting the development of new mechanisms which favour citizen participation. In particular, the *i2010 eGovernment Action Plan* (2006) encompassed an *eParticipation Preparatory Action Plan*, which aims at developing innovative tools to be implemented in various European contexts. The reader can refer here to the Ideal-EU case study (see chapter 5).

Your Voice in Europe is part of a third strategy that preceded the two other ones. Following the resignation of the Santer Commission in 1999, the Prodi Commission started a reform of the European Governance (2001) that led to the implementation of several e-governement tools such as the platform *Your Voice in Europe*. This platform was previously used by the Directorate-General Internal Market and Services as a cheap tool to improve feedback mechanisms from enterprises and consumers in the context of the building of a single market. In 2002, the usage of the platform has been imposed as the single online consultative procedure to all the various Directorates-General to consult stakeholders and citizens according to their domains of competency¹.

The consultations hosted on the platform have to follow some strict rules. The subject of the consultation has to be related to an upcoming policy and the organizers of the consultation must specify the types of public that are concerned. The consultation has to last 8 weeks (at least), and the agenda of the consultation also has to be clearly stated. After the consultation, the Commission must publish the outcomes on its website, and explains how the contributions were taken (or not) into account.

The Directorates-General may use two means to run a consultative process on the platform. The first one is the *Interactive Policy Making*, which is an information system based on an online questionnaires to which all the participants are requested to answer. The second consultative method relies on the direct exchange of emails between the Directorate-General and the participants on pre-defined questions. Citizens and stakeholders are invited to provide the Directorate-Generale with informations concerning the acceptability of its policy, the definition of its objectives, and the means that can be used to reach them. While the objective of the two consultative methods is the same, the choice of a format of participation has an impact on the public who participate. Christine Quittkat showed (2011) that online questionnaires favor the participation of general publics because the elaboration of responses is easier while the usage of e-mails better fits to experts and lobbies' practices.

For the consultation on the European Citizens' Initiative, the Directorate "Better Regulation and Institutional Issues" of the Secretariat-General chose the second consultative method. The participants were asked to answer the questions presented in a Green Paper by sending their answer to specific e-mail boxes. The Directorate then publicized their contributions on its own website.

¹ See European Commission (2002), *Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission*, COM(2002) 704 final.

After the consultation, the Directorate-Generale can organise face-to-face public hearings where the members of the Commission in charge of the consultation and the participants to the consultation are invited to exchange their views on the project. With regard to the consultation on the European Citizens' Initiative, a public hearing took place in Brussels in February 2010. After the consultation, the Directorate "Better Regulation and Institutional Issues" published the outcomes of the consultations but, as some empirical studies show, the publication of reports on the outcomes of a consultation is the exception rather than the rule (Quittkat, 2011).

To sum up, *Your Voice in Europe* promotes an instrumental participation, as the platform is used in the course of a public policy in order to allow organisations and citizens to contribute to the draft of a legislative act. It bears an "output oriented legitimacy" (Scharpf, 1999): the outcomes of a consultation matter more than the participative process. By contrast, the main objective of most of participative experiences resides in their transformative power (Smith, 2008): through their discursive exchanges on- and off-line, participants can develop a certain sensitivity to European issues, and can thus initiate themselves into a form of transnational citizenship.

1.2-The impacts of the contributions on the regulation of the European Citizens' Initiative

It is expected that the consultations hosted by *Your voice in Europe* should have an impact on the decision taken by the Commission in so far as they are institutionalized. However, the consultations are not legally binding, and the Directorate-General which launched the consultation is free to consider whether a contribution is relevant or not. This section analyzes for the consultation on the European Citizens Initiative several factors that influence the level of impact on the final decision. The evaluation of this impact is based on three official documents.

The first one is the *Green Paper on a European Citizens' Initiative*, which was published in November 2009. This document is the starting point of the consultation. In this text, the Commission presents ten key issues related to the regulation of the initiative. These questions address the minimum number of Member States from which citizens must come, the minimum threshold of signatures per Member State, the minimum age to participate, the wording of the initiatives, the requirements for the authentication of signatures, the time limit for their collection, the registration and the requirements for organisers, the examination by the Commission, and the ways of preventing the submission of initiatives on a same issue. For all these points, the Commission presents what is at stake, expresses its point of view and the one of the Parliament when they differ, and asks open questions to the participants. The Green paper was published the 11th of November, and the consultation lasted until the 31th of January 2010. Two months later (31th March 2010), the Commission published two documents related to the consultation. The first one is the *Outcome of the public consultation on the Green Paper on a European Citizens' Initiative*, which accompanied the *Proposal for a regulation of the European Parliament and of the Council on the*

citizens' initiative. In the first one the Commission presents the outcomes of the consultation. The second one is the draft that is transmitted to the Parliament and the Council in order to be amended and to be voted.

By connecting these three documents, we can observe how the Commission took into account the contributions it received. We can distinguish three different categories. The first one is made up of the issues on which the Commission announces to have received a wide support from the participants, *id est* that a majority of participants favor the solution that was presented by the Commission in the Green Paper. In this category are gathered the issues related to the minimum number of Member states from which citizens must come, the minimum age to participate, the time limit for the collection of the signatures, and the requirements for organisers.

