



EU PARTICIPATORY DEMOCRACY

Alberto Alemanno

HEC
PARIS

THE *good* LOBBY

WELCOME!

The image features the word "WELCOME!" in a bold, white, 3D sans-serif font. The letters are thick and have a slight shadow beneath them, giving them a three-dimensional appearance. The text is centered horizontally and surrounded by a dense, scattered field of small, colorful circles in various sizes and colors, including red, blue, yellow, pink, and orange. The background is plain white, which makes the colorful confetti and the white text stand out prominently.

Who

Whys

Hows

Whats

Wheres

your attention

intention

What will be
discussing?

(BUZZ WORDS 1 to 1 - tell your neighbor in 30 secs)

dare

different conversation

on

dare

different conversation

on EU democracy,

new forms of participatory politics...

How can **YOU** can find your
place as an agent of change
in the EU?



I WANT YOU

premise

citizens can be
shapers & makers of
their own future

(also in the EU)

BUT

this requires **CAPABILITIES,**

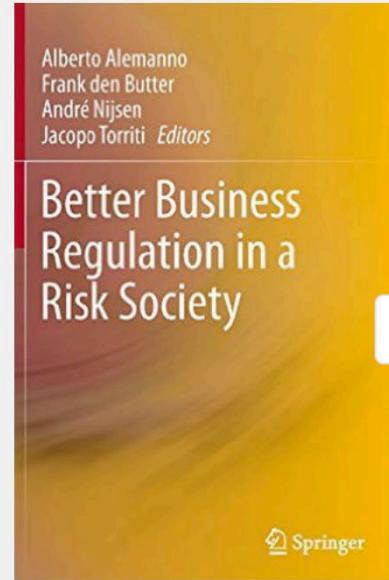
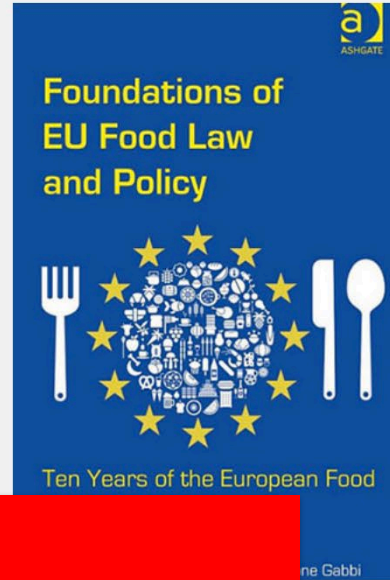
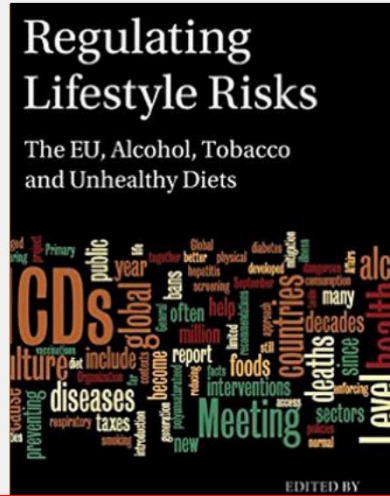
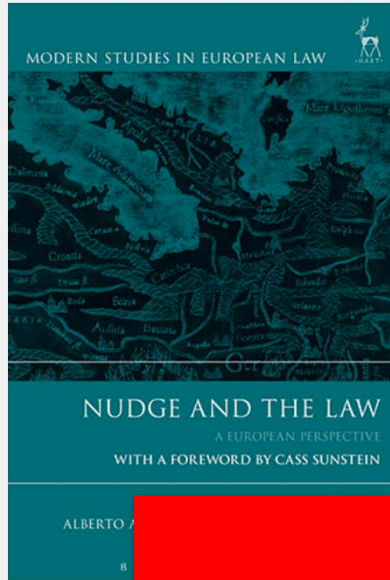
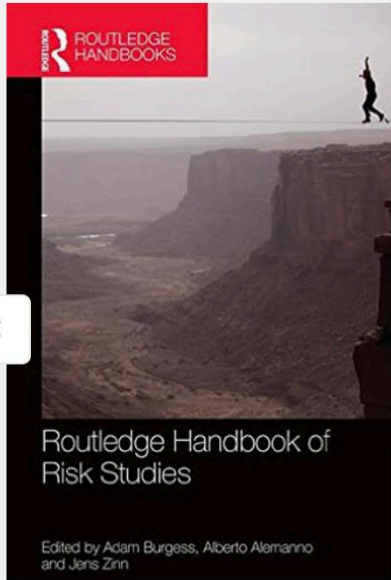
RESOURCES & WORK

we lack or don't put to use

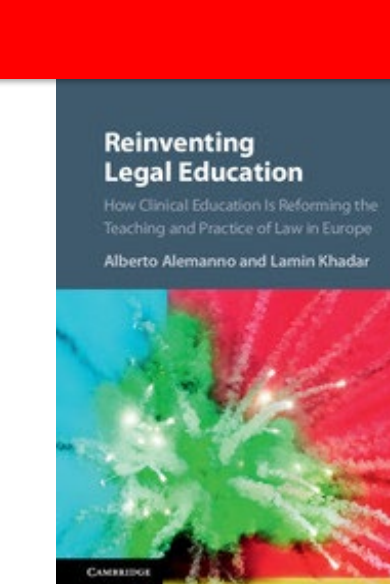
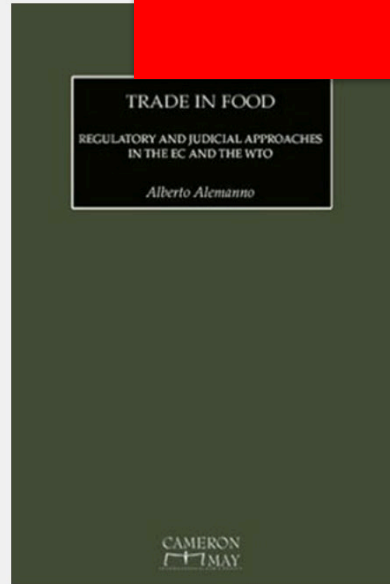
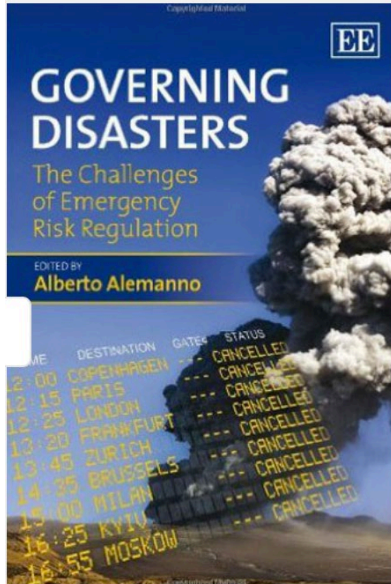
Who?

HEC
PARIS





Law & Policy to improve people's life





ACTION to improve people's life



OPEN SOCIETY FOUNDATIONS



THE B TEAM ▶







Roaming charges

Fumer nuit à vos poumons



Plain Packaging





EU Whistleblower Directive

Goldman Sachs



EU ethical system



LEGAL STUDY ON AN EU ETHICS BODY

Alberto Alemanno
HEC Paris

VOTERS
Without
BORDERS





Rule of Law Crisis



EUROPEAN JUDGES VS COUNCIL OF THE EU

2022, pending

Action research

Action research is a philosophy and methodology of research generally applied in the social sciences.

It seeks transformative change through the simultaneous process of **taking action and doing research**, which are linked together by critical reflection.

HOW TO GUIDE
TO PARTICIPATORY
DEMOCRACY

LOBBYING

FOR

CHANGE

**FIND YOUR VOICE TO CREATE
A BETTER SOCIETY**

ALBERTO ALEMANNO



HOW TO BECOME A *Citizen Lobbyist*



1 PICK YOUR BATTLE

How do you choose yours? Be as passionate as strategic about your cause



2 DO YOUR HOMEWORK

Being prepared will help you to keep your cool and give you credibility



3 STAKEHOLDER MAPPING

Before designing a strategy, know your possible allies and opponents



4 PLAN!

Identify the best course of action to make your case



5 COALITION BUILDING

Be open-minded! Increase the attention of policymakers by having a broader-based coalition



6 RAISE MONEY

While volunteering work wonders, you might still face costs



7 MEDIA OUTREACH

Work out how and when to talk, and to whom. Sometimes you need a messenger!



8 MEETINGS

Know how to introduce yourself and 'speak the language' decision-makers use



9 STAY VIGILANT!

Stay vigilant! Make sure your cause move forward by monitoring and implementing



10 STICK TO THE RULES

What can and can't you do? As a citizen, the sky is the limit to your advocacy!



THE *good* LOBBY



A person wearing a grey knit hat and a tan winter jacket is seen from behind, with their right arm raised in a fist. They are standing in a crowd at night, with blurred lights in the background. The overall scene suggests a protest or a public demonstration.

“

MISSION

The Good Lobby helps NGOs, activists, progressive businesses, and philanthropies **to change** public narratives and shift policies, through a combination of **strategic advice, trainings and unconventional alliances.**

What?



multiple EU avenues of participation

Do you know any one?

(1 to 1)

multiple avenues of participation



Amicus Curiae

Latin for "friend of the court." Refers to a party that is allowed to provide information (usually in the form of a legal brief) to a court even though the party is not directly involved in the case at hand.

Judicial Lobbying



European
Ombudsman

Can you think of an example of
successful EU participatory
democratic action?

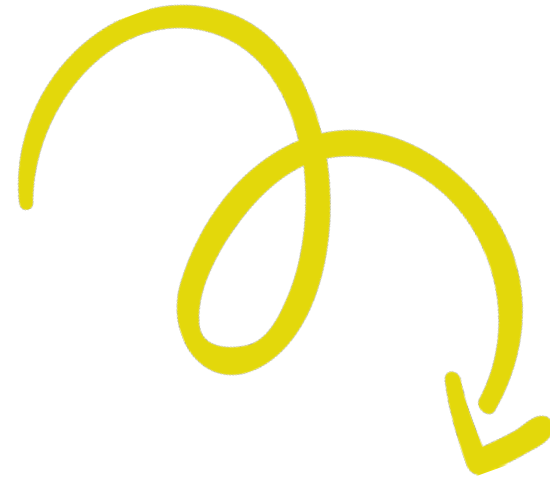
little known, underused

What the EU looked like
if had opened up to
participation?