In the *Outcome of the public consultation*, the Commission declared it has received “*considerable support among contributors*”² on a specific issue, that the participants “*broadly support*”³ another point, or that “*most respondents agree*”⁴ with its point of view. But the Commission never gives precise figures. In order to figure out if its statements were actually right, we looked into the responses that were made public. Let us take the example of the issue of the minimum age to participate to a European Citizens' Initiative.

The Commission received 329 responses. Over them, 311 were made public on the Internet. On *Your Voice in Europe*, all the responses are made public, unless the participants ask the Commission to keep their contributions private. Some of these 311 responses did not tackle the issue of the minimum age. We were able to read all the contributions in English, French, and Spanish, which represent 68,7 % of the total amount of the contributions. For the other languages, we used *Google Translate*. When the translation was not good enough for us to understand its meaning, we considered the contribution as “untranslatable”. At the end of the process, 237 responses that tackle the minimum age issue were analysed. Among them, 61,6% supported the position of the Commission which maintains that the minimum age to participate to an initiative should be related to the voting age to the European elections in each Member State. In this case, the Commission indeed received a broad support from the participants.

The second category refers to the issues on which the responses are divided. In such cases the Commission generally privileges half-way solutions, that take into account most of the responses to specific propositions. This was the case for example of the requirement of the minimum number of signatures per Member State. In the Green Paper, the Commission suggested that for each Member State involved in an initiative 0,2% of its population should be represented among the million of signatures. The Commission wrote in the *Outcome of the public consultation* that the opinions on this subject were divided. Many propositions had highlighted that this threshold would penalize the bigger countries and favour the little ones. This statement is confirmed by our research. Among the 235

² European Commission (2010), *Outcome of the public consultation on the Green Paper on a European Citizens' Initiative. Accompanying document to the proposal for a Regulation of the European parliament and of the council on the citizens' initiative*, SEC(2010) 370, p.4.

³ *Ibid*, p.4.

⁴ *Ibid*, p.6.

responses that were analysed, 47,7% of the participants agreed that the right percentage was 0,2, 14% were in favour of a lower percentage, while 12,3% were in favour of a higher one. Above all, 21,7% have proposed a different solution. In others words, the opinions were clearly divided and more than a half of the responses were against the Commission solution.

Finally, the Commission adopted in its final draft an idea that was proposed during the hearing on the European Citizens' Initiative, which took place in Brussels after the consultation. According to this solution the number of signatures required corresponds for each country to the number of its Members of the European Parliament multiplied by 750: the figure obtained is then a threshold that does neither penalize the big Member States nor the small ones.

The third category is made up of all the issues on which the participants did not support the position presented in the Green Paper. In this context, two scenarios have occurred: the Commission remains on its position or changed its mind. For instance, in the Green Paper, the participants were asked about the wording of an initiative. According to the Commission, most of them expressed a need to benefit from a standardized submission form that would be available on the Internet. In this case the Commission finally supported the position of the majority and decided to develop this submission form.

The Green Paper also suggested that presenting various initiatives on a same matter should not be allowed. It proposed some mechanisms to regulate this issue, as setting up time limits. According to the Commission, participants disagreed with its proposition, arguing that the conditions to run a European Citizens' Initiative were already restrictive enough. This is confirmed by our analysis that shows that among 223 responses dealing with this issue, 70,9% were against such mechanisms or proposed other solutions. In the final draft, the Commission decided to leave this issue aside.

Even though the consultations carried out with *Your Voice in Europe* do not have a binding power, our case study shows that it can have a sizeable impact on the draft submitted to the Parliament and the Council. Not only the Commission considered the propositions that did not support its views, but it also changed its mind according to the contributions, or developed half-way responses in order to take into account the advices expressed during the consultation. In this specific case, the Secretariat-General had no experiences of citizens' initiative and was seeking for expertises on this subject, by means of this consultation. According to the members of the Institutional Issues Unit⁵, which was in charge of the European Citizens' Initiative, the outcomes of the consultation had an impact on the final draft because they highlighted some drawbacks of the Commission's propositions, and they proposed relevant solutions.

The impact of *Your Voice in Europe* on the decision-making process thus results from two key factors. The first one resides in its institutionalisation. The Commission recognizes *Your Voice in Europe* as an e-government tool that is used in the course of a public policy. This official recognition implies the establishment of a normalized process, which insertion into the decision-making process is legally defined. The second key factor results from the organisers'

⁵ We met the members of the Secretariat-General who organised the consultation for an interview in October 2010, at their office, in Brussels.

needs, and from the perception they have of the utility of the consultation. Whether it is a question of legitimation, or of having access to expertise, the responses are not taken into account the same way. In the first case, the Directorates-General run a consultation in order to benefit from the democratic legitimation that is provided by the participation of the citizens and the stakeholders (“input oriented legitimacy”). This element is quite important in the context of the competition between the Commission and the Parliament. In this case, the participation in itself matters more than its outcomes.

In the second case, the Directorates-General are looking for useful informations, in order to set up the most relevant initiative and to take the best decision (“output oriented legitimacy”). Their knowledge on the subject of the consultation is limited, and they want to obtain new sources of expertise. Civil society organisations that have a deep knowledge of these subjects can thus provide relevant contributions, which can be included in the final draft. In this case, the participation matters less than its outcomes.

In synthesis, the level of impact of a consultation on a final decision results partially from the status of the tool that is used to carry out the consultation (institutionalised or informal, durable or « one-shot »), and the intentions of the consultation organisers (legitimation or utility).

2-Whose voice?

2.1- The "ordinary" citizen issue

During the reform of the European governance, *Your Voice in Europe* was embedded in a strategy of broadening the scope of lobbying and expertise at the European level, by involving "ordinary" citizens in these political processes. The goal was to open the consultations related to upcoming policies towards “lay publics” by putting them online and by enabling individuals to answer, while these practices were previously intended for experts and professional “interest representatives”. In the framework of the Commission’s strategy, *Your Voice in Europe* was thus an important tool to legitimate the decision-making process, by staging its democratization via the platform.

However, the participation of "ordinary" citizens during the consultations hosted on the platform *Your Voice in Europe* is not established. In 2009, the French Economic, Social and Environmental Council (CESE) ran a study on the online consultations carried out on *Your Voice in Europe*, in September 2008 and March 2009. During these two months, 31 consultations took place, and led to the production of 5553 replies. The breakdown of the origins of the contributions was as follows: 18.5% Public Authorities, 46.5% Civil Society Organisations, 7.3% Research Centres, Universities and “think tanks”, 14.2% individual citizens, and 13.5% businesses.

According to this study, *Your Voice in Europe* does not foster the participation of citizens, as only 14,2% of the total amount of the answers received by the Commission for these 31 consultations were written by individuals. Conversely, civil society organisations appear to be the predominant partner, as they wrote nearly half of the contributions. The definition that the Commission gives of the

category “civil society organisation” is quite large and encompasses “*trade unions and employers’ organisations (“social partners”); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities*”⁶.

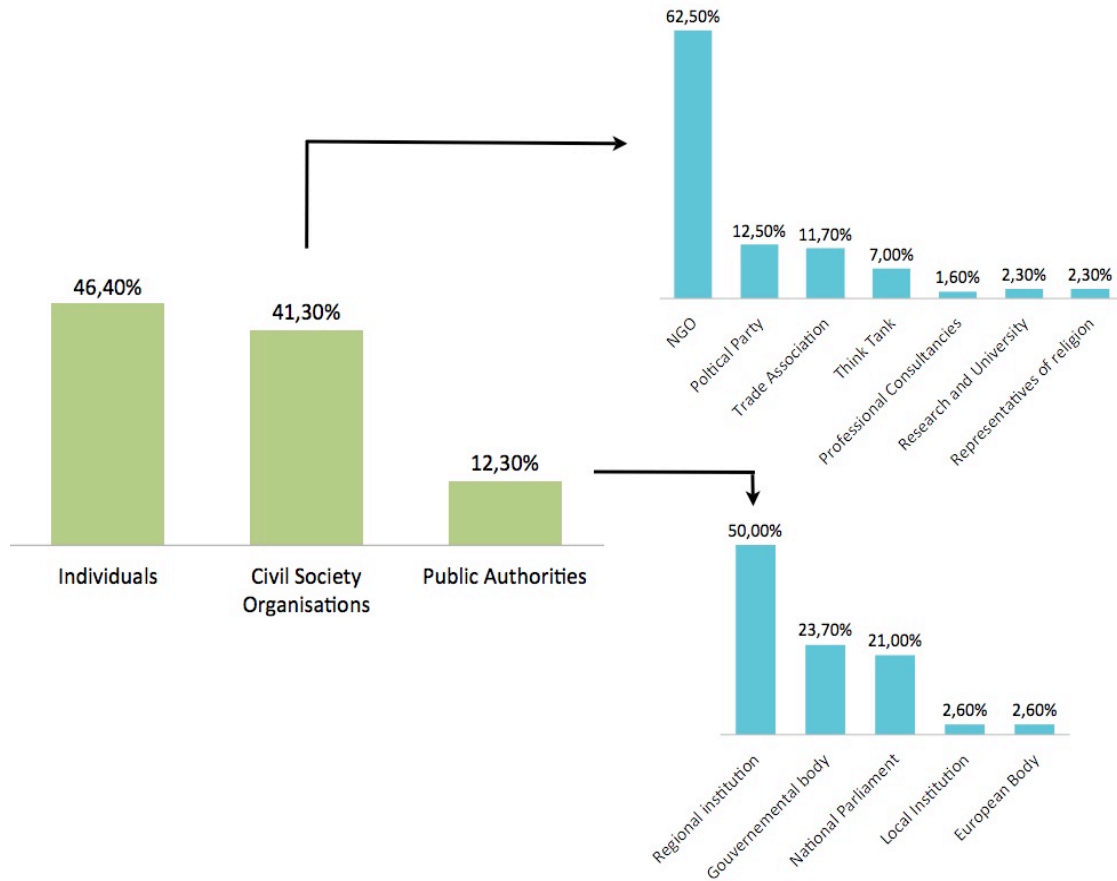
The CESE study tends to show that the online platform provides a privileged channel of participation for these organisations. Other academic studies confirm these results: Christine Quittkat and Barbara Finke (2008) have shown that organisations were the main beneficiaries of the opening of the European consultative process and Emanuela Bozzini (2008) highlights that the level of technical expertise required to take part to a consultation prevents citizens to take part. Patrycja Dabrowska (2008) has named the consultations in the field of the GMO regulation « participatory gardens » by which she means that the Commission organised closed spaces of exchange with NGOs in order to gain expertise inputs, but that these exchanges were not relayed in the general public sphere. The elitist nature of this form of consultation is confirmed by the research of Thomas Persson (2007) that shows that the REACH consultation⁷ did not guarantee a fair and equal participation because participants had different levels of expertise. In other words, the model of participation embedded in the consultative process requires a high level of knowledge on specific issues and demands to spend time to elaborate a relevant response. Such requirements favor the participation of specialized organised actors to the one of « lay » citizens.