Conference on the **Future** of **Europe**

How?







refresh

self-reflection

training

personal
development

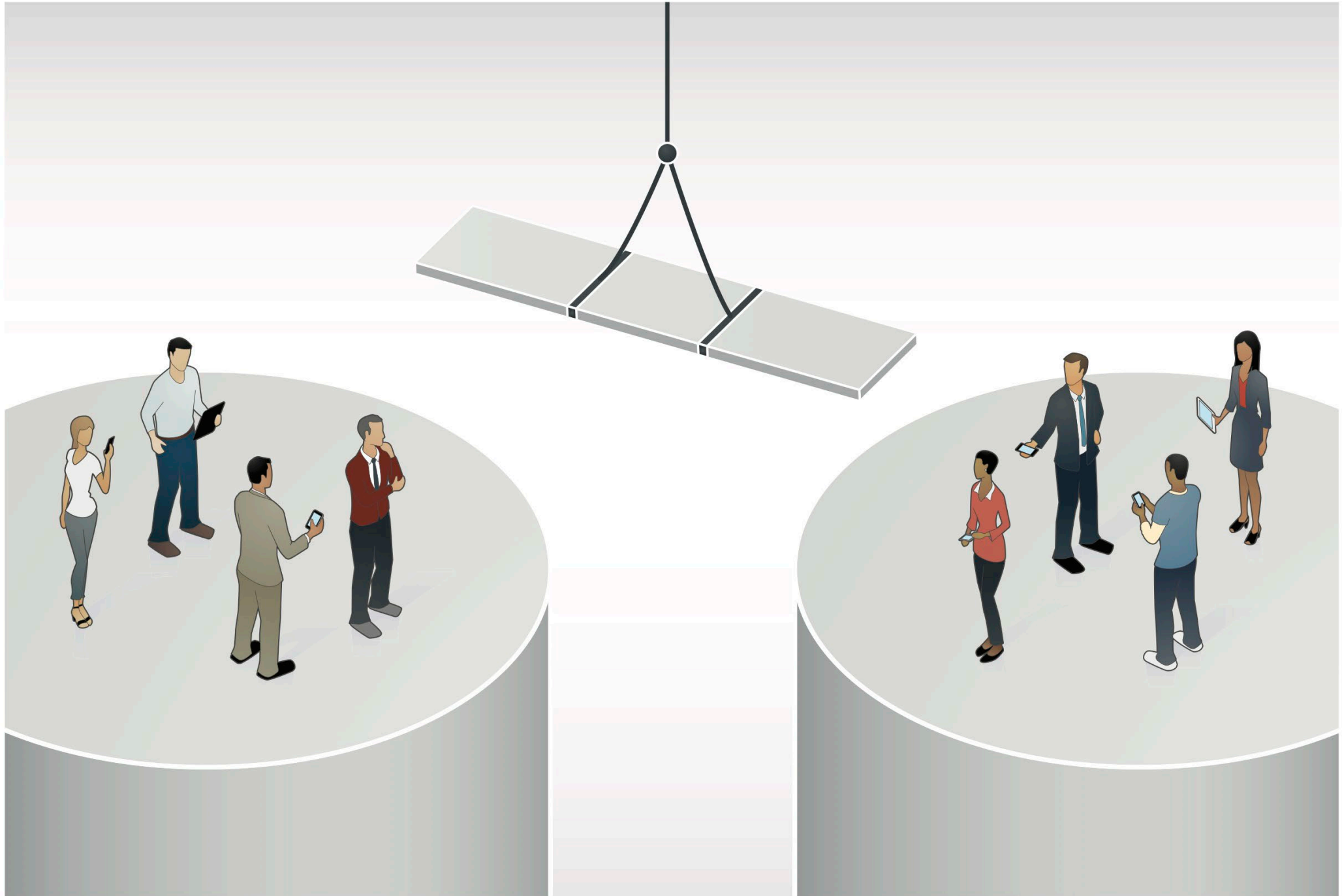
networking



Where
the magic
happens
...

Your
Comfort
Zone





**HAVE
FUN!**



rigor



relevance



When

Schedule

Class 1

- 1. The EU Turn to Participation:** An opening lecture combined with major brainstorming about the rationale of participatory democracy in the EU context.
- 2. The EU Participatory Tool-box:** Discussion and first-hand simulation of the EU participatory tool-box through the examination of the daily operation of various participatory channels – both institutional (such as ECIs, public consultations, and EP petitions) and unconventional (such as digital campaigning, and astroturfing) – deployed in the EU policy space.

Schedule 2

In-between class 1 and 2

3. The EU Participatory Project: Choice and preparation of individual or collective participatory projects consisting of a simulated or real-life participatory experience with the EU (e.g. request for access to document, submission to a public consultation, drafting of a letter of complaint, ECI registration, etc). This project can be related to a cause you deeply care about, your Master's thesis, future research article, blog post or Op-Ed as well as to the benefit of a NGO you'd like to assist. In doing so, you will rely on the how-to-guide developed in "Lobbying for Change: Find Your Voice to Create a Better Society".

Class 2

4. The EU Participatory Pitch: spark talks of 3 minutes for each project, followed by Q&A and debrief from instructor and peers. This final part of the workshops will provide a final debate on the state-of-the-art of EU participatory democracy and wrap-ups.

The Magic Wand

Who

(Where)

(What)

If You Could Change
Anything, What Would
You Change in
EUROPE?



Pick you policy challenge!



CLIMATE

RACE

GENDER

TOXICS

INEQUALITY

public policy campaigns

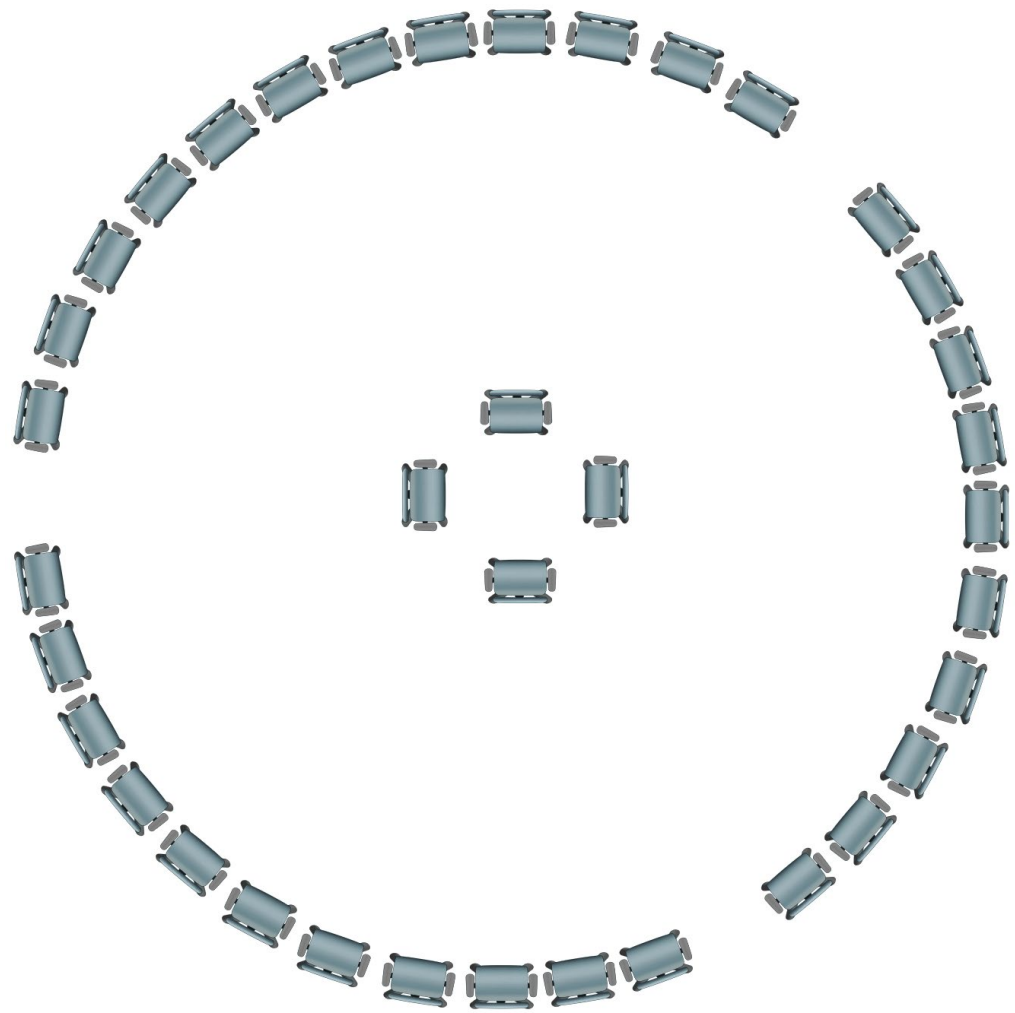
- CO2 emissions by airlines
- Pesticide use
- Political ads on social media
- Metaverse
- Cryptocurrencies

Your change desire is NOW your
case study in this workshop!

Time to kick-off!