Differently from what is generally observed, the participation of "ordinary" citizens to the consultation on the European Citizens' Initiative was quite important as 46,4% of the responses were written by individuals, 41,3% by civil society organisations, and 12,3% by public authorities. As indicated by the graphic one, citizens were the predominant interlocutors and the organisations and public authorities involved in the consultation were plural and diverse.

⁶ European Commission (2001), *European Governance. A White Paper*, COM(2001) 428 final, p.14.

⁷ The REACH consultation was related to the regulation of chemicals and took place in 2005.

Figure 1. Responses to the Commission's consultation on the European Citizens' Initiative



Among civil society organisations, non-governmental associations were by far the most active ones with 62,5% of the total amount of the contributions, followed by political parties and trade associations. This can be first explained by an overall strategy of NGOs to take part to the Commission consultations in order to gain legitimacy as relevant partners on a European scene (Balme, Chabanet, Wright, 2002; Saurugger, 2006). We could also notice that sending a response to the consultation on the European Citizens' Initiative can be based on a user-oriented perspective, as NGOs generally asked for less burdensome procedures. Indeed, as an initiative has to gather one million signatures in seven different countries, this can imply that only organisations networks will have the required infrastructure for the running of an initiative.

Surprisingly, trade associations have sent 11,7% of the total amount of the responses for this category, while they are not directly concerned with the Citizens' Initiative. Conversely, research centers and universities have sent only 2,3% of the contributions. This can be partially explained by the fact that most of academics that have answered to the consultation introduced themselves as individuals, and not as members of research centers and universities.

Regarding the participation of public authorities, regional institutions were the most active with half of the contributions. This can be interpreted as an effect of

the Commission communication strategy to interact with regional institutional bodies beyond the mediation of Member states. Governmental bodies, and national Parliaments follow with 23,7% and 21% of the contributions. European bodies amounted for only 2,7% of the responses, probably because they benefit from other channels for influencing the drafting of legal initiatives.

While the data gathered so far highlight that *Your Voice in Europe* can foster the participation of “ordinary” citizens, this does not imply that citizens have the same influence on the decision than the organized actors. The list of the participants to the public hearing that took place in Brussels in February 2010 suggests indeed the predominant role of the organized groups. Even if the hearing was opened to the general public, among the 127 persons who took part to the exchanges, 62 represented public authorities and 58 belonged to civil society organisations (the 7 other participants did not specify their status). In other words, this hearing, which was a privileged space of exchange with and influence on the decision taken by the Secretariat general, remained a communicative arena for “strong” or “segmented” publics (Eriksen, 2007; 2011), *id est* actors who are already at the core of the decision centers. The general publics, who are individual citizens, remain excluded from these arenas.

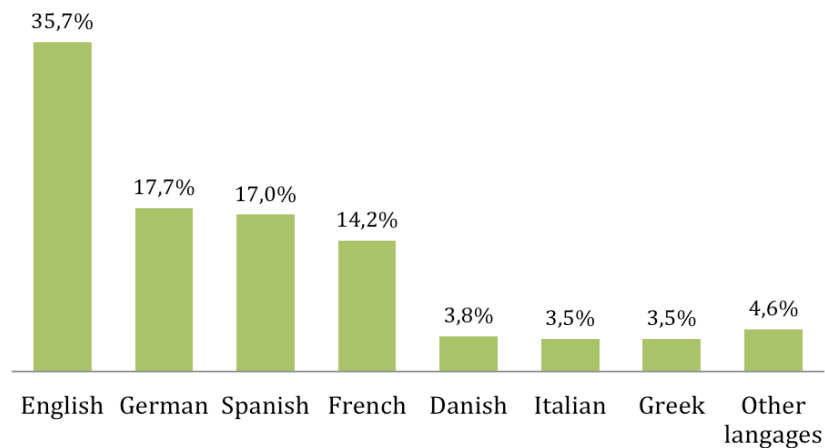
2.2- Key factors that favour the participations of citizens

The consultation on the European Citizens’ Initiative still enables us to analyse some key factors that favor the participation of citizens, by comparison with the other consultations hosted on the online platform. A first factor is the accessible nature of the topic that contrasts with the specialized nature of most of the consultations hosted on *Your Voice in Europe*. For instance, among the consultations that ended in January 2010 some were related to highly technical issues such as an « EU framework for cross-border crisis management in the banking sector», or on the « Assessment of the functioning of the “Clinical trials directive” 2001/20/EC». These examples illustrate the well-known fact that most of the consultations carried out on the platform require a high level of expertise which prevents ordinary citizens to participate (Bozzini, 2008). The latter do generally not feel sufficiently concerned or competent to participate. A second factor is the broad and direct relevance of the topic. The implementation of this new civic right directly affects individuals by enabling them to benefit from an agenda-setting power at the European level. As the outcomes of the consultation will shape the functioning of the initiative, “ordinary” citizens are likely to feel more motivated for having their say on the matter. Moreover, participating in this consultation did neither imply a high level of knowledge nor experience: the Green Paper provided sufficient informations, and the consultation was organised around ten key questions that were clearly expounded and summarized. Lastly, The fact that the documents related to the consultations were translated also contributed to promote the participation to a large number of European citizens. Although the front page of the site is available in each of the 23 official languages of the European Union, the consultations, and their related documents are often translated into a limited number of languages. For instance, over the 68 consultations that were carried out with *Your Voice in Europe* in 2009, 55 were only available in English. The consultation on the European Citizens’ Initiative

differs from many other consultations as the Green Paper was provided in all the 23 official languages of the European Union. The respondents were also allowed to answer in any of them, and the Commission received contributions expressed in 16 different languages. Despite of this multilingual opportunity we note that English remains the predominant language (35,7% of the contributions). Several participants, particularly organisations, preferred to express their contribution in English, even if it is not the language of the Member state in which they are located⁸.

Globally, the working languages of the Commission were the most used, as the contributions in English, German and French represent 66,9% of the contributions. It is interesting to note that Spanish was the third most used language (17,0%). This could be partially explained by the fact that the consultation on the European Citizens' Initiative occurred during the Spanish Presidency of the Council of the European Union.

Figure 2. Languages used within the contributions



Despite of the existence of predominant languages, the translation of the consultation into a wide variety of them remains a key factor for the participation of "ordinary" citizens. If we look up at the contributions that were submitted by individuals, it appears that only 29,2% of them were in English and that 43,5% were in another language than the working ones of the Commission.

To sum up, our analysis suggests that the translation of the documents related to the consultation, the possibility for the participants to answer in their native language, and the low level of expertise required to answer (with regard to the subject of the consultation), are factors that contributed to explain the high level of citizens' participation during the consultation on the European Citizens' Initiative⁹.

When these features are gathered, *Your Voice in Europe* succeeds in broadening

⁸ This trend was particularly noteworthy with regard to the organisations coming from Eastern Europe countries and Baltic States. For instance, 61,5% of the contributions coming from organisations, authorities and citizens located in Bulgaria, Hungary, Czech Republic, Estonia, Latvia and Lithuania, were expressed in English.

⁹ Another factor that should be investigated is the communication around the consultation. We could indeed formulate the hypothesis according to which consultations on broad or civic issues benefit from a better media coverage, and are thus more likely to mobilize citizens. This hypothesis has not been verified yet.

the scope of expertise and lobbying, as citizens are involved in processes that were formerly reserved to civil society organisations and lobbies. The strain between the legitimization of the decision-making process and its efficiency however remains: on the one hand the Commission is seeking through *Your Voice in Europe* for new sources of expertise and, on the other hand, a high level of expertise that is requested is a barrier to the participation of "lay publics".

3- A common arena for European publics?

3.1-The exchanges between the Commission and the participants

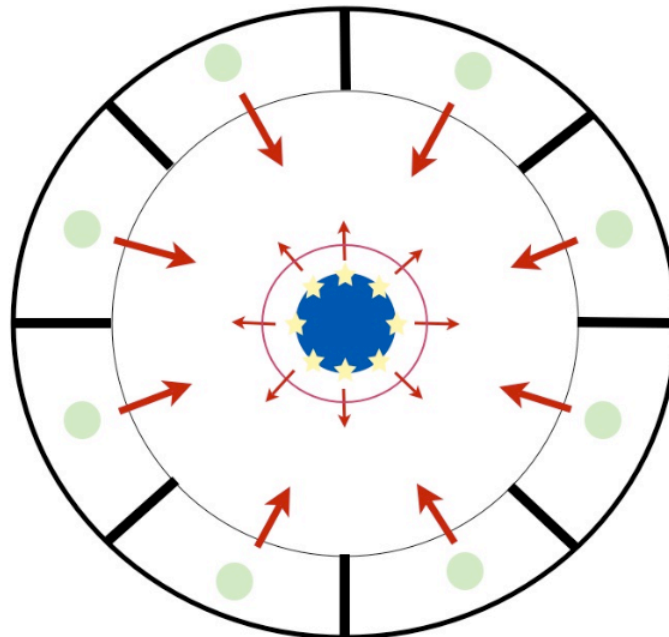
The technical design of an e-government or an e-participation platform plays an important role on the communicative practices that it structures. In this sense, these platforms can be understood as material forms of political projects (Wright and Street, 2007; Monnoyer-Smith, 2009; Karlsson, 2009): applications allow specific types of actions and interactions that put into practice specific models of participation. Following Andrew Chadwick and Christopher May (2003), who have categorized e-government websites according to the flows of circulation of information, and Archon Fung (2006), who has modeled complex governance procedures, we can identify a specific model of political mediation that is embedded into *Your Voice in Europe*, by the analysis of the features of the exchanges between the Commission and the participants.

The first step of the process is the publication of a consultation document on the platform (from the Commission to the participants). The second one is the responses that participants send to the Commission, by means of e-mails. The third one is related to the announce of a public hearing in which all participants are invited to participate (from the Commission to the participants, using e-mails), and the final one is the publication of the outcomes of the consultation and the final regulation (from the Commission to the participants, by posting the documents on the platform). Before, during, and after the consultative process, several interactions are made possible between the participants and the Commission in a relatively short-time period.