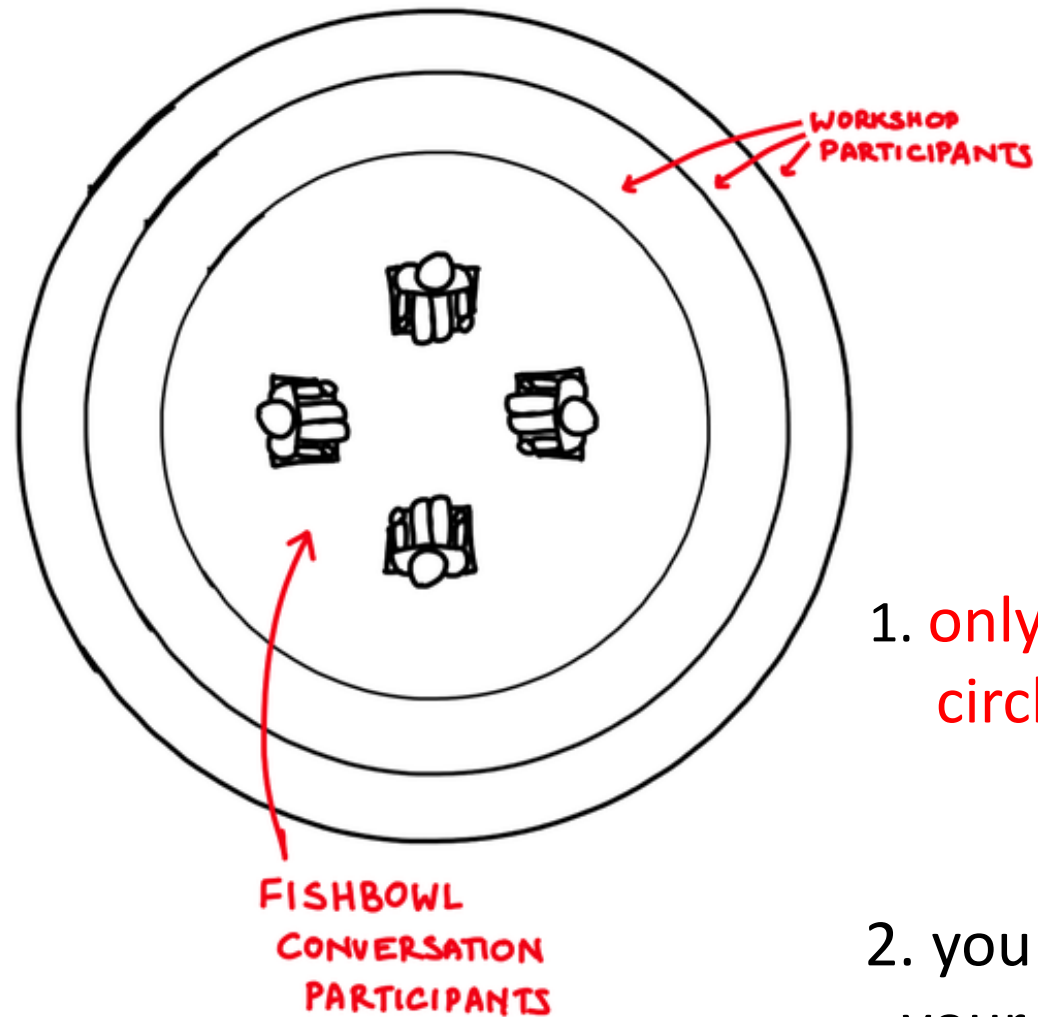


The **EU Democracy** fishbowl



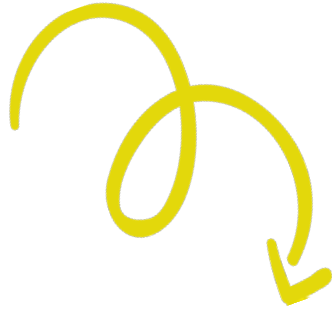
Why?

the smartest person in the
room is **YOU**,
the room.



1. **only** the people in the **inner circle** are allowed to talk, unless
2. you stand up and walk from your seat in the outer circle towards the inner circle.

Are
you
ready?



Is the EU a 'democracy'?

Yes vs Not really

What are EU democratic credentials?

Political accountable?

Political responsive?

Ability to protect its values?

What are its source of legitimacy?

Aha moment!

representative democracy
(as we know it)

CAN'T be transposed to **EU level**

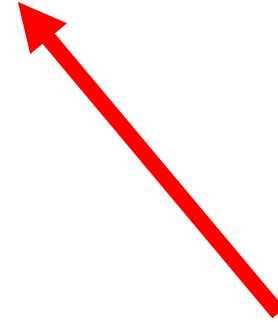
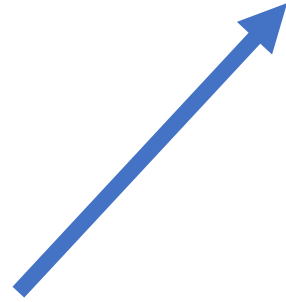
Is then the EU a 'democracy'?

Rep dem insufficient normative framework to
conceptualize EU democracy.

Have citizens be marginalised in EU
developments?

Yes vs Not really

EU DEMOCRATIC LEGITIMACY



REPRESENTATIVE

PARTICIPATORY

DEMOCRACY

DEMOCRACY



European Commission



Council of the European Union



European Parliament



Article 10

1. The functioning of the Union shall be founded on representative democracy.
2. Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.
3. Every citizen shall have **the right to participate in the democratic life of the Union**. Decisions shall be taken as openly and as closely as possible to the citizen.
4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.

Citizens take part in the political process through their representatives—the European Parliament and the governments gathering in the Council—

but also directly via a multitude of participatory channels.

How to fix EU democratic dilemma?

More **representative** democracy

vs

More **participatory** democracy



Conference on the **Future** of **Europe**

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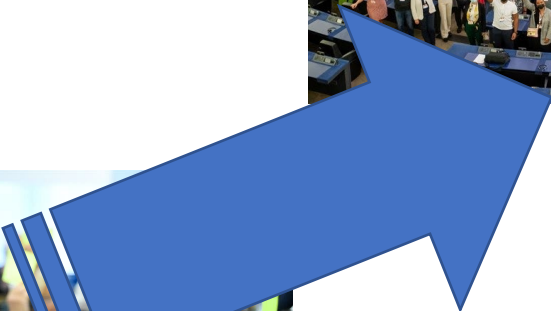
Europe now

The EU won't fix its democratic deficit with another top-down 'conference'

Alberto Alemanno

What's COFOE?

New design



Conference on the Future of Europe

[Home](#) [About the Conference](#) [Topics](#)

Find and discuss ideas people are sharing across Europe

Participate now



a new, **experimental and temporary opportunity structure** that might enable both institutional actors and citizens to gain an entirely unprecedented, and thus enriching, exposure to transnational, bottom-up preferences.

While EU citizens continue to lack effective possibilities to shape EU integration, the launch of the Conference on the Future of Europe marks **the first explicit admission** that **they** – not the Member States or the EU institutions – **are the EU's ultimate source of authority and legitimacy.**

How **different**
from previous attempts at Treaty
revision?

1st time since 2007 institutional reform

different from 2003 Convention on the Future of Europe, which drafted the EU's never-ratified constitution

New logic

Rather than getting entangled in divisive themes, the conference will put substantive policy issues affecting EU citizens at its core.



Should those issues call for solutions the EU can't offer within its constitutional prerogatives, then treaty change would be driven by citizen demand—not from the top.

What did we learn from COFOE?

(my take)

Possible to establish on an ad hoc basis a **transnational space for deliberation** without which neither its citizens nor elected representatives would be exposed – and pay attention – to the viewpoints that are expressed in other parts of the Union.

What's COFOE's output?

178 recommendations to unbox

Rec-by-Rec Analysis

- Recs not requiring new action (23)
- Recs entailing new action by MS (21)
- Recs entailing new action by EU (113)
- **Recs entailing Treaty change (21)**

Among the 21 recs requiring Treaty Change, they call for transfer of new competences in:

Welfare (7)

Education (5)

Institutional reforms (4)

Health care (2)

Taxation (2)

Energy (1)

What's next for COFOE?

Releasing Europe's
democratic genie



Let's systematize the avenues of

EU Participatory Democracy

(groups + brainstorming)

EU Participatory Toolbox

1. Requests for access to documents of EU institutions
2. Petitions to EU Parliament
3. Public consultations by the Commission
4. Complaints to the European Ombudsman
5. Complaints to the Commission
6. European Citizens' Initiative

For each channel

- Rationale (what for)
- Openness (who can use it?)
- Responsive (what can you get?)
- Effective (what can you **really** get?)
- Would you advise to use it? How to reform it?

Pick a participatory avenue

by using an **illustration** (be it real or simulated)

De-brief (followed by cross-cutting queries)

To what extent do the right to petition, right to access to documents, the registration of an ECI, EO complaint contribute to citizen's participation to EU democratic life?

Do these mechanisms render the Union's action
more legitimate?

In the affirmative to what extent?

What are the realities of EU participation?

What make EU participatory tools little used?

Incremental reforms, but **structural** limitations

1. Low **literacy** / **limited data** / **lack of publicity**
2. **Fragmentation** of EU participatory infrastructure
3. **Dependency** on external cooperation (Commission)
4. Limited **buy-in**

Petitions before the European Parliament (1958-2018)

1. LOW LITERACY

AVERAGE OF **1.2k** out of 450 million

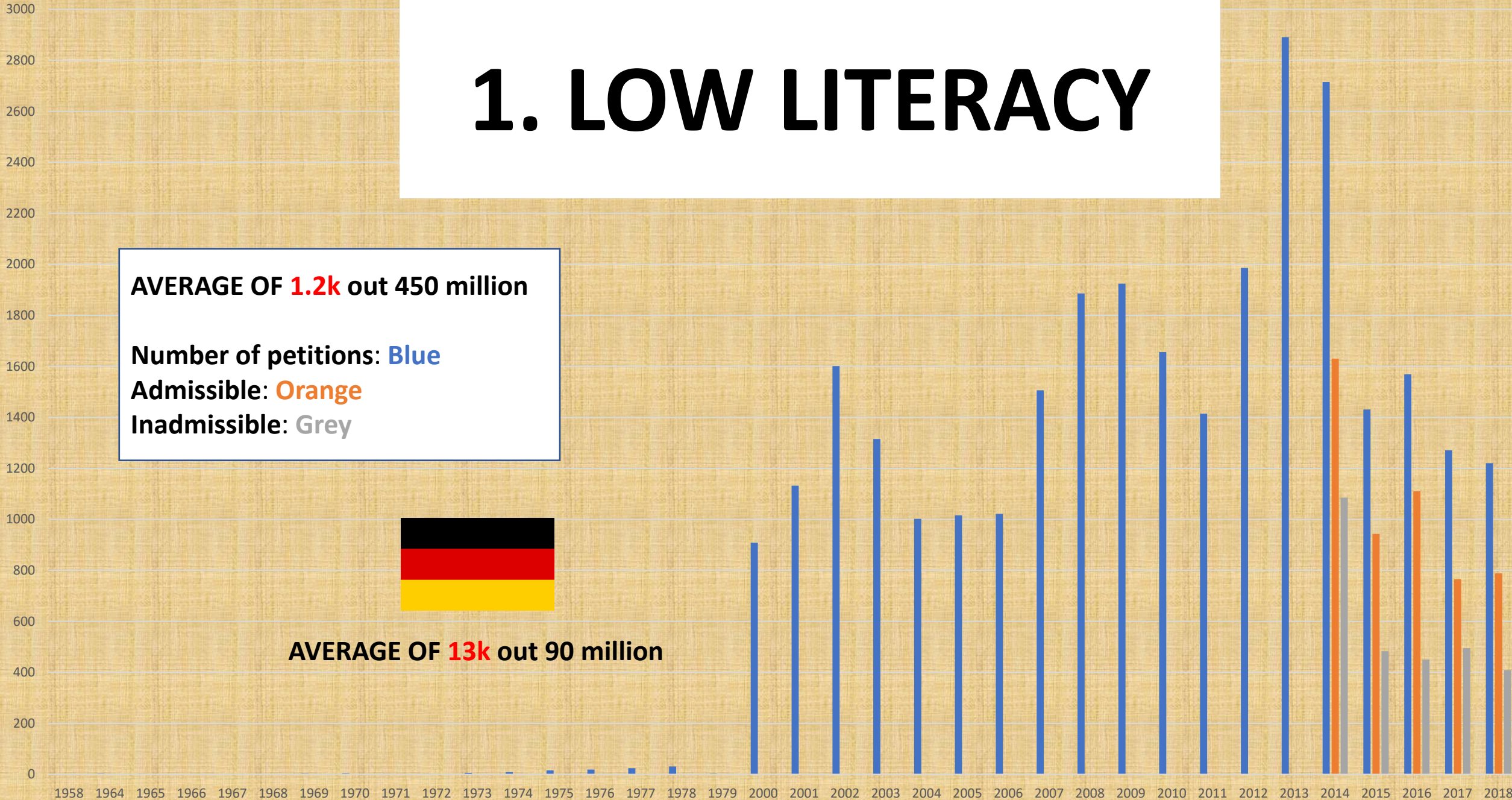
Number of petitions: **Blue**

Admissible: **Orange**

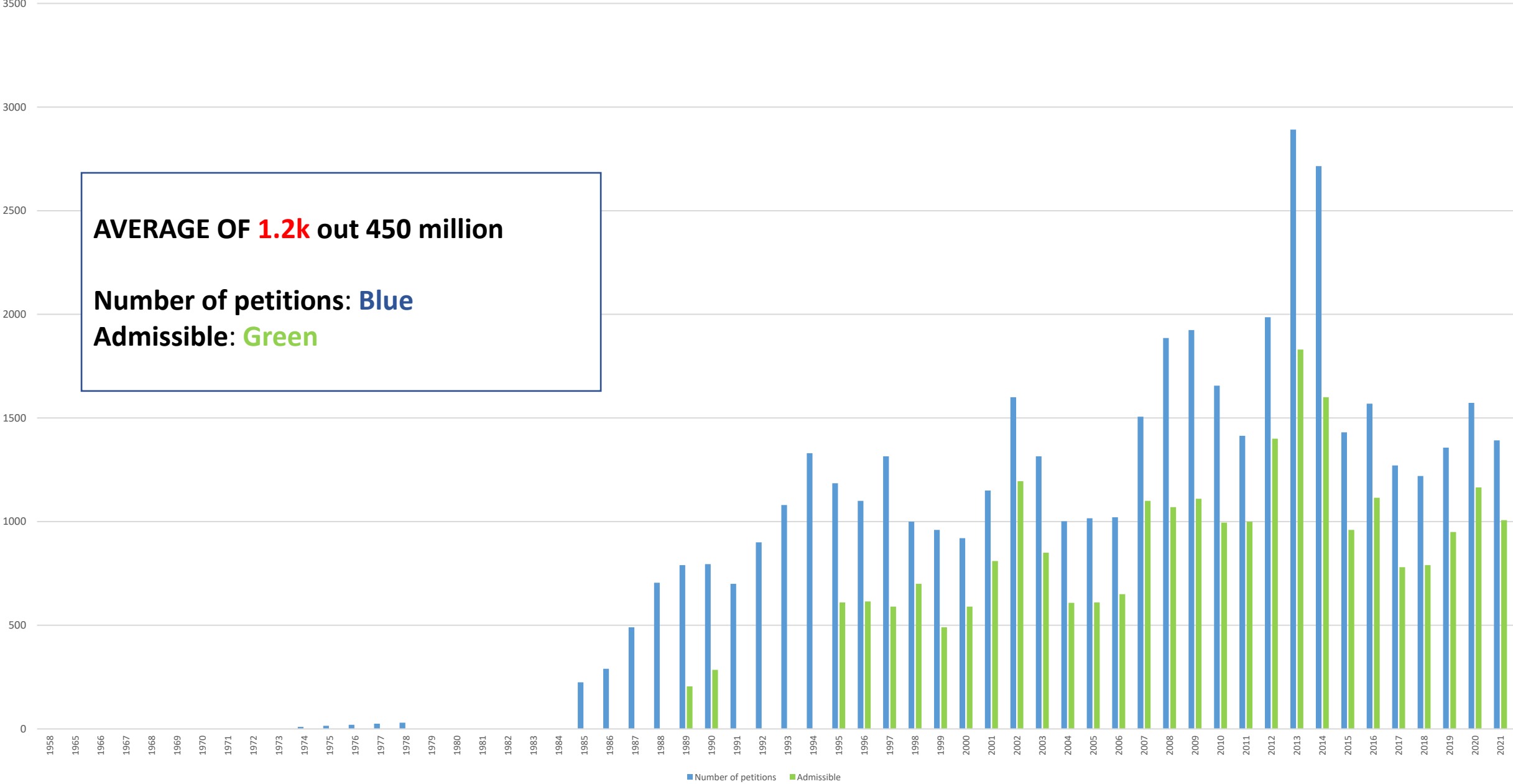
Inadmissible: **Grey**

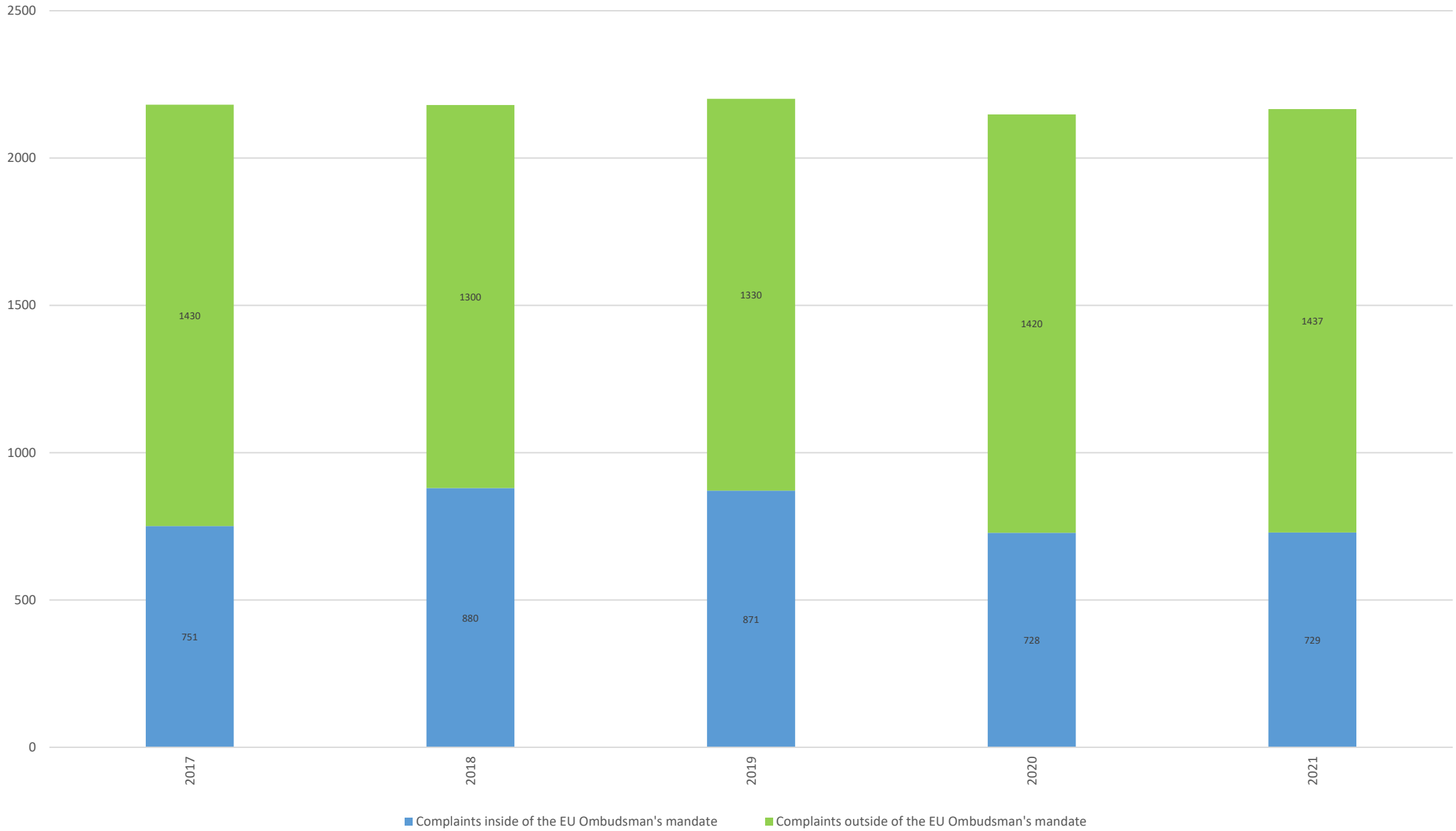