The use of e-mails as means to structure the exchanges allows an individualized relationship. Indeed, when a participant asks a question to the members of the Commission in charge of a consultation, they have to answer him, as stated by the *Code of good administrative behavior*. In practice, we observed that they answered to all the questions we asked them during the consultative process. Other participants also told us that they received personalized answers to specific questions, and the members of the Commission in charge of the consultation have specified that they have tried to answer to any question that was asked. Unfortunately, we do not have precise figures that could permit a statistical analysis of the percentage of responses.

According to this description of the consultative process, we can modelise the exchange on the platform as follow.

Figure 3. The exchanges between the Commission and the participants on the platform



On this figure, the points on the edge of the large circle depict the participants, the sphere at the center is the Commission and the arrows stand for the flows of exchanges.

The political exchange structured by *Your Voice in Europe* is quite specific:

- the participants communicate with the Commission according to a “one-to-one” model;
- the Commission communicates towards them according to both a “one-to-all” and a “one-to-one” model;
- the participants can not exchange with each other.

The technical structure of the platform, as it allows some specific kind of interactions between the participants and the public authority, and prevents exchanges to happen between the participants, raises questions about the possibility of such a platform to foster the emergence of a transnational public. During their activity on the website, the participants are indeed segmented depending on their status. The Directorate-General in charge of a consultation usually asks participants to use three different channels, linked to three different e-mail boxes, to send their contribution. The first one is reserved for individual citizens and associations that did not subscribe to the register of interest representatives. The second one is reserved for registered organisations and the last one for public authorities. Moreover, when the responses are made public on the website they are published into different places according to the participants’ status: the contributions of organisations, citizens and public authorities are not available inside the same section. On the website, the participants are, if not organised in a hierarchy, at least categorized according to their status.

3.2-The dissemination of communicative dynamics

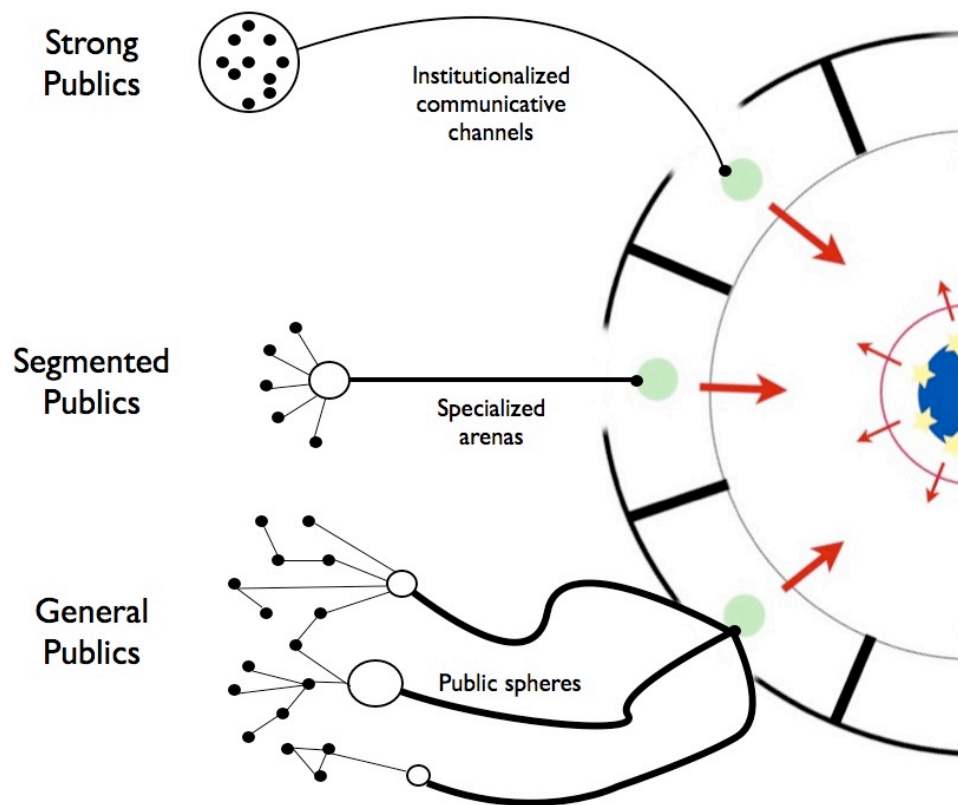
Your Voice in Europe is a good example of how a specific model of political mediation can be enacted through a website. In our case, its design leads to a strict regulation of the flows of information between the participants, and to a categorization of the audience. This specific design can be explained by the history of *Your Voice in Europe*: the platform that was created by the Directorate-General Internal Market and Services was not designed to build a European public sphere, neither to involve citizens in the decision-making process. It was created in order to set up mechanisms for impact analysis at a lower cost. It is just after the reform of the European governance that the platform was used for democratic purposes, but the design remained the same. This implies that the technical choices and practices that were attached to the original purpose (market-based model) shape the political interactions that occurred in another context.

The consultative process structured by *Your Voice in Europe* fits to an aggregative model. The preferences of the participants are not discussed, and the contribution of the civil society is conceived as the sum of the contributions of the participants. The Directorate-General in charge of the consultation gathers the contributions and analyses them according to their own method. For our case study, the Secretariat-General constructed a qualitative analysis grid aiming at structuring the content of the different contributions. The consultation was in other words conceived as a wide “brainstorming” center where the members of the Commission could find inputs to elaborate the policy draft.