AVERAGE OF **13k** out of 90 million

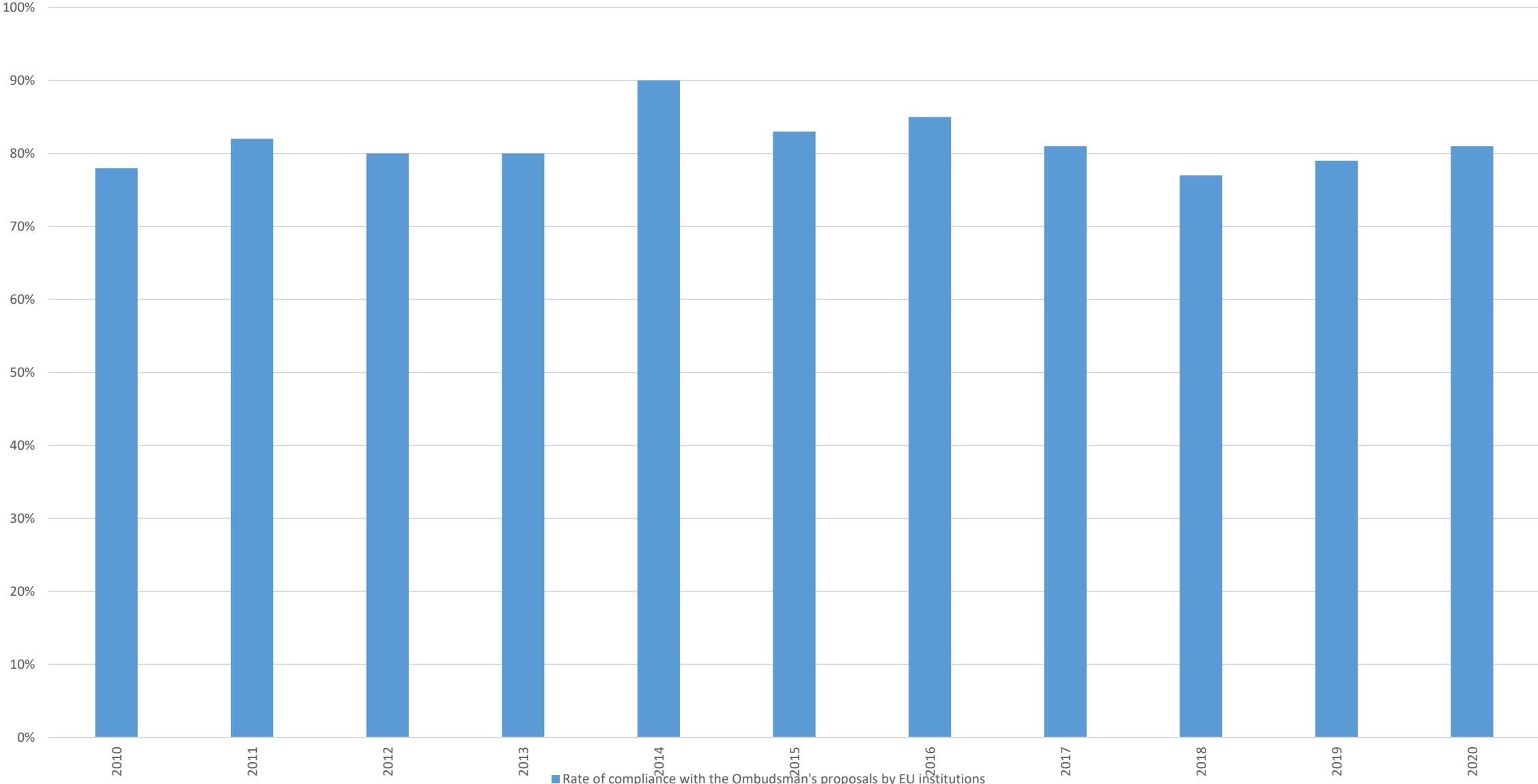


The right to petition before the European Parliament from 1958 to 2021



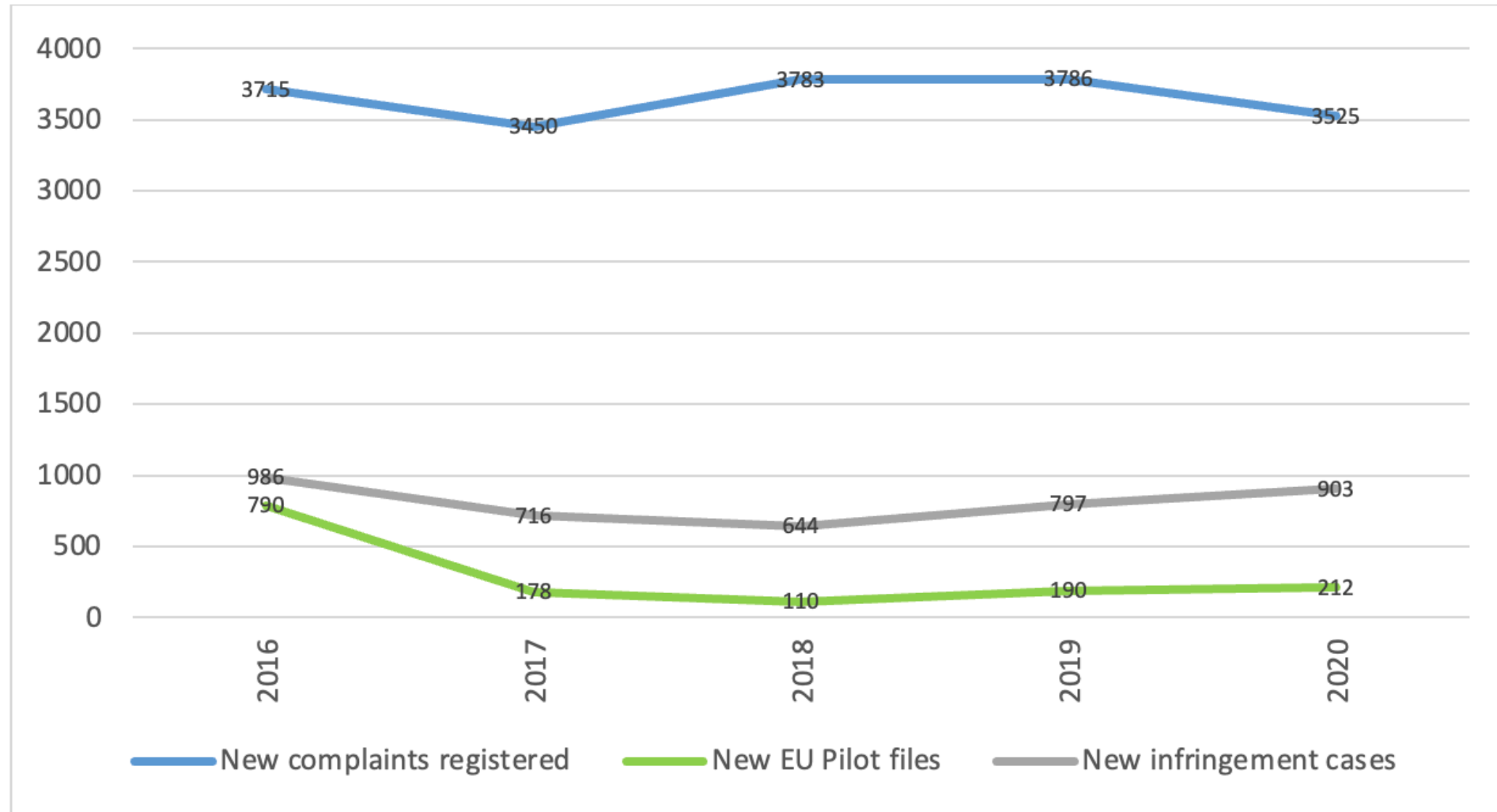


Compliance rate

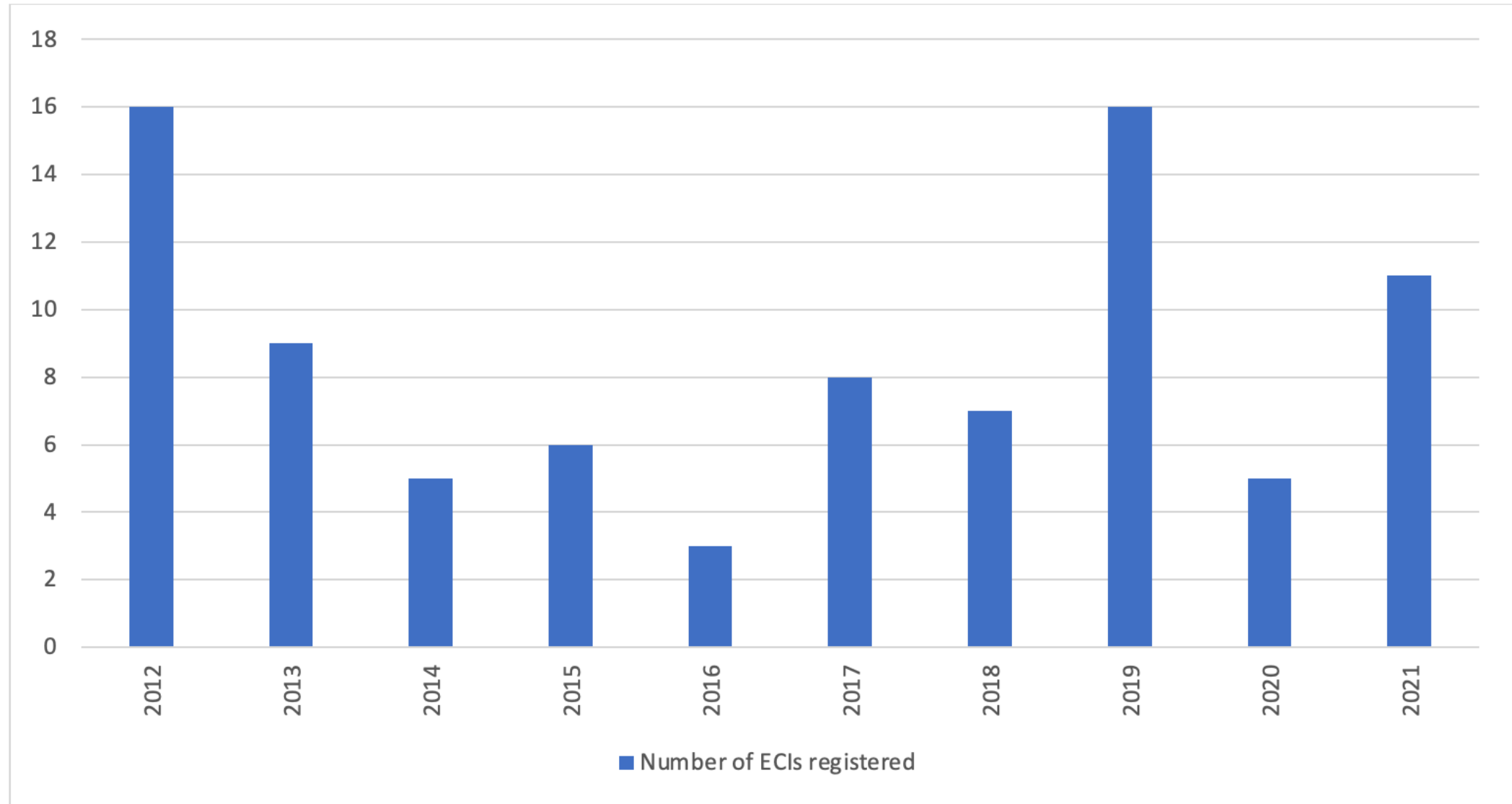


■ Rate of compliance with the Ombudsman's proposals by EU institutions

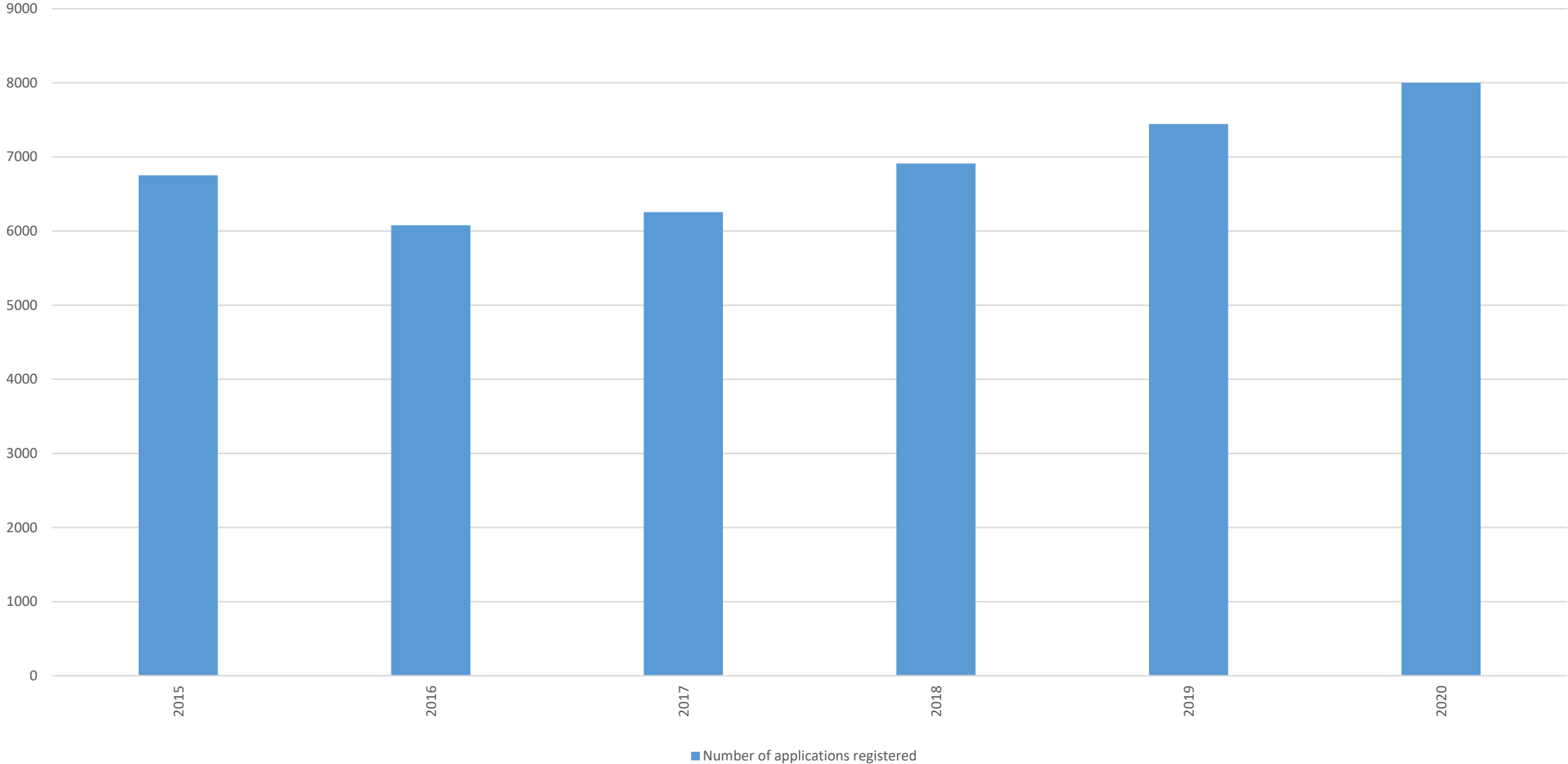
Figure 6: Complaints to the European Commission and investigations about potential breaches of EU law (2016–2020)