If real time discursive interactions between participants are not possible on *Your Voice in Europe*, this does not mean that interactions between participants did not happen outside the consultative website. Emanuela Bozzini (2008) has shown that networking and building alliances in the framework of a consultation is perceived by organisations as a strategy to gain relevance at the EU level. This means that organised actors coordinate themselves upstream of the consultation in order to produce a common proposal that is then sent to the Commission.

As Erik O. Eriksen (2007; 2011) has stated, the problem of the European democracy is not the lack of a transnational public sphere, but the lack of links between segmented European public spheres. Transnational discursive arenas, which are related to different kinds of publics (strong, segmented, general), are more or less linked to decision centers. Strong and segmented publics manage to connect with these centers in the context of power delegation or problem-solving, but fail to connect with general publics spheres. Conversely, issues debated by the general publics do not find any relay within institutional spaces. To take up the words of Patrycja Dabrowska (2008), if consultations give birth to participatory garden, they fail to be a place where the tree of European public debate could grow.

Figure 4. The publics and their channels



The overall communicative process structured by an online consultation could be described as follow:

-Launching of the consultation: The European Commission launches a consultation by posting the documents related to the issue tackled on the platform *Your Voice in Europe*.

-Dissemination process: the Directorate-General in charge of the consultation can use different channels in order to make it public. Depending on the channels privileged, different kinds of publics are targeted.

Strong publics, which are individuals or organisations that are closely linked to decision centers, are made aware of the Commission consultations by institutional channels: for instance, regional public authorities have services dedicated to European affairs which are in charge of disseminating the information to the relevant services.

Segmented publics, which are organised around specific issues and which benefit from expertise capacity in problem-solving situations, have their own specialized arena where their members can gather and exchange. These publics are made aware of a consultation if its subject is related to the issues they tackle, and if they undertake a strategic watch.

General public, who are individuals who participate in their own name, are made aware of the consultations via the media¹⁰.

¹⁰ These assertions are based on the results of a questionnaire that was distributed to 154 participants.

The arenas where the different publics are located, and the channels from which they benefit, are important factors that influence the participation of different kinds of publics.

-Proposal elaboration : According to the channels and the arenas where the publics exchange, the ways proposals are elaborated can vary a lot.

During the consultation on the European Citizens' initiative, national and regional parliaments from various Member States have organised dedicated sessions in order to create common responses to the Commission consultation. The Danish Parliament, for instance, organised a debate between deputies in order to set up a document where the positions of each political group are represented. Several regional parliaments from Italy undertake similar procedures. These strong publics discuss within a unique arena. The outcomes of their deliberations are then sent to the Commission, via Your Voice in Europe, as a contribution to the consultation.¹¹

Civil society organisations also set up participative mechanisms, both online and offline. The french association Poursuivre, for instance, organised a workshop in order to bring together interested parties and to make them build a proposal, while the European Mouvement from Rennes organised a public debate on citizens' initiatives issues. Several political parties, as the German green party, or trade unions, have organised debates via mailing lists in order to collect ideas that would allow the board to set up a unique response. These segmented publics are gathered around a specific arena that is dedicated to the creation of a proposal (in other words, they are not, as strong publics are, permanent members of the deliberative arenas).¹²

Individuals also grouped together. For instance, students who were following a class about the European Union wrote a proposal. But most of them answered alone. They were made aware of the consultation by various channels: medias, personal relationships, etc. In this case, we can not describe precisely the process that individuals undertake to elaborate proposals, but we can assert that they are less formalized than the ones of strong and segmented publics.¹³

The strong, segmented and general publics' arena are linked to the Commission's platform, where exchanges are structured according to the pattern previously depicted (see figure 3). They are discursive spaces, where publics participate. If *Your Voice in Europe* does not allow the emergence of European publics, the dynamics of the Commission consultations lead to a dissemination of participation and deliberation among localised arenas. As the links between strong and segmented publics with the Commission appear to be more formalized than those of general publics, the dissemination of communicative dynamics favours the participation of organized publics. In other words, it suggests that the connections between the publics' arena and the Commission's platform, and the proposals elaboration processes that are set up within these arena, are communication resources that empower the different publics.

¹¹ The reader can refer to these proposals at the following adress :
http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/contrib_pub_auth_en.htm

¹² The reader can refer to these proposals at the following adress :
http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/contrib_orga_en.htm

¹³ The reader can refer to these proposals at the following adress :
http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/contrib_cit_en.htm

Conclusion

The consultation on the European Citizens' initiative illustrates the difficulties of combining inclusiveness of the consultative process with its impact on the final decision.

This study suggests that the level of impact on the decision is related to the organisers' needs: whether legitimating the decision-making process by staging its democratic nature (the participation matters more than its outcomes), or having access to relevant expertises in the framework of a consultation on a technical or complex issue (in this case the outcomes matter more than the process and are more likely to have an impact on the decision).

At the same time, the consultations that require a high level of expertise present hindrances for the participation of "ordinary" citizens. As the analysis of our case study shows, individuals are more likely to participate when the subject of a consultation is related to broad or civic issues and when the documents linked to the consultations are available in a wide variety of languages. However, most of the consultations hosted on *Your Voice in Europe* are only available in English, and the complexity of the subjects of the consultations often favour the participation of experts and interest groups. In other words, we end up to a paradoxical situation where the conditions that foster an impact on the decision are the same than those that can prevent a better inclusiveness of the process.