ECIs

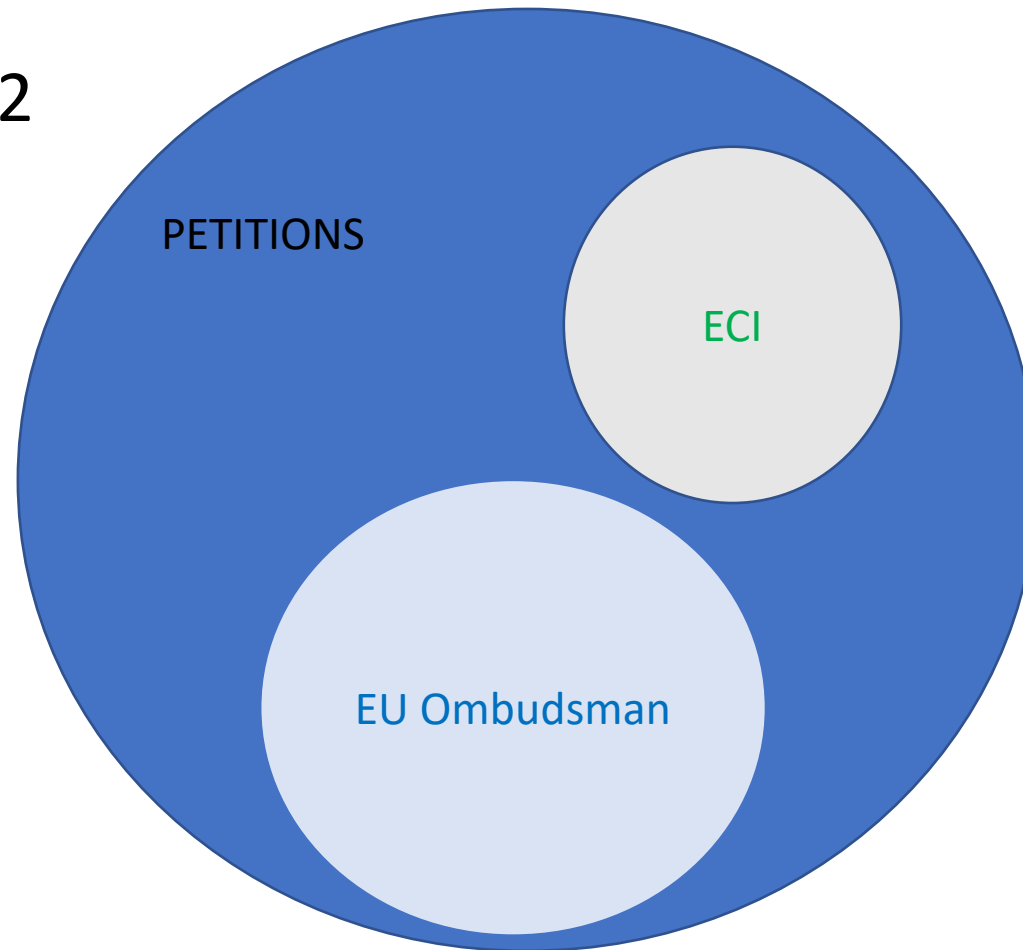


Access to documents' requests



2. FRAGMENTATION OF THE EU PARTICIPATORY INFRASTRUCTURE

From 1950s to 1992



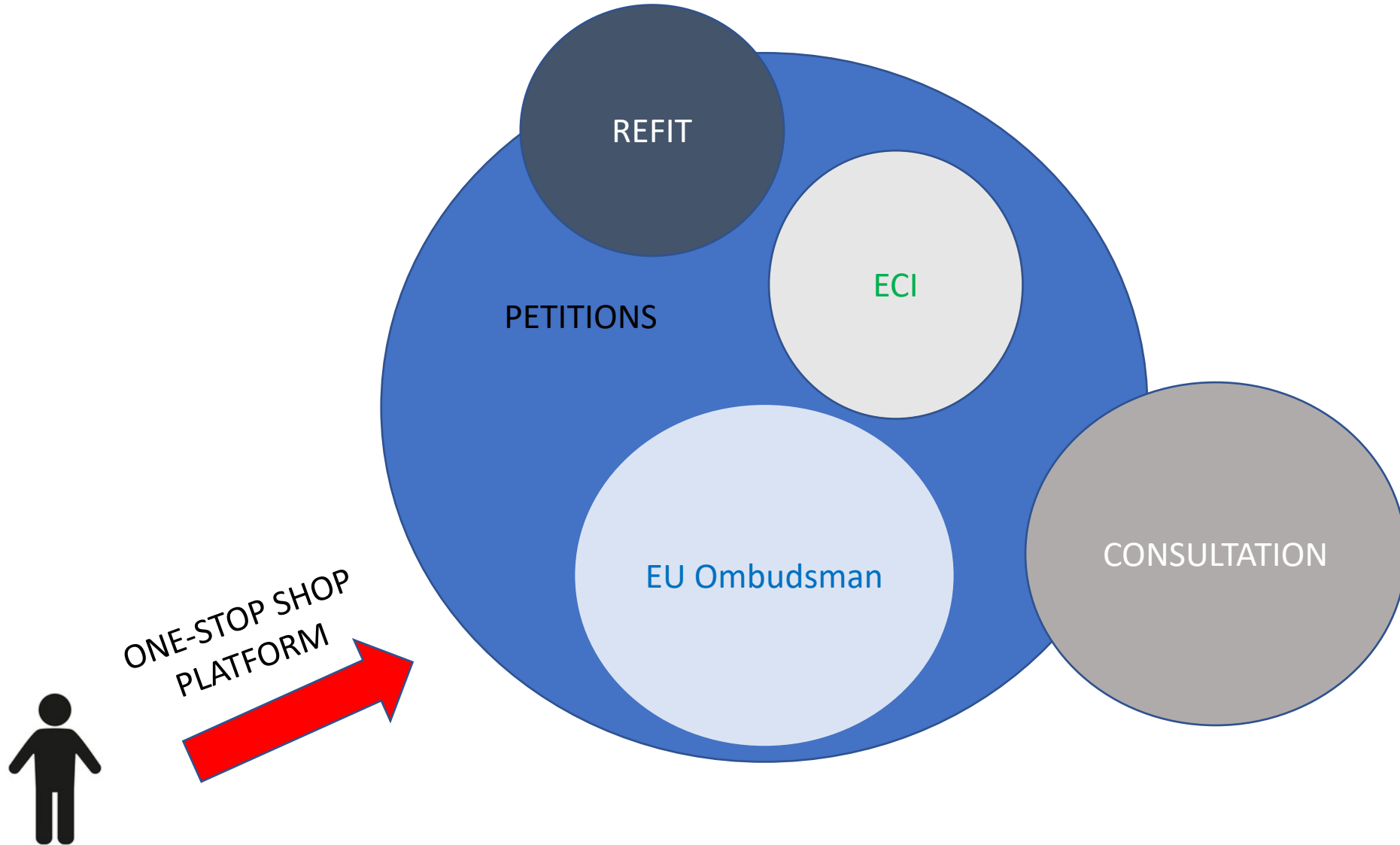
LOSE – LOSE

- Competition
btw mechanisms
btw institutions
- Less VISIBILITY
- Less INTELLIGIBILITY
- Less SELF-AWARENESS

capacity



OVERCOMING FRAGMENTATION



Now a COFOE recommendation!

3. STRUCTURAL DEPENDENCY ON CO-OPERATION

PETI committee only institution legally responsible

BUT

heavily **reliant on** co-operation of **others**
(e.g. **EU Commission**)

Co-operation tends to work, but **what if Commission doesn't act as wished for?**

overlooked / unsolved tension



duty to problem-solve



individual cases



wide discretion



most important, **systematic** infringements

Tension worsened by

- **information asymmetry** between the Commission and Parliament in relation to enforcement
- Commission's practice of referring a significant number of petitioners to other bodies at national, regional or local level
- the **lack of a binding agreement** framing the co-operation between the Commission and the PETI Committee

If the only legal tool is 'motion of censure' (Art. 17.8 TEU),
other avenues available to reshape the
PETI vs Commission

- Greater publicity by



- Greater proactivity by





EU PARTICIPATORY DEMOCRACY

Alberto Alemanno



EUROPE 2021

HEC
PARIS

Alberto Alemanno

What Europeans never
do together?



Europe





cauiflor
e/250

tomate
e/20

zanahoria
e/20

pepinos
e/20

berenjena
e/20

patata
e/40



mashroom6

Sticky notes on the wall.







FIFA WORLD CUP
RUSSIA 2018

FINAL
15/07/2018
Luzhniki



What Europeans **never**
do together?



Politics



on **different** days

for **national** parties

national programmes

national candidates

European

Politics





NO EU PARTY SYSTEM

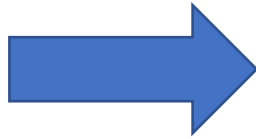
NATIONAL PARTY



EUROPARTY



GROUP



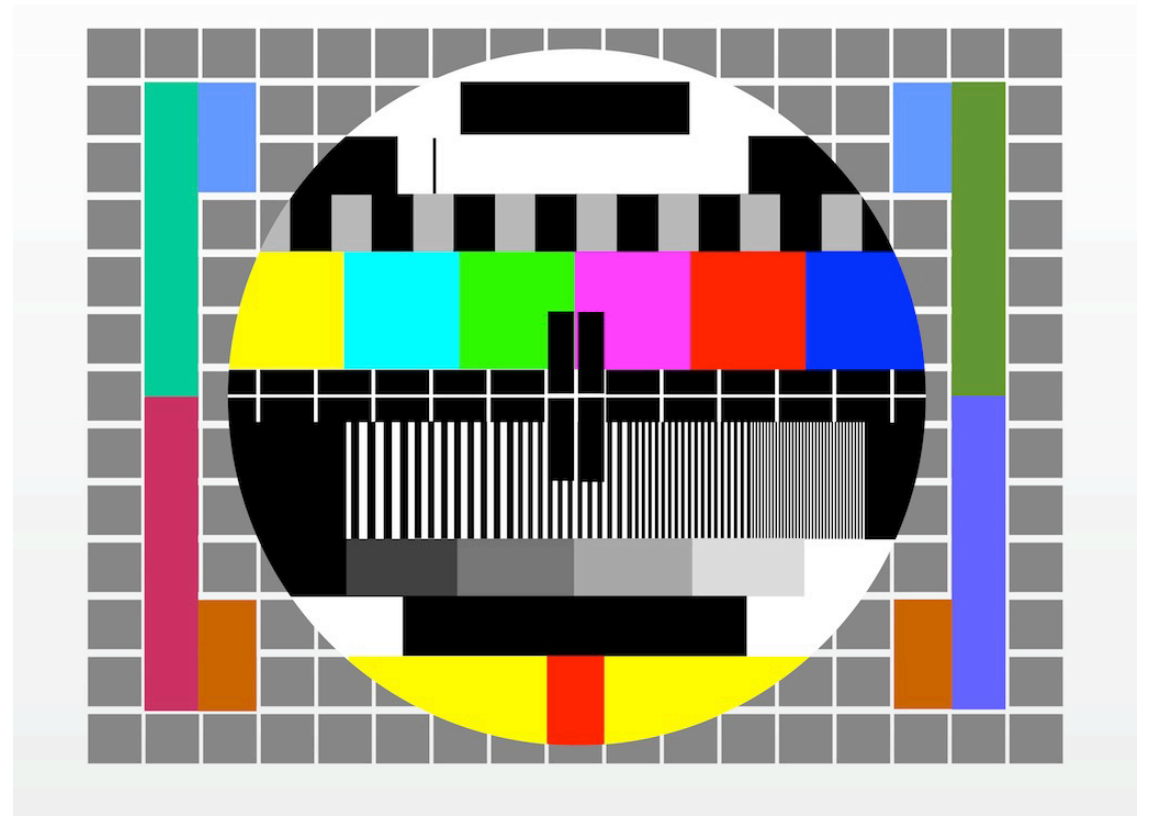
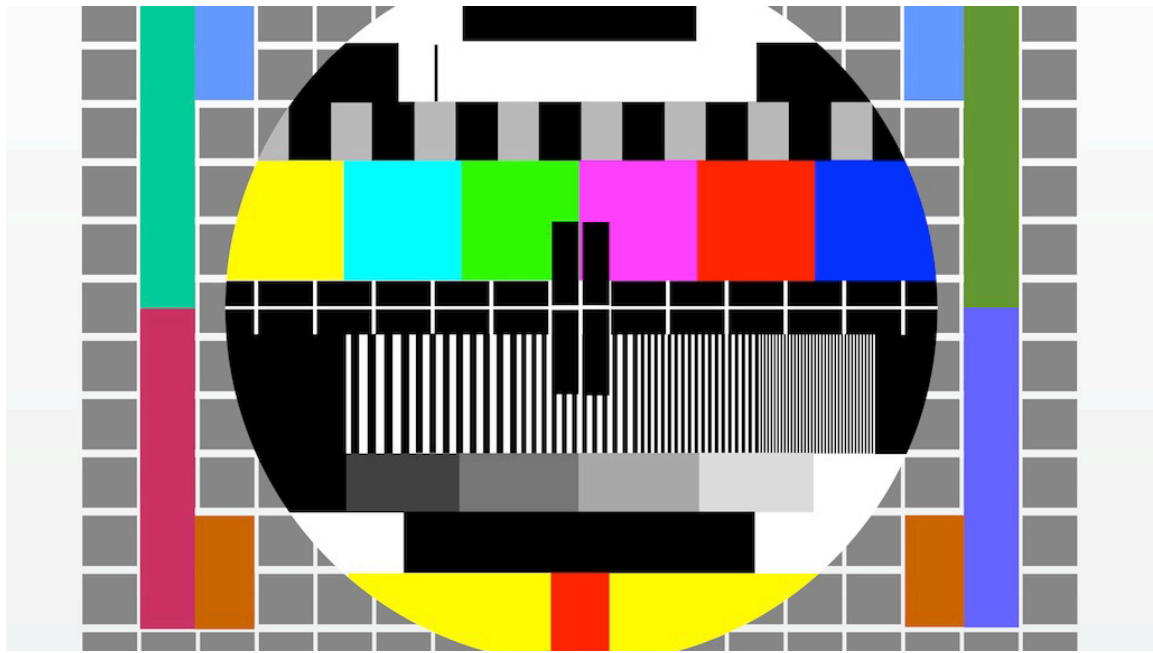


NO EU PUBLIC SPHERE

WHO IS
ACCOUNTABLE



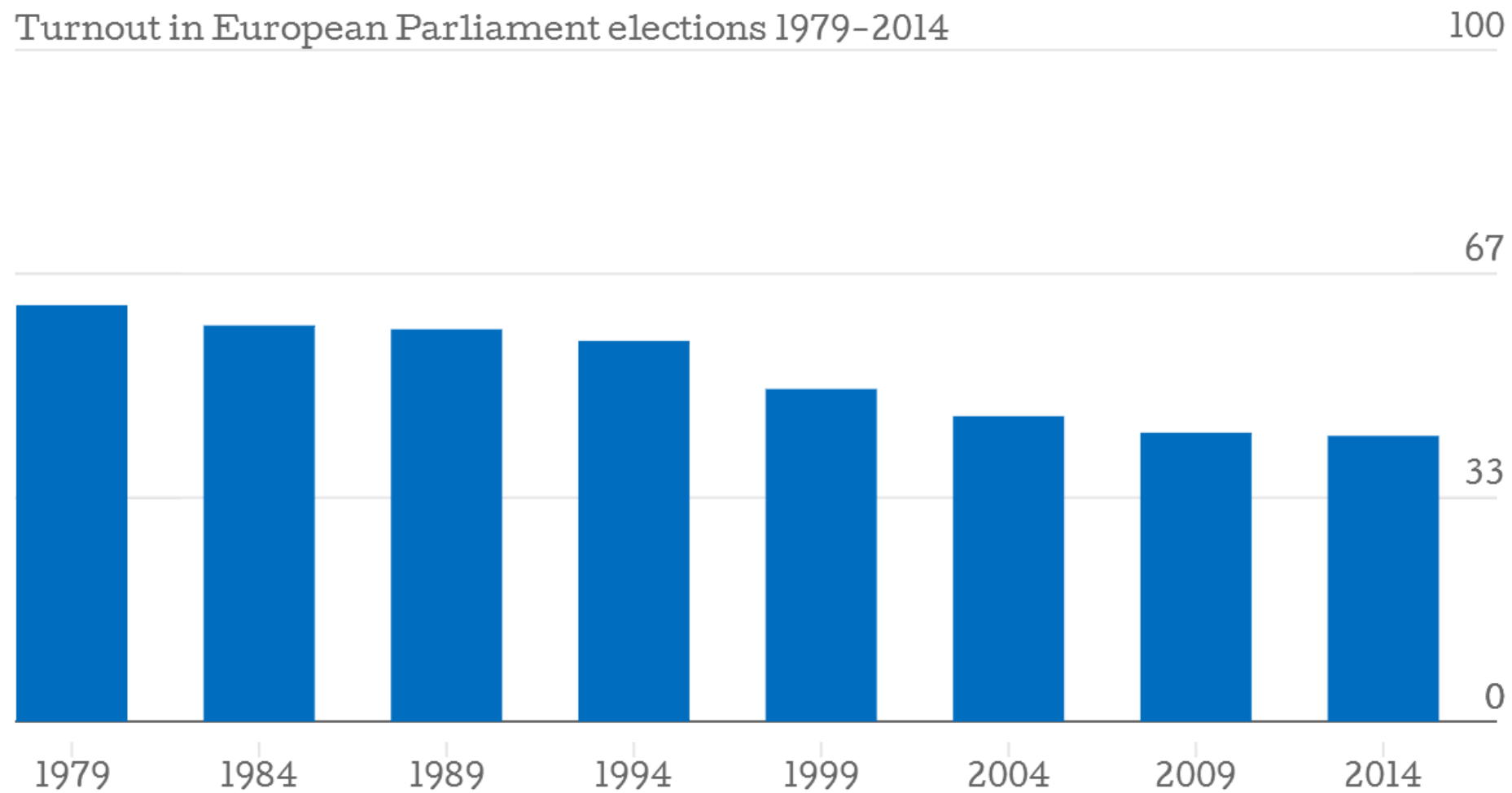
NO



Critique = Anti-EU




Turnout in European Parliament elections 1979-2014



Source: European Parliament

in the meantime

Europeanisation
running faster
than politics

An iceberg floating in the ocean. The tip of the iceberg is above the water surface, while the much larger, submerged part is below. The water is a deep blue, and the sky is a lighter blue with some clouds. Two white rounded rectangular boxes with black borders contain percentages: '3%' in the top left and '50%' in the bottom right.

3%

50%



yet

interconnectedness



democracy **without** politics

spectators **not** actors

consumers **not** citizens







LA RÉPUBLIQUE
En Marche !



European Parliament

EUROPEAN ELECTIONS

23-26 May 2019

#EUElections2019

Europe **desperately** needs



Politics



Ursula's democratic sin

Consulter le journal

Le Monde

Se connecter | S'abo

ACTUALITÉS ▾ ÉCONOMIE ▾ VIDÉOS ▾ OPINIONS ▾ CULTURE ▾ M LE MAG ▾ SERVICES ▾

IDÉES

Partage    

TRIBUNE

Alberto Alemanno
Professeur titulaire de la chaire Jean Monnet en droit européen à HEC Paris

« Approuver le choix de Mme von der Leyen serait une atteinte à notre démocratie parlementaire européenne »

Le choix de la ministre allemande de la défense pour la présidence de la Commission européenne, s'il était approuvé par le Parlement, porterait une atteinte à notre démocratie européenne, estime, dans une tribune au « Monde », Alberto Alemanno, professeur en droit européen à HEC Paris.

  Handelsblatt

Handelsblatt
Zu teuer?
Jetzt für 1 € umdenken

Die demokratische Sünde Ursula von der Leyens

Die EU braucht mehr direkte Demokratie, oder sie riskiert ihre Existenz. Von der Leyen steht vor ungelösten Problemen und von Anfang an unter Druck.

 Alberto Alemanno

15.08.2019 - 14:56 Uhr • 4 x [geteilt](#) 

Why should EU citizens vote in 2024?

(1 TO 1)

Stop complaining!

Let's fill this space.



Europe is in **listening** mood

Europe is up for **grab**



Alberto Alemanno



<http://albertoalemanno.eu/>



@alemannoEU

A portrait of Ursula von der Leyen, President of the European Commission, looking upwards and to the right. The image is overlaid with a blue tint. The text is positioned on the left side of the image.

“I want Europeans to build the future of our Union. They should play a leading and active part in setting our priorities and our level of ambition. I want citizens to have their say at a Conference on the Future of Europe, to start in 2020 and run for two years.”

President of the European Commission,
Ursula von der Leyen

A Union that strives for more



Conference on the Future of Europe

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Europe now

The EU won't fix its democratic deficit with another top-down 'conference'

Alberto Alemanno

If you had one reform to suggest the EU to embrace, which would that one be?

Your pitch



The EU PARTICIPATORY TOOL-BOX

Alberto Alemanno

The GOOD Lobby

Team 1 – Accountability for NGENEU

- **NextGenerationEU** is set to entail the largest transfer of EU resources to the Member States.
- You've been contacted by a leading philanthropy to advise on how to advocate for the creation of an ad hoc accountability channel in case of misused of funds.
- **What tool(s) would you advise to mobilise?**

Team 2 – Pushing Integrity Rules for MEPs

- You belong to a coalition of civil society organizations and grassroots who has been advocating for lobbying reform at the EU level.
- In particular, you're concerned about conflicts of interest situations arising out during (MEPs are free to undertake side jobs) and after (MEPs are free to embark on any job the day after terminating their mandate).
- Given the limited progress attained at the EU level,
- **What course of action would you advice? What/which tools?**

Team 3 – Reforming CAP asap

- The CAP is not only the costliest EU policy, but also one of the least effective.
- How can you put this reform on the agenda, by asking the EU to reform it BEFORE the due date?
- Is there a dedicate channel to do that?

Team 4 – End LGBTQ-free zones

- You belong to a community of citizens who reside across several self-declared LGBTQ-free regions.
- After you have successfully reached out to the EU in order to draw their attention, the Commission opened an infringement proceeding before the CJEU.
- As you and your community are directly affected by these national restrictions, you would like to be part of the case.
- How can you do that? Does the CJEU allow for the submission of Amicus Curiae Brief (like the US Supreme Court of the EChR?)

Team 5

- Your Brussels- based human rights organisation advocates for Roma rights in Europe. Although Roma represents the most discriminated individuals in our society, several Member States do regularly adopt and enforce policies whose compatibility with basic human rights is often questioned.
- While the EU Commission is the guardian of the Treaty and in charge of the monitoring of the respect of EU fundamental rights by its MS, it enjoys almost unlimited discretion.
- Despite your constant advocacy, the Commission turns a blind eye and fails to act.
- **What can you do to change that?**

Team 6 - Misuse of NGEU funds

- Your Member State of origin has already received the first installment of EU funds within Next Gen EU.
- Based on evidence gathered by the media, it appears the public procurement process used to allocate those resources has been tainted by proximity between the government and the winning bidders.
- How can you bring this up to the EU – if at all?

List ALL avenues of EU

participation open to the public

What do they have in common?

What is participatory
democracy?

democracy **more** than VOTING



voting as entry point for
deeper civic participation



ELECTIONS

ELECTIONS



enable **citizens** to

exert power over responsive institutions

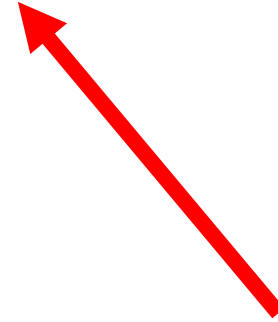
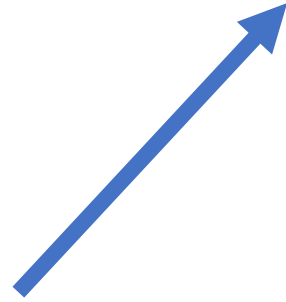
&

share ideas with decision-makers

PARTICIPATORY DEMOCRACY



EU DEMOCRATIC LEGITIMACY



REPRESENTATIVE

PARTICIPATORY

DEMOCRACY

DEMOCRACY



European Parliament



European Commission



Council of the European Union



EU participatory tool-box





Amicus Curiae
Latin for "friend of the court." Refers to a party that is allowed to provide information (usually in the form of a legal brief) to a court even though the party is not directly involved in the case at hand.

Judicial Lobbying




**European
Ombudsman**

little known

underused

only ~ 60 ECI in 7 years!



9,000,000

citizens have signed a European Citizens' Initiative

70+

civil society organisations want
a stronger European Parliament
response to ECIs

misunderstood

misused

Summer Arrangement



they could work



Roaming
fees

A white rectangular box containing a red prohibition sign (a circle with a diagonal slash) over the text "Roaming fees".

Goldman
Sachs





UNPAID

INTERNSHIP...





free inter-rail