Additionally our analysis demonstrates that opening the process to a wide variety of actors is not a sufficient condition to guarantee the constitution of transnational publics as the technical features of the consultative platforms shape the interactions between the participants. In the context of our case study, the platform allows an individualized and interactive exchange between the Commission and the participants but no horizontal exchanges. The participants are categorized according to their status (citizens, organisations and public authorities), and the platform only enables them to express their preferences, that are then aggregated by the Commission.

These horizontal exchanges however exist in local discursive arenas where publics can debate about the consultations topics. Each public benefits from its own arena, that is linked to the Commission's platform, but are not connected together. What is at stake with the permanent consultations of the Commission is to build a common arena for European publics that could be linked to decision-making processes, and where strong, segmented and general publics could exchange their views on European politics.

References

Badouard R. (2010), "Pathways and Obstacles to e-Participation at the European level. A comparative analysis of the European Citizens' Consultation 2009 and the online consultations of the European Commission", *Journal of eDemocracy and Open Government*, Vol. 2, n°2, pp.99-110.

Bozzini, E. (2007), "The Role of Civil Society Organisations in Written Consultation Processes: From the European Monitoring Centre to the European Fundamental Rights Agency", in Della Sala, V. and Ruzza, C. (eds) *Governance and Civil Society in the European Union: Exploring Policy Issues*, Manchester: Manchester University Press.

Chadwick A., and May C. (2003), « Interaction between States and Citizens in the Age of the Internet : « e-Government » in the United States, Britain, and the European Union », *Governance : An International Journal of Policy, Administration, and Institutions*, Vol.16, n°2, pp.271-300.

Dabrowska, P. (2007), "Civil Society Involvement in the EU Regulations on GMOs: From the Design of a Participatory Garden to Growing Trees of European Public Debate?" *Journal of Civil Society*, Vol. 3, No. 3, pp. 287–304.

Dalakiouridou, E., Tambouris, E. and Tarabanis K. (2009), « Mapping the state of play in eParticipation in the EU », *European eParticipation Deliverable 1.4c* , Retrieved January 25, 2010, from <http://www.european-eparticipation.eu/>.

Eriksen , E. O. (2007), “Conceptualising European public spheres. General, segmented and strong publics”, in Fossum, J., and Schlesinger, P. (eds.), *The European Union and the Public Sphere: A communicative space in the making?*, Oxford : Routledge, pp.23-43.

Eriksen, E. O. (2011), *The Unfinished Democratization of Europe*, Oxford: Oxford University Press.

Fung, A. (2006), « Varieties of Participation in Complex Governance », *Public Administration Review*, n°66, pp.66-74.

Karlsson M. (2010), « A Panacea for Pan-European Citizen Participation? Analysis of the 2009 European Citizen Consultations », in Amna E. (ed.), *New forms of citizen participation : normative implications*, Baden-baden : Nomos, pp. 97-112.

Monnoyer-Smith, L. (2009), « Deliberation and Inclusion: Framing Online Public Debate to Enlarge Participation. A Theoretical Proposal », *I/S: A Journal of Law and Policy for the Information Society*, 5(1), pp.87-116.

Persson, T. (2007) « Democratizing European Chemicals Policy: Do Online Consultations Favour Civil Society Participation? », *Journal of Civil Society*, Vol. 3, No. 3, pp. 223–38.

Quittkat, C. (2011), "The European Commission's Online Consultations: A Success Story?", *JCMS: Journal of Common Market Studies*, Vol. 49, Issue 3, pp. 653-674.

Quittkat, C. and Finke, B. (2008), "The EU Commission Consultation Regime", in Kohler-Koch, B., De Bièvre, D., and Maloney W. (eds.), *Opening EU-Governance to Civil Society. Gains and Challenges*. Mannheim: Volltext, pp.183-

Scharpf, F. W. (1999), *Governing in Europe. Effective and Democratic?*, Oxford/New York : Oxford University Press.

Smith, S. (2008), « Main benefits of eParticipation developments in the EU », *European eParticipation deliverable 1.3a*, Retrieved February 23, 2008, from <http://www.european-eparticipation.eu/>

Wright, S., and Street, J.(2007), « Democracy, deliberation and design : the case of online discussion forums », *New Media Society*, Vol. 9, n°5, pp.849-870.

Official documents

Conseil Economique, social et environnemental (2009), *Pour une participation active de la société civile aux consultations publiques européennes*, Journal Officiel n°2009-22.

European Commission (2010), *Outcome of the public consultation on the Green Paper on a European Citizens' Initiative. Accompanying document to the proposal for a Regulation of the European parliament and of the council on the citizens' initiative*. SEC(2010) 370.

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

European Commission (2009), *Green Paper on a European Citizens' Initiative*, COM(2009) 622 final.

European Commission (2006), *i2010 eGovernment Action Plan: Accelerating eGovernment in Europe for the Benefit of All*, COM(2006) 173 final.

European Commission (2005a), *Action plan to improve communicating Europe by the Commission*, SEC(2005) 985 final.

European Commission (2005b), *The Commission's contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate*, COM(2005)494 final.

European Commission (2005c), *i2010 – A European Information Society for growth and employment*, COM (2005) 229 final.

European Commission (2002), *Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission*, COM(2002) 704 final.

European Commission (2001), *European Governance. A White Paper*, COM(2001) 428 final.

European Commission (2000), *Code of Good administrative Behaviour. Relations with the public*, internal document.